



Our ref: L001/JWID4744

6th August 2024

Planning
Kirklees Council
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR

SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990

PLANNING PORTAL REF: PP-13316124

VARIATION OF CONDITIONS 2 (PLANS) AND 3 (PHASING PLAN) OF PERMISSION 2023/70/93058/W, WHICH COMPRISES AN APPLICATION FOR THE VARIATION OF CONDITIONS 2 (PLANS) AND 3 (PHASING PLAN) OF PREVIOUS HYBRID PERMISSION 2018/92647 FOR A MIXED USE DEVELOPMENT - RETAIL/OFFICE AND 229 RESIDENTIAL UNITS (USE CLASSES C3/ E(A) /B1A); FULL PLANNING PERMISSION FOR PARTIAL DEMOLITION OF FORMER KIRKLEES COLLEGE; ERECTION OF FOOD RETAIL STORE AND ALTERATIONS IN CONNECTION WITH CONVERSION OF GRADE II* LISTED BUILDING TO OFFICES/APARTMENTS AND CREATION OF VEHICULAR ACCESS FROM PORTLAND STREET, NEW NORTH ROAD AND TRINITY STREET; OUTLINE APPLICATION FOR ERECTION OF (TWO) BUILDINGS (RESIDENTIAL APARTMENTS - C3 USE) (LISTED BUILDING WITHIN A CONSERVATION AREA)

This planning statement has been prepared on behalf of Lidl Great Britain LTD to support a Section 73 application to vary Conditions 2 and 3 of permission Ref.2023/70/93058/W to allow for an amended retail store layout and minor alterations to the associated works within that phase of the consented development at the site at the former Kirklees College, New North Road, Huddersfield HD1 5NN.

The Ref.2023/70/93058/W application was approved on the 22nd of February 2024, and the works comprised a necessity to change the access/egress from Portland Street to New North Road; therefore, relevant plans were amended to reflect this change as part of that S73 application.

The original permission (2018/62/92647/W), which the above S73 application (2023/70/93058/W) varied, was approved on the 3rd of August 2022. This development had the following description of development:

“Hybrid planning application for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a). full planning permission for the partial demolition of the former Kirklees College, erection of a food retail store and alterations in connection with conversion of grade ii listed building to offices/apartments and creation of vehicular access from Portland Street, New North Road and Trinity Street. Outline application for*

erection of (two) buildings (residential apartments - C3 use) (Listed building within a conservation area)"

The context for the current S73 application is that the occupier of the retail unit requires minor changes to the scale and layout of the retail unit of the consented development to fit their latest format store footprint, which complies with their operation requirements.

The amendments to the size of the Lidl foodstore (Unit 1) will result in a slight reduction in total floorspace of 24 sqm from 1,998 sqm to 1974 sqm. Unit 1 will also be located marginally further south within the overall site.

Based on the above, it can be concluded the proposed changes to the development will not result in any material changes to the traffic and transportation elements compared to what was previously granted permission by Kirklees Borough Council, and there are no highway reasons why the Section 73 application should not be allowed. With a slightly smaller store size any impacts would be slightly less than previously considered.

All proposed amendments to the retail unit are minor in nature and will not result in any other material considerations that were not addressed under the original scheme.

As a result of the changes to the retail unit and associated works, the wording of the two conditions attached to the Ref.2023/70/93058/W application will have to be varied to accommodate the amended plans. Condition 2 provides the list of approved plans and technical reports, and condition 3 relates to the phasing plan referenced SK16047_220217_01 and which was approved under the previous S73 application (2023/70/93058/W).

In summary, the two conditions to be varied as part of this application are provided below:

- Condition 2 (Approved Plans and Reports);
- Condition 3 (Phasing Plan);

The list of the following plans and documents are those that also require minor changes due to the slight reduction in store size and inclusion of the latest Lidl footprint for this size of store. The list of amended plans are set out below.

