Town and Country Planning Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/62/93440/W

To: Graeme Warriner,
Stantec
7, Soho Square
London
W1D 3QB

For: STANTEC

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:-

AMALGAMATION OF UNITS 57 AND 58 WITH CAR PARK CONFIGURATION, EXTERNAL ALTERATIONS TO SHOPFRONT AND LOADING AREA TO PROVIDE SINGLE RETAIL UNIT

At: HUDDERSFIELD RETAIL PARK, BECK ROAD, HUDDERSFIELD, HD1 5DG

In accordance with the plan(s) and applications submitted to the Council on 13-Dec-2024, 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).

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 to accord with policies LP01, LP13, LP20, LP21, LP22, LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

3. The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the Local Planning Authority has been obtained for any proposed change or variation.
Reason: To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework (2024).

4. The premises shall be used solely for purposes falling within Use Class E(a) (Display or retail sales of goods, other than hot food) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose within Class E without the prior written consent of the Local Planning Authority.
Reason: To maintain the retail character and function of the retail park, prevent overconcentration of non-retail uses in accordance with Policy LP13 of the Kirklees Local Plan and Chapters 6 and 7 of the National Planning Policy Framework (2024).

5. The retail unit hereby approved shall remain as a single planning unit and shall not be subdivided into two or more retail units, nor shall the net trading floorspace (sales area) be increased by more than 200sqm, including through the installation of a mezzanine, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To prevent uncontrolled out-of-town centre retail expansion that could undermine the vitality and viability of designated town centres, in accordance with Policy LP13 of the Kirklees Local Plan and the National Planning Policy Framework (2024)

6. Prior to first occupation of the development, the approved car park shall be laid out surfaced, marked out into bays, 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 in accordance with Policy LP21 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework (2024).

7. Prior to first use of the development, full details of the cycle parking provision, including design, specification, and precise location for a minimum of five cycle parking spaces, shall be submitted to and approved in writing by the Local Planning Authority. The provision shall be implemented in accordance with the approved details and retained thereafter.

If the provision of cycle parking results in the relocation or loss of any approved parking spaces, a revised car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority prior to implementation and retained thereafter.

Reason: To ensure the development provides adequate and safe cycle parking facilities while maintaining an appropriate car parking provision, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, and to support sustainable transport choices in line with the National Planning Policy Framework (2024)

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Application Form	-	-	04/12/2024
Location Plan	1001	P03	19/03/2025
Existing Block Plan	1002	P03	19/03/2025
Existing Block Plan	1003	P03	19/03/2025
Existing Ground Floor Plan	1004	P01	04/12/2024
Existing Roof Plan	1005	P01	04/12/2024
Existing Elevations 1 of 2	1006	P01	04/12/2024
Existing Elevation 2 of 2	1007	P01	04/12/2024
Proposed Block Plan	1012	P03	19/03/2025
Proposed Site Plan	1013	P03	19/03/2025
Proposed Ground Floor Plan	1014	P01	04/12/2024
Proposed Roof Plan	1015	P01	04/12/2024
Proposed Elevations 1 of 2	1016	P03	04/12/2024
Proposed Elevation 2 of 2	1017	P02	04/12/2024
Design and Access Statement	DA01	-	04/12/2024
Preliminary Ecology Appraisal	Stant03	-	04/12/2024
Climate Change Statement	-	-	13/12/2024
Planning Statement	333101177	-	04/12/2024
Transport Assessment	31243	-	04/12/2024

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 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.

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 Tel No: (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 a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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.

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-Mar-2025

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 planning applications and decisions' and by searching for application number 2024/62/93440/W .

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