



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/91674/E

To: Mubeen Patel
Planning Management Ltd
Batley Business Park
Batley
WF17 6ER

For: A Asmal

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 CONDITIONS 2 (PLANS) ON PREVIOUS PERMISSION 2022/92230 FOR RESERVED MATTERS APPLICATION PURSUANT TO OUTLINE PERMISSION 2021/91801 FOR ERECTION OF PETROL FILLING STATION

At: 151, HECKMONDWIKE ROAD, DEWSBURY MOOR, DEWSBURY,
WF13 3NS

In accordance with the plan(s) and applications submitted to the Council on 18-Jun-2025 [together with those plans and application(s) submitted to the Council on 10-May-2021 and incorporated into planning permission 2021/91801 granted on 09-Feb-2022] and subject to the condition(s) specified hereunder:-

1. 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 with the aims of Policies LP1, LP2, LP22 and LP24 of the Kirklees Local Plan, the aims of the Housebuilders Design Guide, and Chapter 12 of the National Planning Policy Framework.

2. This Reserved Matters approval relates to development for which outline permission was granted under application reference 2021/91801 dated 9th February 2022. The development shall be carried out in strict accordance with the conditions set out in the outline planning permission, except as modified by this permission.

Reason: For the avoidance of doubt and to ensure that development complies with the requirements and conditions of the outline permission and the approval of reserved matters.

3. The electrical vehicle charging facilities shall be installed in accordance with the details submitted and approved under discharge of condition application reference no. 2024/91221. The charging facilities shall be maintained in full working order and made available for use for the lifetime of the development.

Reason: In the interest of supporting low emission vehicles and to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

4. The external artificial lighting shall be installed and operated in accordance with the details submitted and approved under discharge of condition application reference no. 2024/91221 and maintained thereafter for the lifetime of the development. No additional external lighting shall be installed without prior written consent of the Local Planning Authority.

Reason: In the interests of the protection of residential amenity to adjacent dwellings and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and in the interests of Policies set out in Chapter 12 of the National Planning Policy Framework.

5. No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 07.00 and 22.00 Monday to Friday and 07.30 to 22.00 Saturdays and Sundays.

Reason: In the interests of the protection of residential amenity to adjacent dwellings and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and in the interests of Policies set out in Chapter 12 of the National Planning Policy Framework.

6. The vehicular crossing shall not be brought into use until the existing street lighting column has been relocated to a location which must be agreed by the Councils Street Lighting Engineer that does not obstruct vehicle turning movements into the proposed forecourt.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with Policy LP21 of the Kirklees Local Plan and to accord with Policies in the National Planning Policy Framework.

7. The development shall not be brought into use until sightlines of 2m x site frontage have been cleared of all obstructions to visibility exceeding 1m in height and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and in accordance with Policy LP21 of the Kirklees Local Plan and to accord with Policies in the National Planning Policy Framework.

8. Prior to first use, the development shall be carried out in accordance with the approved surfacing and drainage details as shown on plan drawing number 6524-ABA-23- 00-DR-C-500 REV P04, as approved pursuant to discharge condition application reference 2024/91221. The approved surfacing and drainage arrangements shall be retained and maintained for the lifetime of the development.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in accordance with Policy LP21 of the Kirklees Local Plan and to accord with Policies in the National Planning Policy Framework.

9. The development shall not be brought into use until all of the measures specified in the approved Noise Impact Assessment authored by Clover Acoustics dated 07 July 2023 Ref 4617-R2 have been carried out in full and such measures shall be thereafter retained.

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.

10. The combined noise from any fixed mechanical services and 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.

11. Prior to the first use of the development hereby approved, an acoustic fence shall be installed in the position shown on drawing no. 5462 – 01 Rev F, dated April 2024, titled Hard Landscape Plan and thereafter retained and maintained for the lifetime of the development.