Amended plans to supersede those listed in Condition 2 and the Phasing Plan in Condition 3:

1. Landscape accessibility - (Ref.00-004 Rev G);
2. Site sections as proposed - (Ref.00-007 Rev F)
3. Proposed Site Plan - (Ref.SK-210720-01 Rev C);
4. Phasing Plan - (Ref.SK16047_220217_01 Rev C);
5. Proposed Site Plan - (Ref.00 001 Rev AC);
6. Proposed External Works - (Ref.7355-SMR-00-ZZ-DR-A-2004-S4-C1);
7. Proposed Site Sections - (Ref.7355-SMR-00-XX-DR-A-2005-S3-C1);
8. Proposed Floor Plan -(Ref.7355-SMR-00-GF-DR-A-2101-S4-C1);
9. Proposed Roof Plan - (Ref.7355-SMR-00-XX-DR-A-2102-S4-C1);
10. Proposed Elevations - (Ref.7355-SMR-00-ZZ-DR-A-2103-S4-C1);
11. Proposed Building Elevations - (Ref.7355-SMR-00-ZZ-DR-A-2103-S4-C1);
12. Landscape Details - (Ref. R-2377-1D).

Additional documents / reports:

1. Enabling Works - (Ref.7355-SMR-00-ZZ-DR-A-2004-S4-C1);
2. Surfacing Plan - (Ref. 7355-SMR-00-ZZ-DR-A-3003-A4-C5);
3. Site Boundary Treatment Plan and Details - (Ref. 7355-SMR-00-ZZ-DR-A-3005-A4-C5);
4. Drainage Plan - (Ref. 24184-SDS-00-SL-DR-C-3021-T3 – Drainage);
5. Investigation Details - (Ref. 1387 Huddersfield Trinity Planning Condition 19 Investigation and Proof);
6. Arboricultural Method Statement - (Ref.22125)
7. Arboricultural Report - (Ref.22125)
8. Ecological Design Strategy - To be provided.

Amendments to conditions

Condition 2 – List of Approved Plans

The conditions schedule provided within the Ref.2023/70/93058/W application decision notice should be revised to reflect amendments to the wording of Condition 2.

Below is the list of plans that are approved as per Condition 2. The table should be amended as per the below (amendments have been highlighted in red for ease).

| Plan Type | Reference | Version | Date of issue |
|------------------------------------------------------------------------|-------------------|----------------|----------------------|
| Masterplan and Site Wide | | | |
| Landscape accessibility | 00-004 | Rev G | 01/08/2024 |
| Landscape Plan (sheet 2) | R-2377-1E | - | 01/08/2024 |
| Site sections as proposed | 00-007 | Rev F | 01/08/2024 |
| Phase 3 (Outline Application site) parameter plan | 00-011 | Rev A | 17/10/2023 |
| Phase 3 (Outline Application site) parameter plan (Building 5 Heights) | 00-012 | Rev B | 17/10/2023 |
| Site location Plan-planning sub (Hybrid split) | 00-032 | Rev B | 17/10/2023 |
| Buildings to be demolished- Plan 2 | 00-034 | Rev B | 24/07/2020 |
| Proposed Site Plan | SK-210720-01 | Rev C | 01/08/2024 |
| Phasing Plans | SK16047_220217_01 | Rev C | 01/08/2024 |
| Buildings 1, 2 and 3 | | | |
| Bldg 1 Basement GA plans - proposed | 20-100 | Rev B | 24/07/2020 |
| Bldg 1 Basement GA plans - proposed | 20-101 | Rev B | 24/07/2020 |
| Bldg1 1st GA plans - proposed | 20-102 | Rev B | 24/07/2020 |
| Bldg1 2nd GA plans - proposed | 20-103 | Rev B | 24/07/2020 |
| Bldg1 roof plans - proposed | 20-103 | Rev B | 24/07/2020 |
| Plan Type | Reference | Version | Date of issue |
| Bldg1 East elevation- proposed | 20-120 | Rev A | 24/07/2020 |
| Bldg1 North & South elevations- proposed | 20-121 | Rev A | 24/07/2020 |
| Bldg1 West elevations- proposed | 20-122 | Rev A | 24/07/2020 |
| Bldg 2 Basement GA plans - proposed | 20-200 | Rev C | 24/07/2020 |

