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

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: 2021/62/92528/E

To: Lucy Sime,
Lichfields
15, St Pauls Street
Leeds
LS12JG

For: Lidl GB 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:-

ERECTION OF RETAIL DEVELOPMENT, ASSOCIATED PARKING, SERVICING AREAS AND LANDSCAPING.

At: LAND OFF, BANKWOOD WAY, BIRSTALL RETAIL PARK, BIRSTALL, BATLEY, WF17 9DT

In accordance with the plan(s) and applications submitted to the Council on 21-Jun-2021, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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 with Policies LP21 and LP24 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. The quantum of gross internal floorspace in Use Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) within the two retail units hereby approved on the application site, as shown on drawing number 7404-SMR-00-ZZ-DR-A-2201-S3 rev. P4, shall not exceed the following:

- Unit 1 – 2,231 sqm
- Unit 2 – 2,280 sqm (plus the associated garden centre of 513 sqm)

Reason: To protect the vitality and viability of Town Centres in accordance with Kirklees Local Plan Policy LP13 Town centre uses and National Planning Policy Framework Chapter 7 Ensuring the vitality of town centres.

4. The net sales area devoted to the sale of convenience and comparison goods, within Use Class E(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), within the two retail units and associated garden centre (unit 2) hereby approved on the application site, as shown on drawing number 7404 - SMR - 00 - ZZ - DR - A - 2003 - A3 - C2 shall not exceed the following:

Convenience Goods:

- Unit 1 – 1,131 sqm
- Unit 2 – 906 sqm

Comparison Goods:

- Unit 1 – 283 sqm
- Unit 2 – 1,108 sqm
- Unit 2 Garden Centre – 513sqm

Reason: To protect the vitality and viability of Town Centres in accordance with Kirklees Local Plan Policy LP13 Town centre uses and National Planning Policy Framework Chapter 7 Ensuring the vitality of town centres.

5. Neither of the units hereby approved on the application site, as shown on drawing number 7404 - SMR - 00 - ZZ - DR - A - 2003 - A3 - C2, shall be sub-divided without the prior written approval of the Local Planning Authority.
Reason: To protect the vitality and viability of Town Centres in accordance with Kirklees Local Plan Policy LP13 Town centre uses and National Planning Policy Framework Chapter 7 Ensuring the vitality of town centres.

6. Prior to commencing of development, a detailed scheme for the provision of the two points of access into the site from Woodhead Road and Bankwood Way in accordance with drawing number 7404-SMR-00-ZZ-DR-A -2008-S3 rev P2 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing and surface finishes. Unless otherwise approved in writing by the Local Planning Authority, all the agreed works shall be implemented before any part of the development is first brought into use.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid increased risks to highway safety and adverse impacts upon the highway network are submitted and approved at an appropriate stage of the development process.

7. No unit shall be occupied until a detailed scheme for the proposed changes to the road priorities on Woodhead Road/Bankwood Way, in accordance with drawing number 20/270/TR/002 Rev A, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. The works shall be completed in accordance with the agreed details before any part of the development is first brought into use.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

8. No unit shall be occupied until full details of a scheme for directional signage onto the highway network from within the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include sign locations, sign details and construction specifications. Unless otherwise agreed in writing by the Local Planning Authority, all the approved works shall be implemented before any part of the development is first brought into use.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.

9. Prior to any development commencing, the detailed design of retaining walls adjacent to highways shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location of the walls, and cross-sectional information together with details of their design and construction. The retaining walls shall be constructed in accordance with the approved details thereafter.
Reason: In the interests of highway safety and to achieve a satisfactory layout in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure measures to avoid increased risks to highway safety and adverse impacts upon the highway network are submitted and approved at an appropriate stage of the development process.

10. The development shall be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
Reason: To ensure occupants of the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, Chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

11. Development shall not commence until a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage shall not be passed through any interceptor.
Reason: To ensure the effective disposal of surface water from the development so as to avoid water contamination and an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure details related to drainage and water contamination are submitted and approved at an appropriate stage of the development process.

12. Development shall not commence until a scheme detailing foul, surface water and land drainage (including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, and phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. The submitted design should identify and indicate on the plans the outfall from the existing 1100 mm diameter culvert and provide evidence that the flows within the culvert eventually discharge to the Howden Clough watercourse. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development (or each agreed phasing) of the development and retained thereafter.
Reason: To ensure the effective disposal of surface water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that details of drainage are submitted and approved at an appropriate stage of the development process.

13. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and the approved scheme shall be retained thereafter.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well- being and to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that details of drainage are submitted and approved at an appropriate stage of the development process.

14. Development shall not commence until a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.
- a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year.

It should be assumed that once the site has been stripped the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second, unless otherwise agreed in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the permanent surface water drainage system, as approved under Condition 12, is in place.
Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental well- being and to accord with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 14 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that details of temporary drainage are submitted and approved at an appropriate stage of the development process.

15. Prior to the commencement of development (including ground works) a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall be in accordance with the Biodiversity Metric 2.0 calculations dated 09/11/2021 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. The BEMP shall provide a minimum of 0.30 habitat units and 1.08 hedgerow units post-development and shall include the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriately scaled maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- Arrangements for the review and update of the BEMP every five years and its implementation for a minimum of 30 years

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer through the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Aims and Objectives of the originally-approved BEMP. The development shall be implemented in accordance with the approved BEMP.
Reason: To secure mitigation and compensation for the ecological effects resulting from loss of habitat and to secure a net biodiversity gain in line with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that measures to ensure adequate enhancement and a biodiversity net gain are submitted and approved at an appropriate stage of the development process.

16. Prior to occupation of the development hereby approved, details of hard and soft landscaping and planting plans shall be submitted and approved to the Local Planning Authority. Details shall include full planting specification, including layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species. The landscaping scheme shall be carried out in full accordance with the approved plans prior to first occupation of the development or in the first planting season following completion of the development, whichever is later.
Reason: To create a diverse and attractive landscape which should enhance the setting of the development in accordance with Policy LP32 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

17. Groundworks (other than those required for a site investigation report) shall not commence until a supplementary 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: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that site contamination information is submitted and approved at an appropriate stage of the development process.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 17, 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 guidance within the National Planning Policy Framework.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 18. 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 two 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 guidance within the National Planning Policy Framework.

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation 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 and the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and 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 guidance within the National Planning Policy Framework.

21. None of the development hereby approved shall commence until:

- a scheme of further intrusive investigations has been carried out on site to establish any risks posed to the development by past coal mining activity; and
- any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with relevant UK guidance.
Reason: To address unacceptable risks to human health and the environment arising from the legacy of coal mining activity and ground contamination, to accord with Policy LP53 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.
This pre-commencement condition is necessary to ensure that coal legacy information is submitted and approved at an appropriate stage of the development process.

22. Prior to the first occupation of the development, or it being brought into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason: To address unacceptable risks to human health and the environment arising from the legacy of coal mining activity and ground contamination, to accord with Policy LP53 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

23. Before the electrical system required as part of the development hereby approved is installed, a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- 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 shall 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.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.
Reason: In the interest of supporting and encouraging the use of low emission vehicles, in the interest of air quality enhancement, and to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

24. Prior to any development commencing, details of facing materials of the retaining wall to the south-eastern boundary alongside Bankwood Way shall be submitted to and approved in writing by the Local Planning Authority. The retaining walls shall be constructed in accordance with the approved facing materials thereafter.
Reason: In the interests of create an attractive setting of the development in accordance with Policy LP24 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that information regarding materials is submitted and approved at an appropriate stage of the development process.

25. Prior to occupation of any part of the development hereby approved, details of security measures for the delivery/loading area shall be submitted to and approved in writing by the Local Planning Authority. These security measures shall be implemented upon first occupation of the approved development and retained in place for the lifetime of the development.
Reason: In the interests of public safety and security in accordance with Policy LP24 of the Kirklees Local Plan.

26. 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.

27. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide:

- a timetable of all works;
- details of the construction access(es) and confirmation that adequate visibility splays shall be provided prior to the commencement of development including groundworks;
- details of vehicle sizes and routes, times of vehicle movements, and identify the location of any HGV waiting areas and include details of the management of said areas;
- details the parking of vehicles of site operatives and visitors;
- details and locations of signage;
- details loading and unloading of plant and materials;
- details of storage of plant and materials used in constructing the development;
- details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- measures to control and monitor the emission of dust and dirt during construction;
- a Site Waste Management Plan, detailing recycling/disposing of waste resulting from demolition and construction works;
- details of mitigation of noise and vibration arising from all construction related activities to (these details should also include suitable restrictions on the hours of working on the site including times of deliveries);
- details of artificial lighting used in connection with all construction related activities and security of the construction site;
- site manager and resident liaison officer contact details (including their remit and responsibilities);
- details of engagement with local residents and occupants or their representatives; and
- measures to minimise the risk of harm to/ensure the protection of protected and notable species present at the site and those habitat features to be retained through the works, and to ensure the control/management of invasive species (including information on key working methods, timings and monitoring measures.