The acoustic fence shall be constructed in full accordance with the acoustic performance specifications set out in the Noise Impact Assessment authored by Clover Acoustics dated 07 July 2023 Ref 4617-R2 including minimum height, surface density and construction details.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises 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.

12. The development shall be carried out and thereafter retained in accordance with the approved surface water treatment scheme as shown on plan drawing number 16524-ABA-23-00-DR-C-500 REV P02, as approved pursuant to discharge condition application reference 2024/91221. The approved treatment scheme shall be retained and maintained to ensure efficient operation for the lifetime of the development. Use of the parking areas/hard standings shall not commence until the works comprising the approved treatment scheme have been completed. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and use thereafter. Roof water shall not pass through the interceptor.

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.

13. The total net internal retail sales area of the hereby approved development (sales areas) shall not exceed 142 square metres.

Reason: In the interests of safeguarding the vitality and viability of neighbouring local centres; and to accord with Policy LP13 of the Kirklees Local Plan and to accord with policies set out in Chapter 7 of the National Planning Policy Framework.

14. The external materials used in the construction of the development shall be retained in accordance with the details submitted and approved under discharge of condition application reference no. 2024/91221 and maintained thereafter for the lifetime of the development.

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

15. The approved landscaping scheme, as shown on drawing numbers, 1 Context Section A-A and 2 Context Section A-B Rev E, 3 Context Section A-C Rev E, Hard Landscape Plan 5462 01 Rev F and Planting Plan 5462 02 Rev F hereby approved and received on 22/10/2025, shall be implemented during the first planting season following completion of the development. The landscaping shall thereafter be retained and maintained for the lifetime of the development, and any trees, shrubs or planting which die, are removed or become seriously damaged or diseased shall be replaced during the next planting season with others of similar size and species unless otherwise agreed in writing by the Local Planning Authority.

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

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

07.30 to 18.30 hours, Mondays to Fridays

08.00 to 13.00 hours, 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: The applicant is advised that the structural design, certification and inspection of the retaining wall are matters that are regulated under the Building Regulations and not controlled through this permission. Responsibility for ensuring the ongoing safety and stability of the structure rests with the developer and/or landowner.

NOTE: The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Notes for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2011 www.theilp.org.uk. The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone (i.e. E0 to E4).

NOTE: EVF1 Electric Vehicle Charging Points – Footnote

- A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.
- At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided at an agreed trigger point.
- For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, then a lower number of charging points may be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

Plans and specifications schedule:-

Plan Type submitted as part of application 2025/91674	Reference	Version	Date Received
Proposed Site Plan	2506.P.301.A		19/06/2025
Hard Landscape Plan	5462 01	F	22/10/2025
Planting Plan	5462 02	F	22/10/2025
Proposed Shop Plan & Elevations	2506.P.302		19/06/2025
Proposed Elevations	506.P.202	A	30/07/2025
3 Context Section A-C		E	22/10/2025
1 Context Section A-A and 2 Context Section A-B		E	22/10/2025
Planning Statement			23/06/2025
Acoustic Fence Spec (Redwood, European)			12/11/2025
Noise Impact Assessment	4617-R2		23/09/2025
Plan Type submitted as part of application 2022/92230	Reference	Version	Date Received
Location Plan	(2806)0_Location Plan		01/07/2022
Ground gas monitoring			27/02/2022
Geotechnical (1)			01/07/2022
Geotechnical (2)			01/07/2022
Appendix C soil sampling			01/07/2022
Drilling log sheet			01/07/2022
Phase II Report			01/07/2022
Appendix 2 Explorator			01/07/2022
Sampling			01/07/2022
Drainage strategy			01/07/2022

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 2024 and otherwise actively engaged with the applicant in dealing with the application.

During the course of the application, amended plans were submitted to address landscaping and visual amenity concerns, along with details of a revised acoustic fence and further drawings to properly describe the application.

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

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority

permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -

<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

Where 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 so that we can work on continually improving our customer service. Thank you.

Dated: 12-Jan-2026

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, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/91674/E.

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