| | | | |
|--------------------------------------------------------|--------------------------------|--------|------------|
| <i>Bldg 2 Ground Floor GA plans - proposed</i> | 20-201 | Rev C | 24/07/2020 |
| <i>Bldg 2 1st Floor GA plans - proposed</i> | 20-202 | Rev C | 24/07/2020 |
| <i>Bldg 2 2nd Floor GA plans - proposed</i> | 20-203 | - | 06/07/2018 |
| <i>Bldg South elevation proposed</i> | 20-220 | Rev C | 24/07/2020 |
| <i>Bldg North elevation proposed</i> | 20-221 | - | 06/07/2018 |
| <i>Bldg 2 & 3 West elevation proposals</i> | 20-222 | - | 06/07/2018 |
| <i>Phase 01 and 02 boundary sections</i> | 20-230 | - | 06/07/2018 |
| <i>Bldg 3 Ground Floor GA plans - proposed</i> | 20-300 | Rev C | 24/07/2020 |
| <i>Bldg 3 1st Floor GA plans - proposed</i> | 20-301 | Rev C | 24/07/2020 |
| <i>Bldg 3 South elevation proposed</i> | 20-320 | Rev C | 24/07/2020 |
| <i>Bldg 3 North elevation proposed</i> | 20-321 | Rev B | 24/07/2020 |
| Buildings 4, 5 and 6 | | | |
| <i>Bldg 4 1st GA plans & Elevations - proposed</i> | 20-509 | Rev A | 24/07/2020 |
| <i>Bldg 5 Level 00 GA plan</i> | 20-510 | - | 16/07/2018 |
| <i>Bldg 5 Levels 01-03 GA plan</i> | 20-511 | - | 16/07/2018 |
| <i>Bldg 5 Levels 04 GA plan</i> | 20-512 | - | 16/07/2018 |
| <i>Bldg 5 Elevations sheet 01</i> | 20-520 | - | 16/07/2018 |
| <i>Bldg 5 Elevations sheet 02</i> | 20-521 | - | 16/07/2018 |
| <i>Bldg 6 - Retail Store</i> | | | |
| Other plans | | | |
| <i>Site Location Plan</i> | 00 032 | Rev B | 17/10/2023 |
| <i>Existing Site Plan</i> | 2002 | Rev P2 | 29/07/2020 |
| <i>Proposed Site Plan</i> | 00 001 | Rev AC | 01/08/2024 |
| <i>Proposed External Works</i> | 7355-SMR-00-ZZ-DR-A-2004-S4-C1 | - | 01/08/2024 |
| <i>Site Sections</i> | 7355-SMR-00-XX-DR-A-2005-S3-C1 | - | 01/08/2024 |
| <i>Proposed Floor Plan</i> | 7355-SMR-00-GF-DR-A-2101-S4-C1 | - | 01/08/2024 |
| <i>Proposed Roof Plan</i> | 7355-SMR-00-XX-DR-A-2102-S4-C1 | - | 01/08/2024 |
| <i>Proposed Elevations</i> | 7355-SMR-00-ZZ-DR-A-2103-S4-C1 | - | 01/08/2024 |
| <i>Building Elevations</i> | 7355-SMR-00-ZZ-DR-A-2103-S4-C1 | - | 01/08/2024 |
| <i>Landscape details- Food store (Phase 1b)</i> | R-2377-1E | - | 01/08/2024 |

Condition 3 – Phasing Plan

Condition 3 (Phasing Plan) should also be amended to state the following (Minor change in red):

“The development hereby approved by the full planning permission shall be in accordance with the phasing plan referenced SK16047_220217_01 Rev C or any variations made during the life of the planning permission. For the avoidance of doubt, Phase 1A will be the demolition of all the buildings north and south of buildings F1, F2 and F3 as defined and shown on the demolition plan ref 00 034 Rev B as well as creating development

plateaux and associated development infrastructure, including retaining walls. Phase 1B will be the construction of the retail unit. All phases of development shall be completed and carried out in accordance with the phasing plan unless otherwise agreed in writing by the Local Planning Authority.”

In addition to the above, details have also been submitted under this application to seek approval of certain matters for the Lidl phase of development. These are set out below with a summary of the information submitted to secure effective discharge of those details for the Lidl phase of the overall development as shown on the amended Phasing Plan.

The conditions for which information is submitted to secure effective discharge include Condition 5 (Materials), Condition 7 (Surfacing Details, Waste Collection Details, Closure of Existing Highway Points Details, Street Lighting and Surfacing Details and a Stage 1 Road Safety Audit), Waste Collection), Condition 18 (Drainage – foul, surface water and land drainage scheme), Condition 19 (Intrusive Investigation to determine possible location of enclosed watercourse near southern boundary), Condition 20 (Surface Water Drainage scheme details), Condition 23 (Waste Collection – details of storage, access, collection and management of waste), Condition 25 (Ecological Design Strategy), Condition 26 (Hard and Soft Landscaping), Condition 27 (Tree Protection), Condition 29 (Boundary Treatment) for the retail aspect of the development, where appropriate further details will be submitted during the determination process to address other conditions.