The development shall be carried out strictly in accordance with the approved Construction Management Plan and no change there from shall take place without the prior written consent of the Local Planning Authority.
Reason: To safeguard the amenities of the occupiers of nearby properties, in the interests of highway safety, to protect wildlife, and in accordance with guidance within the National Planning Policy Framework and Policies LP21, LP24 and LP30 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that information regarding construction management is submitted and approved at an appropriate stage of the development process.

28. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the public water main (if retained) i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
Reason: In order to allow sufficient access for maintenance and repair work at all times, to accord with Policy LP28 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

29. Prior to the commencement of development, a scheme detailing fully costed air quality mitigation measures, based on the cost damage calculation as detailed in the Air Quality Assessment by Wardell Armstrong (ref: GM11587) (dated: January 2021) section 5.2.26 of the report, shall be submitted to and approved in writing by the Local Planning Authority. In the absence of acceptable proposals for Low Emission Mitigation Measures of sufficient value, a Section 106 agreement may be required for the amount up to the estimated damage cost made available to the local authority to spend on air quality improvement projects within the locality. Following completion of the agreed air quality mitigation measures a verification report detailing a breakdown of costs shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the expenditure of each of the mitigation measures agreed, and this should reflect the total sum of cost damages that have been calculated for the development. The mitigation and measures required by the report will be implemented prior to the retail use of the site commencing.
Reason: For promoting sustainable development and transport and conserving the natural environment in accordance with guidance within the National Planning Policy Framework and Policies LP20, LP24, LP47 of the Kirklees Local Plan.
This pre-commencement condition is necessary to ensure that information regarding lighting is submitted and approved at an appropriate stage of the development process.

30. Prior to the fixing of any external lighting required in association with either of the two retail units hereby approved, details of the external lighting for that unit shall be submitted to and agreed in writing with the Local Planning Authority. Details shall include specific location of all external lighting units, the design of all lighting units, details of beam orientation and lux levels, and any other measures, such as motion sensors and timers, that will be used.
Reason: To restrict any light pollution and glare, in accordance with Policy LP52 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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

NOTE: CEMPF Construction Environmental Management Plan - Footnote Noisy construction related activities should not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays

With no noisy activities on Sundays or Public Holidays Institute of Air Quality Management document "Guidance on the assessment of dust from demolition and construction" Version 2014 provides detailed information regarding dust control. 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.

Plans and specifications schedule:-

Plan	**Reference**	**Version**	**Date**
Site Location Plan	7404-SMR-00-ZZ-DR-A-2001-S3 rev. P2	P2	21.06.2021
Existing Site Plan	7404-SMR-00-ZZ-DR-A-2002-S3 rev. P2	P2	21.06.2021
Proposed Site/Surfacing Plan	7404-SMR-00-ZZ-DR-A-2003-A3-C2	C2	16.11.2021
Existing Site Sections	7404-SMR-00-ZZ-DR-A-2006-S3 rev. P2	P2	21.06.2021
Proposed Site Sections	7404-SMR-00-ZZ-DR-A-2007-A3 rev. C4	C4	16.11.2021
GA Ground Floor Plan – Lidl	7404-SMR-00-ZZ-DR-A-2101-S3 rev. P3	P3	21.06.2021
GA Roof Plan – Lidl	7404-SMR-00-ZZ-DR-A-2102-S3 rev. P4	P4	21.06.2021
Proposed Elevations - Lidl	7404-SMR-00-ZZ-DR-A-2103-S3 rev. P4	P4	21.06.2021

