



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/70/92155/W**

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**To:** Graham Adcock,  
Adcock Associates  
Elta House  
Birmingham Road  
Stratford upon Avon  
CV37 0AQ

**For:** Motor Fuel 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:-**

**VARIATION OF CONDITION 8 (OPENING HOURS) OF PREVIOUS  
PERMISSION 2017/90666 FOR VARIATION CONDITION 24 (PETROL  
STATION OPENING HOURS) OF PREVIOUS PERMISSION (94/61/91519/W3)  
FOR ERECTION OF SUPERMARKET, PETROL FILLING STATION WITH CAR  
WASH, ASSOCIATED CAR PARKING AND ACCESS ROAD**

**At:** PETROL FILLING STATION, MORRISONS, PENNY LANE, WATERLOO,  
HUDDERSFIELD, HD5 8QW

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**In accordance with the plan(s) and applications submitted to the Council on 30-  
Jul-2024 [together with those plans and application(s) submitted to the Council  
on 16-May-1994 and incorporated into planning permission ref no. 94/61/91519/W  
granted on 18-Aug-1994] and subject to the condition(s) specified hereunder:-**

1) No trees within or on the boundary of the site shall be felled, topped or lopped except with the prior written approved of the Local Planning Authority.

**Reason:** In the interest of visual amenity and to accord with Policies LP1 and LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

2) No access other than that shown on the approved plan shall be formed into the site without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of the free and safe use of the highway in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3) The development shall be retained in accordance with details previously agreed with regards to the areas to be used by vehicles including parking, loading and unloading areas being surfaced, sealed and drained.

**Reason:** In the interests of the free and safe use of the highway in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

4) The access agreed on the approved plan shall be provided and the sight lines shown kept clear from all obstructions to visibility exceeding 1 metre in height above the adjacent carriageway and retained as such.

**Reason:** In the interests of the free and safe use of the highway in accordance with Policies LP21 and LP22 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

5) Surface water from all areas to be used by vehicles shall be discharged to Fenay Beck via suitable oil/grit or storm pass interceptors.

**Reason:** In the interests of the satisfactory drainage of the site in accordance with advice within the National Planning Policy Framework.

6) No building shall be erected closer to a sewer than 3m provided that a 6m maintenance strip is provided.

**Reason:** In the interests of the satisfactory drainage of the site in accordance with advice within the National Planning Policy Framework.

7) The level of noise omitted from the site shall not exceed 55 dB expressed as a 15 minute LAeq between 05:30 and 2300 hours and 45 dB expressed as a 15 minute LAeq at any other time as measures 4 metres from the nearest residential façade at a height of 1.5 metres above ground level.

**Reason:** To safeguard the amenities of nearby residents in accordance with Policies LP1 and LP52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

8) The petrol filling station shall not be open outside the hours of 05:30 to 23:00 daily.

**Reason:** In order to protect the amenities of nearby residents from noise and disturbance at unsocial hours and in order to accord with Policies LP24 and LP52 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

9) The development hereby approved shall be operated in accordance with the measures specified within the Noise Assessment authored by Infinity Acoustics Ref A175MF.

**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.

This permission relates to the plans approved under the original permission 1994.91519 and the submitted Noise Assessment under this current application. These are namely:

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
3152 – P3			16/05/1994
3152 – E3			15/08/1994
3152 – GA3E			08/08/1994
3152 – 21C			08/08/1994
3152 – P6			16/05/1994
3152 – P7			16/05/1994
3152 - P4			16/05/1994
3152 – P5			16/05/1994
93763 – 702A			16/05/1994
93763 – 703			16/05/1994
93763 – 704			16/05/1994
Noise Assessment	Infinity Acoustics – Ref: A175MF		31/07/2024

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. No negotiations were undertaken with the applicant due to the application being acceptable in its submitted format.

#### **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](http://www.gov.uk/government/organisations/the-coal-authority)

**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 Telephone: (01484) 221550 for more information.**

**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 refuse permission for the proposed development or 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 or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 23-Oct-2024

**Signed:**



**David Shepherd**  
Executive Director for Place

## 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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/92155/W.

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

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

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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