Condition 5 (Materials)

Condition 5 of the Ref.2023/70/93058/W application states the following:

“Prior to the commencement of any works above ground slab level of Phase 1B relating to the retail store (excluding Phase 1A) as detailed in the phasing plan approved under condition 3 excluding soft strip-out and demolition works) at a specified. building, details of the following elements

- *curtain walling system*
- *fire escapes*
- *flues, louvres, doors, vents, windows, and rainwater goods*
- *walls and roofs*

to be used on that building shall be submitted to and approved in writing by the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.”

The proposed elevations plan (Ref. 7355-SMR-00-ZZ-DR-A-2103-S4-C1) is considered sufficient to discharge Condition 5 for the retail development, as it provides sufficient information on all materials to be used on the development's external elevations.

Condition 7 (Surfacing Details, Waste Collection Details, Closure of Existing Highway Points Details, Street Lighting and Surfacing Details and a Stage 1 Road Safety Audit)

Condition 7 states the following:

“Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3, a scheme detailing the following for that phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the:

- *Surfacing and draining of car parks;*
- *Method storage/collection of waste;*
- *Closure of existing access points onto the existing highway network;*
- *Street lighting, signing, surface finishes and the treatment of sight lines;*
and
- *Stage 1 Road safety Audit*

The scheme for that phase shall be completed in accordance with a programme agreed with the Local Planning Authority and thereafter the approved works shall be retained for the lifetime of the development.”

The **surfacing** plan Ref.7355-SMR-00-ZZ-DR-A-3003-A4-C5 is considered sufficient in providing details of the surfacing and drainage of car parks, together with the drainage plan Ref. 24184-SDS-00-SL-DR-C-3021-T2.

In relation to **waste collection**, Lidl stores typically have fewer deliveries than many of its competitors. This is because the Lidl delivery vehicle will deliver all stock to the store and then take all waste from the store after delivering groceries – there are no separate good deliveries or waste pickups.

The number of deliveries is generally 1 per day but can increase to 2 during the busiest times of year (like Christmas etc). Lidl stores have covered, hooded loading bays which means the deliveries take place almost within the store, limiting outdoor noise and disruption.

The proposed plan package highlights the **closure of existing access points** onto the existing highway network, as well as the street lighting, surface finishes and treatment of sight lines.

With regard to the request for the Stage 1 **Road Safety Audit** (RSA) the report was never required as it would have been provided at the preliminary design stage but this has stage has already been carried out and passed and therefore the requirement for submission for discharge should not be necessary.

Condition 18 (Drainage)

Condition 18 states the following:

“Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1A) shall not commence until a scheme detailing finalised foul, surface water and land drainage (including a survey of how the existing site drains, agreeing a discharge rate with the Local Planning Authority (in consultation with the Lead Local Flood Authority), attenuation design and maintenance and management plans) for the phase has been submitted to and approved in writing by the Local Planning Authority. None of the buildings within the phase 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 to which the buildings relate and thereafter retained.”

The Drainage Plan (Ref. 24184-SDS-00-SL-DR-C-3021-T2.) provides sufficient detail for discharge of the information required by the wording of the condition.

Condition 19 (Intrusive Investigation to determine possible location of enclosed watercourse near southern boundary)

Condition 19 states the following:

“Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1 A) shall not commence until an intrusive investigation into the possible location of an enclosed watercourse is carried out up to 10 metres inside the southern boundary. If a watercourse is found this must be protected and safely included in any drainage design details.”

Evidence relating to matters covered by Condition 19 were been addressed during the course of ground investigation / remediation works and a summary is provided by the enclosed document (Ref.1387). The SE corner of the site has been explored and the suspected ‘watercourse’ found to be an existing SW outfall drain connection to the main existing sewer system located beneath the highway to the SE.

Condition 20 (Surface Flows)

Condition 20 states the following:

“Development of each phase of development as detailed in the phasing plan approved under condition 3 (excluding Phase 1A) shall not commence until a scheme restricting the rate of surface water discharge from that phase of development to the same outfalls at similar points of connection to a maximum of 70% of the existing predevelopment flow rate, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Flows between the critical 1 in 30 or critical 1 in 100-year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority. For each phase, the scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation work comprising the approved scheme have been completed. The approved maintenance and management scheme for each phase shall be implemented thereafter.”

Evidence of this will be provided during the application process.

Condition 23 (Waste Collection)

Condition 23 states the following:

“Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 (excluding phase 1A) (excluding soft strip-out and demolition works), details of storage and access for collection of wastes from the residential units hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that waste collection points shall not obstruct access within the site, shall include details of management measures and measures to discourage dumping of large items and fly tipping. The works and arrangements comprising the approved details shall be implemented before first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.”