Plan	Reference	Version	Date
GA Ground Floor Plan – Retail Unit	7404-SMR-00-ZZ-DR-A-2201-S3 rev. P4	P4	21.06.2021
GA Roof Plan – Retail Unit	7404-SMR-00-ZZ-DR-A-2202-S3 rev. P4	P4	21.06.2021
Proposed Elevations - Retail Unit	7404-SMR-00-ZZ-DR-A-2203-S3 rev. P5	P5	21.06.2021
Proposed Site plan	7404 - SMR - 00 - ZZ - DR - A - 2003 - S3 - P2	P2	21.06.2021
Proposed Boundary Treatments	7404-SMR-00-ZZ-DR-A-2008-A3-C4	C4	16.11.2021
Proposed external works	7404 - SMR - 00 - ZZ - DR - A - 2008 - S3 - P2	P2	21.06.2021
Proposed Lighting Layout	DWG 01	0	21.06.2021
Community consultation statement	Dated May 2021	-	21.06.2021
Lighting details	D-383261	0	21.06.2021
Rapid Health Impact Assessment	Dated May 2021	-	21.06.2021
Planning and Retail statement	Dated May 2021	-	21.06.2021
Arboricultural survey	*AWA3591*	-	21.06.2021
Design and Access statement (part 1 of 4)	Dated May 2021	-	21.06.2021
Design and Access statement (part 2 of 4)	Dated May 2021	-	21.06.2021
Design and Access statement (part 3 of 4)	Dated May 2021	-	21.06.2021
Design and Access statement (part 4 of 4)	Dated May 2021	-	21.06.2021
Biodiversity Net Gain Technical Note	13438_R02a_AS_CW	-	21.06.2021
Historical maps – Phase 2	-	-	21.06.2021
Transport Assessment	20-270-002.02	-	21.06.2021
Transport Assessment Lidl	20-270-002.02	-	21.06.2021
Combined Phase 1 and 2 Report	076893-CUR-00-XX-RP-GE-002-V01	V03	21.06.2021
Air Quality Impact Assessment	GM11587	V03	21.06.2021
Noise Impact Assessment	NIA/9358/20/9382/v2/Lidl Birstall	-	21.06.2021
Tree Report and Aboricultural Impact Assessment	*AWA3591*	-	11.08.2021
Biodiversity Metric	13438_LIDL Birstall	-	11.08.2021
Ecological Impact Assessment	13438_R01	A	11.08.2021
CCTV Drainage report	5162	-	18.10.2021
Flood Risk assessment	09-148-DOC-001C	-	18.10.2021
Utilities plan	-	-	18.10.2021
Utilities plan	-	-	18.10.2021
Utilities plan	-	-	18.10.2021
Utilities plan	-	-	18.10.2021

Plan	Reference	Version	Date
Utilities plan	-	-	18.10.2021
Utilities plan	-	-	18.10.2021
Utilities plan	-	-	18.10.2021
Travel Plan		-	
Landscape Details	R/2459/1G	-	16.11.2021
Detailed Drainage General Arrangement	09-148-501 rev. B	B	18.10.2021
Flood Exceedance Plan	09-148-505 rev. B	B	18.10.2021
Roof Layout	SQ4S-PV-LIDL-B2292-R-A	A	16.11.2021
Pedestrian Facilities Improvement Plan	20/270/LOC/004	-	16.11.2021
Indicative Gas Protection Measures, Foundation & Slab Details	09-148-200	A	01.11.2021
Proposed Ground Engineering Sections & Details	09-148-404	C	21.06.2021
Proposed Access Arrangements	20/270/SK/001	A	26.10.2021
Large Car (2006) Access / Egress Swept Path	20/270/ATR/005	-	26.10.2021
Max Legal Hgv Access/Egress Swept Pa	20/270/ATR/004	D	26.10.2021
Drainage/utilities report	5038-1120-01B	B	29.10.2021
Geotechnical assessment of the proposed ground improvement works	GB/661	-	01.11.2021
Detailed coal mining risk assessment	C8781/GH/9715/Rev B	B	01.11.2021
Geo-environmental assessment	14-0672.03	-	01.11.2021
Letter regarding coal mining	GB/661	-	01.11.2021
Ground engineering and contamination mitigation philosophy	09-148-DOC003A	-	01.11.2021
PV specification	LIDL - Birstall 2292 - Rev A	Rev A	16.11.2021
Change of Priority Scheme at Woodhead Road / Bankwood Way Junction - Proposed Arrangements	20/270/TR/002	Rev A	21.06.2021
Planning and retail assessment Addendum Appendix 1	-	-	05.01.2022
Planning and retail assessment Addendum Appendix 2	-	-	05.01.2022
Retail Impact Assessment - Addendum	Dated December 2021	-	05.01.2022

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 Planning 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. In this instance, amendments and additional information has been sought to make the scheme acceptable.

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 any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "*submitted to and approved in writing by the Local Planning Authority*".**

- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**

- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**

- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**

- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**

- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal 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 Coal 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 that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal 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. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 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:**

  i) 28 days of the date of service of the enforcement notice, or
  ii) within the specified period, starting on 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: 21-Nov-2023

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

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:

dc.admin@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:

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL