



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2022/62/93257/W

To: Louis Pender,
RPS Group
20, Farringdon Street
London
EC4A 4AB

For: Head Of Construction, EG Group Ltd

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

ERECTION OF COFFEE DRIVE THRU UNIT (CLASS E (A) USE) AND
ASSOCIATED WORKS

At: ASDA STORES, BRADFORD ROAD, FIXBY, HUDDERSFIELD, HD2 2LQ

**In accordance with the plan(s) and applications submitted to the Council on
10-Oct-2022, subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP1, LP2, LP7, LP13, LP16, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP33, LP51, LP52 and LP53 of the Kirklees Local Plan, the adopted Highways Design Guide SPD and Policies within Chapter 2, 6, 7, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.

3. The development hereby approved shall be constructed from the materials of construction and colour finishes detailed within submitted drawing 1954-6. The development shall not be brought into use until the development has been completed in accordance with the materials of construction detailed upon submitted drawing 1954-6. The materials of construction shall be thereafter retained.

Reason: In the interests of visual amenity to accord with Policies LP16 and LP24 of the Kirklees Local Plan and policies contained within Chapter 12 of the National Planning Policy Framework.

4. No external artificial lighting shall be erected within the site, unless and until details of size, location, orientation, lighting level and any associated fixing apparatus have first been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and maintained whilst ever it remains in situ.

Reason: In the interests of visual and residential amenity to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the policies contained within chapters 12 and 15 of the National Planning Policy Framework.

5. Development shall not commence until a scheme has been submitted to, and approved in writing by, the Local Planning Authority which sets out all measures to minimise the risk of crime and meet the specific security needs of the application site and the development and to secure appropriate parking arrangements. The submitted scheme shall include:

- a) Details of the Building shell construction material.
- b) Door and window security standards including the glazing and locking systems standards
- c) Details of an alarm system and CCTV system that covers both the interior and external areas of the building
- d) Details of signage, including to indicate 10 parking spaces for dual use for the supermarket and drive through coffee shop as well as signage required for crime prevention
- e) The external or internal security shutter or grille standard
- f) Details of the external lighting for the building and car park which demonstrates it would not conflict with any CCTV system.
- g) Cycle & motorcycle parking security arrangements

The approved scheme shall be implemented before the development is first occupied and retained thereafter.

Reason: A pre commencement condition is necessary to ensure that prior to the commencement of development safety and security measures have been approved in pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and in the interests of highway safety to ensure retention of appropriate parking spaces to serve both the supermarket and the development, to accord with Policies LP16 and LP21, LP22 and LP24 of the Kirklees Local Plan, Council's adopted Highways Design Guide SPD and policies within Chapters 9 & 12 of the National Planning Policy Framework.

6. The combined noise from any fixed mechanical services, external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

7. The development shall not be brought into use until the electric vehicle charging infrastructure has been installed and made operational to a minimum of two parking spaces. The electric vehicle charging infrastructure shall be in accordance with those detailed in the technical data sheet for the Hypercharger fast charging system. Once installed the charging point shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20 and LP24 of the Kirklees Local Plan and policies within Chapters 2, 9 and 15 of the National Planning Policy Framework.

8. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

9. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition no.8 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition no.9 further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework. This is a pre commencement condition as intrusive site investigation works may be necessary before work can commencement on the construction of the development hereby approved.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and policies within section 15 of the National Planning Policy Framework.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

Plans and specifications schedule:-

Document / Plan Type	Reference	Version	Date Received
Application Form			4th October 2022
Existing Site Layout	1954-4RevA	A	23rd March 2023
Location Plan	1954-1RevA	A	23rd March 2023
Proposed Plans and Elevations	1954-6		4th October 2022
Proposed Electricity Kiosk	1954-8		4th October 2022
Proposed Site Layout	1954-5RevA	A	23rd March 2023
Highways Technical Note dated September 2022	3706822		4th October 2022
Drainage Strategy Report dated 9th September	Rev0		4th October 2022
Proposed Site Elevations	1954-7		4th October 2022
Covering letter	JCG26204		4th October 2022
Planning Statement dated September 2022	26204		10th October 2022
Air Quality Technical Note dated 23rd November 2002	JAR03333		25th November 2022
Electric Vehicle Charging details – Hypercharger 75 / 150			13th December 2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Amendments and additional information was submitted during the processing of the application. This decision is based on the amended proposal.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 05-Apr-2023

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2022/62/93257/W .

If a paper copy of the decision notice or decided plans are required please email dc.admin@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL
