



**Town and Country Planning (Development Management Procedure) (England)
Order 2010**

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2009/62/93382/E1

To: Amanah Studio
178, Headfield Road
Savile Town
Dewsbury
WF12 9JH

For: I Kola

**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 RETAIL DEVELOPMENT

At: CROSS RINK STREET, BATLEY, WF17 6BH

**In accordance with the plan(s) and applications submitted to the Council on
15-Jul-2010, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the approved plans except as may be required by other conditions unless otherwise agreed in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the details so approved.

Reason: So as to ensure the satisfactory appearance of the development on completion.

3. There shall be no external storage of goods unless otherwise agreed in writing by the Local Planning Authority.

Reason: So that adequate provision is made within the site in the interests of the safety and free flow of traffic and to accord with policy T10 of the Unitary Development Plan.

4. The premises shall not be open to customers outside the hours of 08:00 to 19:00 hours Monday – Friday, 08:00 to 18:00 hours Saturday & 10:00 to 16:00 hours Sundays & bank holidays.

Reason: So as not to detract from the amenities of the adjoining properties arising from noise and disturbance and to accord with policy D2 of the Unitary Development Plan.

5. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no deliveries or dispatches to and from the premises outside of the hours of opening as stated in condition 4.

Reason: So as not to detract from the amenities of the adjoining properties arising from noise and disturbance and to accord with policy D2 of the Unitary Development Plan.

6. Before development commences, a report specifying the measures to be taken to protect the occupants of nearby noise sensitive premises from noise from the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The report shall include –

- An assessment of noise emissions from the proposed development
- Details of background and predicted noise levels at the boundaries with noise sensitive premises
- A written scheme of how the occupants of nearby noise sensitive premises will be protected from noise from the proposed development with noise attenuation measures as appropriate.

The development shall not be brought into use until all work comprised within the measures specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: So as not to detract from the amenities of the adjoining properties arising from noise and disturbance and to accord with policy D2 of the Unitary Development Plan.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure any unacceptable risks to human health, buildings and any other property and the natural and historical environment from the contaminated condition of land are identifiable, considered and addressed and policy G6.

8. The building shall not be occupied until the areas to be used by vehicles and/or pedestrians have been surfaced and drained in accordance with details that have previously been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with policy T10 of the Unitary Development Plan.

9. Before the development is brought into use, turning facilities shall be provided in accordance with the details shown on the approved plan. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with policy T10 of the Unitary Development Plan.

10. No development shall take place until provision has been made for the parking, loading and unloading of contractors' plant & equipment and the parking of vehicles of the workforce within the site.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with policy T10 of the Unitary Development Plan.

11. The retail floor space for the development shall be limited to the ground floor of the building and shall at no time extend into any other floors within the building.

Reason: To ensure that there is sufficient parking for the amount of retail floor space within the building and to accord with policies D2 & T10 of the Unitary Development Plan.

12. The entrance to the development located on Warwick Road shall be used as a staff entrance and for a fire exit only. This entrance shall at no times be used as a customer entrance to the store.

Reason: To ensure that the development has only one entrance in and out of the store and to accord with policy D2 of the Unitary Development Plan.

13. The roofing material shall be a Forticrete Centurion roof tile with a colour of 'Slate Gray'

Reason: So as to ensure the satisfactory appearance of the development on completion and to comply with policy BE2 of the Unitary Development Plan

14. The walling material shall be a Forticrete Anstone walling stone with a split finish and coloured Black Old Weathered.

Reason: So as to ensure the satisfactory appearance of the development on completion and to comply with policy BE2 of the Unitary Development Plan

NOTE: The permission is granted subject to the provisions of the Section 106 Agreement dated 21st March 2011.

The decision to grant planning permission has been taken having regard to the policies and proposals in the Kirklees Unitary Development Plan set out below:

- D2 – Unallocated land
- BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway safety
- T19 – Parking standards

And advice contained within –

PPS1 – Delivering sustainable development

PPS4 – Planning for a sustainable economic growth

The reasons for granting planning permission can be summarised as follows:

The design is of an acceptable standard which would not adversely affect the character of the area nor the amenity of nearby residents.

The development would not impact adversely on any highway safety issues.

There are no other material considerations which outweigh these findings.

This decision is based on the following plan(s):-

Plan Type	Reference	Version	Date Received
Noise assessment			2/Dec/2009
Transport assessment	2264/02		2/Dec/2009
Transport Statement			2/Sep/2010
Retail statement			26/May/2010
Proposed lighting details			2/Dec/2009
Proposed walling details			2/Dec/2009
Proposed roofing details			2/Dec/2009
Design & access statement			2/Dec/2009
Proposed floor plans	C02(1)		5/Nov/2010
Site location plan & block plan			2/Sep/2010
Drainage & landscape layout	C07		2/Sep/2010
Construction site plan	C06		2/Sep/2010
Proposed elevations	C01(1)		5/Nov/2010
Cross section	C03(1)		2/Sep/2010
Boundary treatment & lighting plan	C05(1)		2/Sep/2010

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.

It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-225397 who can advise further on this matter.

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. Applicants must investigate and take account of these hazards prior to commencing development and introduce appropriate measures to address risks both within and beyond the development site. Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

An electronic version of the full Standing Advice, which you are strongly advised to read and details of the coalfield consultation areas can be provided on request to: planningconsultation@coal.gov.uk

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 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:
28 days of the date of service of the enforcement notice, or within 6 months of 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 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- 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 fill in the online form www.kirklees.gov.uk/PlanningApplication so that we can work on continually improving our customer service. Thank you.

Dated: 04-Apr-2011

Signed:



Ken Gillespie
Director of Place

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

planning.contactcentre@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
