

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:	2023/44/92573/W
Site Address:	Crown Motors, Waterloo Road, Waterloo, Huddersfield, HD5 0AH
Description:	Discharge conditions 3 (marking out of parking), 4 (entry signs), 6 (kitchen ventilation), 7 (noise), 8 (external lighting), 9 (CCTV), 10 (vehicle recharging), 11 (Operational Management Plan) on previous permission 2021/91172 for change of use from former petrol filling station, car and van repairs/part sales and car sales pitch to hot food take-away (sui generis)
Recommending Officer:	William Simcock

DECISION – DISCHARGE OF CONDITION SPLIT DECISION

I hereby authorise the recommendation of part discharge of condition for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date: 20-Oct-2023

Officer Report 2023/92573

Crown Motors

This application relates to previous permission 2021/91172 for change of use from former petrol filling station, car and van repairs/part sales and car sales pitch to hot food take-away (sui generis).

The application seeks to discharge conditions (3), (4), (6), (7), (8), (9), (10), (11) as follows:

3. The areas for the parking of vehicles as shown on the submitted layout drawings 4, 4A and 4B shall be marked out before the development is first brought into use, and all areas shown to be used for the parking and manoeuvring of vehicles on the above plans shall thereafter retained as such and kept free of all obstructions to their use by vehicles. **Reason:** To ensure that a satisfactory layout is provided in the interests of highway safety and to accord with the aims of Policies LP16 (d&e) LP21, and LP22 of the Kirklees Local Plan.

4. The proposed new markings (“No Entry”, “Turn Left”, at the Waterloo Road access, “No Entry” at the Wakefield Road access, and “Delivery Vehicles Only”), signage, new kerbing and flow plates, as shown on Figure 4, Rev A, and set out in the Technical Note, shall be provided or installed before the development is first brought into use and shall thereafter be retained as such. All gates shall be sliding or be hung so as to only open inwards, and fencing shall be no more than 1.0m high above the adjacent carriageway.

Reason: To ensure that a satisfactory layout is provided in the interests of highway safety, to discourage misuse of the site as a short-cut, to ensure that inter-visibility is maintained and the flow of traffic not interfered with, and to accord with the aims of Policies LP16(e) LP21, and LP22 of the Kirklees Local Plan.

6. The use hereby permitted shall not begin until details of the installation and/or erection of any kitchen extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted to and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the takeaway is in use and maintained in accordance with the manufacturer’s instructions.

Reason: This is a pre-commencement condition to ensure that the proposed development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from odours and to accord with the aims of Policies LP16(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Before the development is first brought into use, a noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include: - a) an assessment

of all of the noise emissions from the proposed development b) details of existing background and predicted future noise levels at the boundary of 4 Waterloo Road, Waterloo, Huddersfield, HD5 0AH and 5-13 Waterloo Road, Waterloo, Huddersfield, HD5 0AH. c) a written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation. The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: This is a pre-commencement condition to ensure that the proposed development does not give rise to loss of amenity to residential properties in the vicinity of the site arising from noise disturbance, and that any necessary measures to attenuate noise are installed before first use, and to accord with the aims of Policies LP16(b) and LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information: - a) The proposed hours of operation of the lighting b) The location and specification of all of the luminaires c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated. d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity. e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required. The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: To ensure that a suitable lighting scheme is achieved that does not cause harm to visual or residential amenity arising from glare, light spill or light trespass, and to accord with the aims of Policy LP24(a&b) and LP52 of the Kirklees Local Plan.

9. Before the development is first brought into use, details shall be submitted to and approved in writing by the Local Planning Authority of a closed-circuit television (CCTV) scheme shall be submitted to and approved in writing by the Local Planning Authority. The CCTV scheme thus approved shall be installed within the site before the development is first brought into use and shall be thereafter retained and operated in accordance with the manufacturer's instructions at all times when activities are being carried out on site. **Reason:** This is a pre-commencement condition to ensure that adequate measures protecting future staff, customers and other site users from being exposed to an unacceptable risk of crime or the fear of crime are provided, and to accord with the aims of Policies LP16(c) and LP24(e) of the Kirklees Local Plan, Chapter 8 of the National Planning Policy Framework, and Section 17 of the Crime and Disorder Act.

10. A minimum of two electric vehicle recharging points shall be installed within the site (one to serve delivery vehicles and one to serve staff cars) before the development is first brought into use. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: In accordance with the aims of Policy 24(d & v) of the Kirklees Local Plan and government guidance on air quality mitigation, outlined within the Planning Practise Guidance and Chapter 14 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

11. Before the development is first brought into use, an Operational Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following elements: • Times of servicing (i.e. deliveries of supplies to the site); • Methods of monitoring and recording the number and percentage of food orders made and delivered or collected through each of the following methods during the first 12 months of operation: delivery, click and collect, and drive-in/pick-up. The operation of the proposed development, monitoring and recording of findings, shall be in full accordance with the OMP for the first 12 months of operation and, in the case of servicing times, at all times thereafter.