As stated above, when dealing with waste collection, Lidl stores typically have a limited number of deliveries. This is because the delivery vehicles bringing stock / groceries to the store will then take all waste from the store after the delivery operation. There are no separate good deliveries or waste pickups.

The number of deliveries is generally 1 per day but can increase to 2 during the busiest times of year (like Christmas etc). Lidl stores have covered, hooded loading bays which means the deliveries take place almost within the store, limiting outdoor noise and disruption.

Condition 25 (Ecological Design Strategy)

Condition 25 states the following:

“Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 excluding Phase 1A, an Ecological Design Strategy (EDS) addressing enhancement shall be submitted to and approved in writing by the Local Planning Authority for that phase. The EDS shall include the following where relevant:

- *Purpose and conservation objectives for the proposed works;*
- *Review of site potential and constraints;*
- *Detailed design(s) and/or working method(s) to achieve stated objectives;*
- *Extent and location/area of proposed works on appropriate scale maps and plans;*
- *Type and source of materials to be used where appropriate, e.g. native species of local*
- *provenance;*
- *Timetable for implementation demonstrating that works are aligned with the proposed*
- *phasing of development;*
- *Persons responsible for implementing the works;*
- *Details of initial aftercare and long-term maintenance;*
- *Details for monitoring and remedial measures; and*
- *Details for disposal of any wastes arising from works.*

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.”

An EDS will be provided during submission, as this document is currently being produced.

Condition 26 (Hard and Soft Landscaping)

Condition 26 states the following:

“Prior to the commencement of each phase of development (excluding Phase 1A) as detailed in the phasing plan approved under condition 3), details of all hard and soft landscaping for that phase shall be submitted to and approved in writing by the Local Planning Authority. These shall include where relevant:

- *Details of existing and proposed levels, and regrading;*
- *Species schedule and planting plans;*
- *Details of initial aftercare and long-term maintenance;*
- *Details of monitoring and remedial measures, including replacement of any trees,*
- *shrubs, or planting that fails or becomes diseased within the first five years from*
- *completion;*
- *Details (including samples, if requested), of paving and other hard surface materials; and*
- *Details of the on-site open space (including details of its purpose and management) and of any areas for designated, informal, incidental and/or doorstep play;*

No part of the phase of development hereby approved shall be occupied until all hard and soft landscaping for that phase has been implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring, and remedial arrangements.”

The following plans for the hard and soft landscaping incorporates full details of proposed planting on the Lidl phase of the overall site and through that planting will provide biodiversity enhancements. The following plans are submitted to address the requirements of Condition 26:

- 7355-SMR-00-ZZ-DR-A-3005-A4-C5
- R-2377-1E

Condition 27 (Trees)

Condition 27 states the following:

“Prior to the commencement of each phase of development as detailed in the phasing plan approved under condition 3 (including ground works), an Arboricultural Method Statement Plan shall be submitted to and approved in writing by the Local Planning Authority for that phase where relevant. The statement will include a Tree Protection plan of the trees to be retained that

accords with plan ref: R/2377/1C. The development of the phase shall be carried out in accordance with the document so approved."

The S73 application is accompanied by an Arboricultural Method Statement (Ref.22125), which is deemed sufficient to discharge Condition 27.

Condition 29 (Boundary Treatment)

Condition 29 states the following:

"Prior to the occupation of each phase of development as detailed in the phasing plan approved under condition 3 hereby approved, details (including sections and details of levels) of all boundary treatments, and any retaining walls and gabions for that phase, shall be submitted to and approved in writing by the Local Planning Authority, should any such boundary treatments be required or proposed. The development of each phase shall be implemented in accordance with the details so approved and shall be retained thereafter."

The application is accompanied by a Boundary Treatment Plan (Ref.7355-SMR-00-ZZ-DR-A-3005-A4-C5) which provides all the above mentioned details on the site and is therefore considered sufficient to discharge Condition 29.

We trust the above and enclosed is sufficient to validate the S73 application and through its consideration approve a number of details for the Lidl phase of the overall development that were the subject of conditions attached to the previous grant of planning permission.

If there are any queries or the need for additional information, please do not hesitate to contact the undersigned.

Yours sincerely

Redacted

Jeremy Williams BA (Hons) MA, MRTPI
Director
Enc. As described above