

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR  
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

**Reference No:** 2020/44/90441/W

**Site Address:** Pennine Service Station, Bradley Road, Bradley,  
Huddersfield, HD2 1QD

**Description:** Discharge conditions 3, 6, 7, 18 on previous  
permission 2019/92233 for erection of petrol filling  
station, including new shop building, canopy, jet-wash  
and below ground storage tanks

**Recommending Officer:** Nick Hirst

**DECISION – Approve Discharge of Conditions**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 06-Oct-2020**

## **Officer Report: 2020/90441**

**Site:** Pennine Service Station, Bradley Road, Bradley, Huddersfield, HD2 1QD

**Proposal:** Discharge conditions 3, 6, 7, 18 on previous permission 2019/92233 for erection of petrol filling station, including new shop building, canopy, jet-wash and below ground storage tanks

### **Introduction**

The following is a second assessment following an initial assessment on the 6<sup>th</sup> of April 2020. That assessment is available in Appendix 1 of this report. Post the initial assessment a letter dated the 7<sup>th</sup> of April was issued confirming that none of the conditions were discharged. The applicant was given 4 weeks to provide amended details.

The applicant complied with this timeframe, however the further details remained unacceptable. Following continued negotiations between officers, consultees and the applicant, all conditions are now in a position to be discharged, as per the below assessment.

### Conditions 3 (drainage strategy), 7 (water runoff) and 18 (discharge of foul to network)

*3. Notwithstanding the submitted plans, development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme detailing the arrangements and specification on the surfacing for areas to be used by vehicles, as shown on plan ref. 'P103'. Rainwater pipes (drain pipes) serving the roof of the building and canopy shall be sealed at ground level. The development shall not be brought into use until such approved drainage scheme has been provided on the site and the scheme shall thereafter be retained.*

**Reason:** *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.*

*7. The development shall not commence on the construction of the vehicle washing area until a scheme for treating effluent and run off from vehicle washing activities, including a strategy for the removal of silt prior to entering an approved drainage system is submitted to and approved in writing by the Local Planning Authority. The approved*

*scheme shall be implemented prior to the first operation of the development and retained, kept free from mud and silt to ensure efficient working thereafter.*

**Reason:** *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

*18. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.*

**Reason:** *To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.*

These conditions were requested by K.C. Lead Local Flood Authority. Following initial concerns, their latest response is as follows:

**Kirklees Flood Management and Drainage, as the Lead Local Flood Authority (LLFA), have NO OBJECTION to discharge of conditions 3, 7 and 18 for this planning application, providing the following considerations and approved documents are appended and recorded with any approval:**

**LLFA Considerations:**

1. Annotations for the attenuation tank on plans show conflicting information. Kirklees LLFA have **no objection to an attenuation tank sized 42m<sup>2</sup> x 0.8m deep**. Any other annotations are not approved;

2. The cover depth (ground surface to top of pipe/tank) for the attenuation is proposed to be between 0.75m and 0.8m. It is the applicant's (and their engineers') responsibility to ensure the design is safe and suitable for the site use and operation. The LLFA have not instructed any design, but required the applicant to confirm appropriate cover above the attenuation tank to be resistant to vehicle trafficking. The liability for the design lies with the applicant's design engineer and any damage or failure of the system is their responsibility.

**Approved Documents:**

The following plans were reviewed by the LLFA and should be added to any approvals, including the points made above, highlighting inconsistencies:

- *Drainage Layout*, prepared by EWE Associates, number EWE/2497/01, revision C, dated 27/08/20; and
- *Drainage Details*, prepared by EWE Associates, number EWE/2497/02, revision C, dated 27/08/20.

Officers support the above recommendation. The inconsistencies in the plans are noted, however officers concur this can be addressed via statements attached to the Discharge of Condition letter. This is considered a reasonable and pragmatic approach. Therefore conditions 3, 7 and 18 may be discharged.