Reason: This is a pre-commencement condition to ensure that the amount of vehicular traffic associated with the proposed use can be effectively monitored at all times during its first year of operation in the interests of highway safety, so as to accord with the aims of Policies LP16(e) and LP21 of the Kirklees Local Plan.

Assessment

Condition 3

This is a prescriptive condition which does not require the submission of further details for approval. The following has however been submitted:

- Photographs of the car park marked out into bays (submitted 29th August and 17th October)

Based on the photographs supplied, the layout appears to be in accordance with the collection bays, customer and staff spaces and electric delivery vehicle bays shown on the drawings that are referred to in the condition, with the caveat that only three of the parking spaces are visible and that the case officer has not checked any measurements on site. On the assumption that all aspects of the layout match those shown on the relevant drawings, their retention will ensure compliance with this condition.

Condition 4

This is, again, a prescriptive condition which does not require the submission of further details for approval. The following has been submitted:

- Photographs showing (i) turn left arrow just inside entrance and other directional arrows within site; (ii) painted “no entry” marking and flowplate at egress.

The above appear to accord with what is shown on the relevant drawings. The photographs do not however show the extent of the kerbing to stop right turning vehicles at the Wakefield Road exit or the “Delivery Vehicles Only” markings. The “No Entry” and “No Right Turn” signs were not shown, although the pole to hold these signs is visible on the photographs. It is therefore unclear as to whether the signage has been installed or whether the new kerbing complies with what is shown on the drawings.

Condition 6

The following has been submitted:

- Engineering drawings from Inox
- A document titled “Odour Risk Assessment – with retro fit items” (dated 02/10/2023) (project no. 12387) by Inox.

The assessment score of 17 in the Odour Risk Assessment indicates an impact risk low-medium, based on dispersion, proximity to the nearest receptors, size of kitchen and cooking type, and recommends a canopy baffle filter, with the option to install grease bloc filters, and UV ozone injection units.

Officers disagree with the assessment score and consider the impact risk to be high which requires a high level of odour control. Officers also disagree that the nearest sensitive receptor to the development is more than 100m away from the kitchen discharge, and the cooking type does not appear to reflect the published menu. Considering these factors, officers require clarification and a revised odour risk assessment.

This condition cannot be discharged at the present time.

Condition 7

The following has been submitted

- Noise Assessment authored by DRUK Limited dated 01 June 2023 Ref DRUK/ACC/RS/GBFCMSHDTTA/3103. It assesses the existing noise climate in the vicinity of the takeaway food business and the likely noise emissions from the business.

A BS4142 assessment was conducted on a worst-case scenario based upon the installed and commissioned kitchen extraction unit and, although tables 21 and 22 both refer to 4 Waterloo Road, they show a low impact and this is accepted. The report concludes (section 10) that the installation of the external roof mounted air handling equipment, including the indicated

attenuation measures relating to the supplementary air supply and extraction equipment, would result in no impact upon noise-sensitive receptors.

The report fulfils the requirements of parts (a) and (b) of the condition, and subject to the noise attenuation measures referred to being installed before the takeaway is brought into use and thereafter retained, the condition will be complied with.

Condition 8

The following has been submitted.

- Data sheet for a Visage LED 3 luminaire along with an unreferenced lighting plan which shows the lux levels up to the boundary of the development site.

The submitted details are inadequate as they fail to show the lux levels at the facades of the nearest residential properties and this will be required to ensure there is no loss of amenity to the occupiers.

This condition cannot therefore be discharged at the present time.

Condition 9

The following has been submitted.

- Plan, reference 4A, showing the proposed location of CCTV cameras.

The details submitted are considered acceptable and are hereby approved. Subject to the CCTV scheme thus approved being installed within the site before the development is first brought into use and thereafter retained and operated in accordance with the manufacturer's instructions at all times when activities are being carried out on site, this condition will be complied with.

Condition 10

The following has been submitted:

- Photographs of an installed electric vehicle charging point (EVCP).

This condition is not worded in such a way as to require further information to be submitted. The technical data for the Project EV EVCP (S/No TMG0C4109) however shows it meets with the requirements of the condition.

Provided that both the charging points (one for delivery vehicles and one for staff cars) are installed in accordance with the submitted details before the development is brought into use and thereafter retained, this condition will be complied with.

