



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2024/70/92616/W**

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**To:** Aaron Bennett,  
Inform Surveying Ltd  
102-103, Park Hill  
South Street  
Sheffield  
S2 5DW

**For:** Peter Cummins, Enterprise Mobility

**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 CONDITION 7 (OPENING HOURS) ON PREVIOUS PERMISSION 2023/92347 (WHICH GRANTED CONSENT FOR PARTIAL DEMOLITION AND REBUILD ON THE SAME FOOTPRINT AS THE ORIGINAL STRUCTURE. WORKS TO INCLUDE THE REMOVAL OF THE FIRST FLOOR OFFICES AND THE CANOPY OVER THE FORMER PETROL STATION PUMPS; NEW MATERIALS USED IN CONSTRUCTION ARE TO MATCH THE EXISTING CHANGE OF USE TO INCLUDE VEHICLE CAR RENTALS AND SALES ON 4TH JULY 2024): TO ALLOW HOURS OF OPENINGS TO BE TO 0800 – 1800 (MON TO FRI), 0800 – 1600 (SATURDAYS) AND 1000 – 1600 (SUNDAYS) FOR CUSTOMERS WITH NO DELIVERIES TO, OR DISPATCHES FROM, THE PREMISES BY VEHICLES ABOVE 7.5 TONNES IN WEIGHT OUTSIDE THESE HOURS AND NO DELIVERIES TO TAKE PLACE ON SUNDAYS OR BANK HOLIDAYS

**At:** LONGLEY PARK MOTORS LTD, THE TRIANGLE, PADDOCK,  
HUDDERSFIELD, HD1 4RU

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**In accordance with the plan(s) and applications submitted to the Council on 26-Sep-2024 [together with those plans and application(s) submitted to the Council on 04-Aug-2023 and incorporated into planning permission 2023/92347 granted on 04-Jul-2024] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be begun by 4th July 2027.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP3, LP4, LP7, LP13, LP20, LP21, LP22, LP24, LP25, LP27, LP28, LP51, LP52 & LP53 of the Kirklees Local Plan and Chapters 2, 4, 6, 7, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

3. Any new construction materials required as part of the development, including the external materials to construct the new wash bay as shown on drawing no. 206 submitted as part of application 2023/92347 shall match the appearance of existing and retained built form. These external construction materials shall be retained throughout the lifetime of the development.

**Reason:** In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to any further development on site, following demolition works, a CCTV Survey and Report on the condition of the Culvert shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In the interests of flood risk and to accord with Policy LP27 of the Kirklees Local Plan.

5. The existing access along the Market Street frontage of the site shall remain permanently closed throughout the lifetime of the development and the footway along this frontage shall be reinstated.

**Reason:** In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan and Policies within Chapter 12 of the National Planning Policy Framework.

6. The approved vehicle parking areas will be laid with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance; Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

**Reason:** In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

7. The premises shall not be open for business outside the hours of:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 16:00 Saturday
- 10:00 – 16:00 Sunday

Deliveries by vehicles above 7.5 tonnes in weight shall not be outside the hours of 08:00 and 18:00 Monday to Friday, 08:00 and 16:00 on Saturdays and at no time shall deliveries by vehicles above 7.5 tonnes in weight take place on Sundays and bank holidays

**Reason:** To ensure that the proposed use(s) do not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

8. Before the site is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the measures that will be taken to effectively control noise arising at the premises from all likely noise sources so that it does not have an adverse impact on nearby residents.

Amongst any others, the plan needs to consider noise from:

- Use of mechanical/electrical equipment (Jet wash/vacuum/air compressors etc)
- Management of the service yard
- Deliveries/collection of vehicles
- Times of use

The approved Noise Management Plan shall be implemented before the use commences and retained thereafter.

**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.

9. Groundworks (other than those required for a site investigation report) shall not commence until a revised Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** This is a pre-commencement condition to ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9 further groundworks shall not commence until a Remediation Strategy by a suitably competent person 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 of the National Planning Policy Framework.

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 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 195 and 196 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 Verification 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 Verification Report in respect of those remediation measures has been 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. 195 and 196 of the National Planning Policy Framework.

**NOTE:** Contaminated Land All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider

for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

**NOTE:** Any changes to the access within the adopted highway fronting the property, to provide a dropped kerb, will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

**NOTE:** No construction related noise shall be audible beyond the site boundary outside the hours of:

- 0730hrs to 1830hrs Mondays to Fridays
- 0800hrs to 1300hrs Saturdays With no construction related noise audible beyond the site boundary on Sundays or Public Holidays.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

**NOTE:** Bats

Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

**NOTE:** No advertisement / signage

Any advertisement / signage has not been dealt with under the determination of this planning application. Separate Advertisement Consent would be required for any advertisement / signage.

Plans and Specifications Schedule: -

<b>Plan / documents submitted as part of application 2023/92347</b>	<b>Reference</b>	<b>Date Received</b>
Location Plan	201	22.02.24
Existing Floor Plans	202	22.02.24
Existing Elevations	203	22.02.24
Proposed Floor Plans	204	22.02.24
Proposed Elevations	206	22.02.24
Proposed Block Plan	208	22.02.24
Existing Block Plan	215	22.02.24
Phase One Environmental Assessment Report by Subadra	EN22119 CL001	07.08.23
Pre-Construction Ground Investigation Report by Subadra	EN22119 CL002	19.09.23
<b>Plan / documents submitted as part of application 2024/92616</b>	<b>Reference</b>	<b>Date Received</b>
Vary Opening Time Request	-	12.09.24
Application Form	-	12.09.24

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 preapplication 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.

**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.**

#### **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)

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:** 21-Nov-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 2024/70/92616/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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