Condition 6 (lighting strategy)

*6. Development shall not commence on the installation of any external artificial lighting at the site until a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include, but not be limited to, the following information: -*

- The proposed design level of maintained average horizontal illuminance for the site.*
- The predicted vertical illuminance that will be caused by lighting when measured at*
- windows of any properties in the vicinity.*
- The proposals to minimise or eliminate glare from the use of the lighting installation*
- The proposed hours of operation of the lighting*

*External lighting shall be installed in accordance with the approved details and thereafter shall be operated in accordance with the approved scheme*

**Reason:** *To safeguard the amenities of the occupiers of adjacent properties from light pollution and to accord with the requirements of policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 12 and 15 of the National Planning Policy Framework.*

This condition was requested by K.C. Environmental Health. Following an initial objection further details were provided and the following assessment made:

*In our previous responses dated 13 Feb & 7 Jul 2020 we recommended that condition 6 was not discharged because the information submitted by the applicant did not provide the information that was required by the condition.*

*An email from Richard Shinn dated 4 August 2020 has now been received providing additional information and some clarification of the information previously submitted.*

*In terms of the specific requirements of condition 6.*

1. The proposed design level of maintained average horizontal illuminance for the site.

*In the email there is now a reference to guidance in BS EN 12464-2:2014 Light and lighting — Lighting of work places Part 2: Outdoor work places. He refers to Table 5.6 for fuel filling stations that the maintained level of illumination is 150 lux.*

*Table 5.6 actually recommends 150 lux at air pressure and water checking points and other service areas and 20/50 lux at dark/light environment entry and exit driveways and 5 lux at parking areas. The information provided by the applicant does not specifically give the maintained levels of illuminance at these various points at the site. However, from page 8 of the previously submitted lighting scheme it appears that the average illuminance at areas not under the canopy will be 84 lux and from page 9 the isolux contours appear to show the entrance and exit driveways will be around 50 lux. The proposed lighting does however appear to provide insufficient illuminance levels of 25 lux at air, water and charging service points.*

*Environmental Health's main concern is related to ensuring that the lighting does not adversely affect the amenity of nearby residents. The proposed levels of illuminance have now been shown to be at levels that, compared to guidance in BS EN 12464-2, are not excessive. The proposed levels of horizontal illuminance for the area outside the canopy are therefore considered to be satisfactory.*

2. The predicted vertical illuminance that will be caused by lighting when measured at windows of any properties in the vicinity.

*In the email Mr Shinn refers to the positions of the nearby residential properties and advises that the report predicts light levels that will fall on the vertical surfaces of the adjacent properties are at or below 1 lux. This is assumed to mean that the proposed lighting will not cause vertical illuminance at windows of nearby properties greater than 1.0 lux and based on that assumption is acceptable.*

3. The proposals to minimise or eliminate glare from the use of the lighting installation

*There is no reference to glare in either the email or the submitted scheme. However, the lighting underneath the canopy is unlikely to cause glare at neighbouring properties.*

#### 4. The proposed hours of operation of the lighting

*In the email Mr Shinn advises that the lighting will not be operated outside the times that the service station is permitted to be open which are 0700 to 2200 Monday to Saturdays and 0800 to 2100 on Sundays. These times are considered to be acceptable.*

#### Recommendations

*Despite condition 6 being clear about what information was required, the submitted information has been particularly difficult to interpret. However based on the assumptions mentioned above I consider that the proposed lighting is not excessive and will not have a significant adverse impact on nearby residents therefore I recommend that the revised Lighting Scheme by Bever Innovations dated 4 Dec 2019 (with ref: SBO04122019\_Pennine\_V3) is accepted.*

*The lighting needs to be installed and thereafter maintained in accordance with that lighting scheme.*

Officers acknowledge the comments and concessions from K.C. Environmental Health. While the submission has not provided fully comprehensive details as desired, the fundamental purpose of the condition is to ensure no harmful light pollution is caused to neighbouring residents. The submission details are satisfactory to demonstrate that this will not be the case. Accordingly, officers concur with Environmental Health that condition 6 may be discharged.

#### **Summary**

All conditions sought to be discharged;

- Condition 3 (drainage strategy)
- Condition 6 (lighting strategy)
- Condition 7 (water runoff)
- Condition 18 (discharge of foul to network)

...have now been addressed and are in a position to be discharged (with appropriate reference to ongoing requirement, where relevant).

**Recommendation:** Support discharge of conditions

**Report Dated:** 05.10.2020

**Proposed 2<sup>nd</sup> letter text**

Conditions 3 (drainage strategy), 7 (water runoff) and 18 (discharge of foul to network)

You have submitted the following plans to discharge conditions 3, 7 and 18:

- *Drainage Layout*, prepared by EWE Associates, number EWE/2497/01, revision C, dated 27/08/20; and
- *Drainage Details*, prepared by EWE Associates, number EWE/2497/02, revision C, dated 27/08/20.