Condition 11

The following has been submitted:

- Operational Management Plan (OMP) produced by Cubic Expressions UK Ltd which sets out health and safety policies; servicing contractor and vehicle details; servicing frequency, timing and duration; refuse collection and recycling; vehicle delivery procedures and noise.

Officers are satisfied that the information provided with the application fulfils the requirements of Condition 11. To ensure compliance with the condition, operation of the proposed development, monitoring and recording of findings, must be in full accordance with the OMP for the first 12 months of operation and, in the case of servicing times, at all times thereafter.

Decision notice text

Condition 3

This is a prescriptive condition which does not require the submission of further details for approval. The following has however been submitted:

- Photographs of the car park marked out into bays (submitted 29th August and 17th October)

Based on the photographs supplied, the layout appears to be in accordance with the collection bays, customer and staff spaces and electric delivery vehicle bays shown on the drawings that are referred to in the condition, with the caveat that only three of the parking spaces are visible and that the case officer has not checked any measurements on site. On the assumption that all aspects of the layout match those shown on the relevant drawings, their retention will ensure compliance with this condition.

Condition 4

This is, again, a prescriptive condition which does not require the submission of further details for approval. The following has been submitted:

- Photographs showing (i) turn left arrow just inside entrance and other directional arrows within site; (ii) painted “no entry” marking and flowplate at egress.

The above appear to accord with what is shown on the relevant drawings. The photographs do not however show the extent of the kerbing to stop right turning vehicles at the Wakefield Road exit or the “Delivery Vehicles Only” markings. The “No Entry” and “No Right Turn” signs were not shown, although the pole to hold these signs is visible on the photographs. It is therefore unclear as to whether the signage has been installed or whether the new kerbing complies with what is shown on the drawings and I am unable to confirm that the requirements of this condition have been complied with in full.

Condition 6

The following has been submitted:

- Engineering drawings from Inox
- A document titled “Odour Risk Assessment – with retro fit items” (dated 02/10/2023) (project no. 12387) by Inox.

The assessment score of 17 in the Odour Risk Assessment indicates an impact risk low-medium, based on dispersion, proximity to the nearest receptors, size of kitchen and cooking type, and recommends a canopy baffle filter, with the option to install grease bloc filters, and UV ozone injection units.

Officers disagree with the assessment score and consider the impact risk to be high which requires a high level of odour control. Officers also disagree that the nearest sensitive receptor to the development is more than 100m away from the kitchen discharge, and the cooking type does not appear to reflect the published menu. Considering these factors, officers require clarification and a revised odour risk assessment.

This condition cannot be discharged at the present time.

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- Noise Assessment authored by DRUK Limited dated 01 June 2023 Ref DRUK/ACC/RS/GBFCMSHDTTA/3103. It assesses the existing noise climate in the vicinity of the takeaway food business and the likely noise emissions from the business.

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The report fulfils the requirements of parts (a) and (b) of the condition, and subject to the noise attenuation measures referred to being installed before the takeaway is brought into use and thereafter retained, the condition will be complied with.

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The following has been submitted.

- Data sheet for a Visage LED 3 luminaire along with an unreferenced lighting plan which shows the lux levels up to the boundary of the development site.

The submitted details are inadequate as they fail to show the lux levels at the facades of the nearest residential properties and this will be required to ensure there is no loss of amenity to the occupiers.

This condition cannot therefore be discharged at the present time.

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The following has been submitted.

- Plan, reference 4A, showing the proposed location of CCTV cameras.

The details submitted are considered acceptable and are hereby approved. Subject to the CCTV scheme thus approved being installed within the site before the development is first brought into use and thereafter retained and operated in accordance with the manufacturer's instructions at all times when activities are being carried out on site, this condition will be complied with.

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The following has been submitted:

- Photographs of an installed electric vehicle charging point (EVCP).

This condition is not worded in such a way as to require further information to be submitted. The technical data for the Project EV EVCP (S/No TMG0C4109) however shows it meets with the requirements of the condition.

Provided that both the charging points (one for delivery vehicles and one for staff cars) are installed in accordance with the submitted details before the development is brought into use and thereafter retained, this condition will be complied with.

Condition 11

The following has been submitted:

- Operational Management Plan (OMP) which sets out health and safety policies; servicing contractor and vehicle details; servicing frequency, timing and duration; refuse collection and recycling; vehicle delivery procedures and noise.

Officers are satisfied that the information provided with the application fulfils the requirements of Condition 11. To ensure compliance with the condition, operation of the proposed development, monitoring and recording of findings,

must be in full accordance with the OMP for the first 12 months of operation and, in the case of servicing times, at all times thereafter.