Officers note an inconsistency on the annotations relating to the attenuation tank, showing different sizes. Kirklees Local Planning Authority have no objection to an attenuation tank sized 42m<sup>2</sup> x 0.8m deep. Any other annotations are not approved.

The cover depth (ground surface to top of pipe/tank) for the attenuation is proposed to be between 0.75m and 0.8m. It is the applicant's (and their engineers') responsibility to ensure the design is safe and suitable for the site use and operation. K.C. Planning and K.C. Lead Local Flood Authority have not instructed any design, but required the applicant to confirm appropriate cover above the attenuation tank to be resistant to vehicle trafficking. The liability for the design lies with the applicant's design engineer and any damage or failure of the system is their responsibility.

Subject to the above caveat and stipulations being noted and adhered to, officers consider the submitted details to be acceptable for the purposes of conditions 3, 7 and 18. Notwithstanding this, each of the conditions have ongoing requirements which must be adhered to, as detailed below:

Condition 3 includes the following timing and retention requirement:

*The development shall not be brought into use until such approved drainage scheme has been provided on the site and the scheme shall thereafter be retained.*

Condition 7 includes the following timing and retention requirement:

*The approved scheme shall be implemented prior to the first operation of the development and retained, kept free from mud and silt to ensure efficient working thereafter.*

Condition 18 is an ongoing requirement that remains in perpetuity.

*There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.*

Condition 6 (lighting strategy)

You have submitted the Lighting Scheme by Bever Innovations dated 4 Dec 2019 (with ref: SBO04122019\_Pennine\_V3) to discharge condition 6. This is supplemented by the information contained within the emails dated the 16<sup>th</sup> of June 2020 and 4<sup>th</sup> of August 2020.

I can confirm that the cumulative details provided are acceptable to discharge condition 6.

Be aware however that condition 6 has the following ongoing requirement:

*External lighting shall be installed in accordance with the approved details and thereafter shall be operated in accordance with the approved scheme*

## **Appendix 1: Report Dated 06.04.2020**

### **Assessment**

#### **Conditions 3 (drainage strategy), 7 (water runoff) and 18 (discharge of foul to network)**

3. Notwithstanding the submitted plans, development shall not commence until a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) has been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme detailing the arrangements and specification on the surfacing for areas to be used by vehicles, as shown on plan ref. 'P103'. Rainwater pipes (drain pipes) serving the roof of the building and canopy shall be sealed at ground level. The development shall not be brought into use until such approved drainage scheme has been provided on the site and the scheme shall thereafter be retained.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition so as to ensure that appropriate measures are incorporated into the development at the relevant stage.

7. The development shall not commence on the construction of the vehicle washing area until a scheme for treating effluent and run off from vehicle washing activities, including a strategy for the removal of silt prior to entering an approved drainage system is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first operation of the development and retained, kept free from mud and silt to ensure efficient working thereafter.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

18. There shall be no discharge of foul or contaminated drainage from the site to any part of the groundwater or surface water network, whether directly or via soakaway.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

These conditions were requested by the Lead Local Flood Authority, who have provided the following assessment of the details provided:

Kirklees LLFA make the following comments on the Surface Water Onsite Runoff technical note: -

- Kirklees LLFA have no objection to the proposed surface water discharge rate of 6.3l/s, as stated in the Existing Runoff from the Site section of the note;
- Kirklees LLFA have no objection to the proposed surface water discharge point, as stated in the Discharge to combined sewer section of the document;
- Kirklees LLFA object and require further information on storage provision. The technical note states that 30.1m<sup>3</sup> of surface water storage will be needed for the 1 in 100 +30%cc scenario. The applicant proposes to provide 36m<sup>2</sup> x 0.8m deep crate tank to facilitate that which would provide 28.8m<sup>3</sup> of storage which is significantly less than is required. Furthermore, taking into account that crate systems typically have a void ratio of between 92% and 95%, the proposed sized tank would provide from 26.50m<sup>3</sup> to 27.36 m<sup>3</sup> of storage respectively. From the applicant's own calculations this would be insufficient, however it may be that this additional volume is available in the pipe network, however no evidence is available to show this.

**The applicant should review this proposal and provide updated information.**

Kirklees LLFA make the following comments on the Drainage Layout drawing:

- Details of the 'light duty' and 'heavy duty' channels should be included in the drawing. This should include the type, levels, sizing and length;
- There should be manhole chambers placed in locations where the lateral drains are connected to the piped system;
- Water from the jet wash bay should not be connected to the surface and rain water system, as it is not classed as rain water and could result in siltation. A separate connection is required or a connection downstream of a Surface water flow control. The applicant should consult with Yorkshire Water as the jet wash may require a flow control and similar storage.

**The applicant should review this proposal and provide updated information.**

Kirklees LLFA make the following comments on the Drainage Details drawing:

- Following implementation of the comments for the above two documents, this drawing should also be updated and provided for review.

Based on the submitted documents, the applicant does not propose to discharge any surface water via a soakaway or any other infiltration method. Kirklees have no objection to this and require no further information on the disposal point for surface water

Officers consider the above assessment reasonable and do not dispute it. Therefore conditions 3, 7 and 18 cannot be discharged at this time.

Condition 6 (lighting strategy)

*6. Development shall not commence on the installation of any external artificial lighting at the site until a scheme which indicates the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include, but not be limited to, the following information: -*

- *The proposed design level of maintained average horizontal illuminance for the site.*
- *The predicted vertical illuminance that will be caused by lighting when measured at*
- *windows of any properties in the vicinity.*
- *The proposals to minimise or eliminate glare from the use of the lighting installation*
- *The proposed hours of operation of the lighting*

*External lighting shall be installed in accordance with the approved details and thereafter shall be operated in accordance with the approved scheme*

**Reason:** *To safeguard the amenities of the occupiers of adjacent properties from light pollution and to accord with the requirements of policies LP24 and LP52 of the Kirklees Local Plan and Policies in Chapter 12 and 15 of the National Planning Policy Framework.*

This condition was requested by K.C. Environmental Health. They have reviewed the submitted details and stated the following;

The report refers to perpendicular lighting levels but gives no indication what it is perpendicular to. I also require the horizontal illuminance levels for the site (with some reference to guidance to demonstrate that they are appropriate

and not excessive) and the vertical illuminance levels that will be caused at any nearby windows to demonstrate that it's not excessive. The times of operation for the lighting are not apparent in the report either.

Officers support the above assessment and are therefore unable to discharge condition 6.

### **Procedural**

Officer concerns were shared with the applicant on the 23<sup>rd</sup> of March (Condition 6) and the 3<sup>rd</sup> of April (conditions 3, 7 and 18). A response was received regarding condition 6 that it was being considered and more details were to follow. No response has been received re. condition 3, 7 and 18 however limited time has passed.

It is proposed to give the applicant a one-month timeframe to submit further details as part of this application, in the interest of taking a flexible and supportive approach.

### **Conclusion**

For the reasons given above, details submitted pursuant to conditions the following conditions cannot be approved at this time:

- Condition 3 (drainage strategy)
- Condition 6 (lighting strategy)
- Condition 7 (water runoff)
- Condition 18 (discharge of foul to network)

**Recommendation:** Refuse (with timed option to provide further details)

**Report Dated:** 06.04.2020

### **Proposed Letter Text**

Conditions 3 (drainage strategy), 7 (water runoff) and 18 (discharge of foul to network)

You have submitted the plans ref: 'EWE/2497/01', 'EWE/2497/02' and the Technical Note ref. '001', to discharge conditions 3, 7 and 18. These have been reviewed by the Lead Local Flood Authority, who are unable to support the submitted details.

For full details on their reasoning, please see the attached consultation response from the Lead Local Flood Authority.

### **Condition 6 (lighting strategy)**

You have submitted the Lighting Assessment ref. 'SBO04122019\_Pennine\_V1' by Bever Innovations to discharge condition 3.

The submitted details have been reviewed by K.C. Environmental Health, who object to the discharge of the condition on the following grounds;

*The report refers to perpendicular lighting levels but gives no indication what it is perpendicular to. I also require the horizontal illuminance levels for the site (with some reference to guidance to demonstrate that they are appropriate and not excessive) and the vertical illuminance levels that will be caused at any nearby windows to demonstrate that it's not excessive. The times of operation for the lighting are not apparent in the report either.*

Accordingly, further details are required to satisfy condition 6, which is not discharged at this time.

The submission of further details

Various further details are required to discharge the above conditions. If the requested details are provided within four weeks of the date of this letter, they will be accepted for further consideration as part of this application. Please quote 2020/90441 and send the details direct to [nick.hirst@kirklees.gov.uk](mailto:nick.hirst@kirklees.gov.uk), so that a further fee will not be required.