



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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2025/70/90506/E**

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**To:** Jamie Pert  
Planning Potential  
Suite 19  
1, Cardale Park  
Beckwith Head Road  
Harrogate  
HG3 1RY

**For:** Aldi Stores 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:-**

VARIATION OF PLANS AND SPECIFICATIONS SCHEDULE ON PREVIOUS PERMISSION 2022/90890 FOR RESERVED MATTERS APPLICATION TO DISCHARGE MATTERS OF LAYOUT, APPEARANCE, SCALE AND LANDSCAPING PURSUANT TO OUTLINE PLANNING PERMISSION 2019/92221 (DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF CLASS E RETAIL UNIT, ACCESS, CAR PARKING, SERVICING, LANDSCAPING AND ASSOCIATED WORKS)

**At:** FORMER KENMORE CARAVANS LTD, HUDDERSFIELD ROAD, MIRFIELD, WF14 9DA

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**In accordance with the plan(s) and applications submitted to the Council on 24-Feb-2025 [together with those plans and application(s) submitted to the Council on 02-Jul-2019 and incorporated into planning permission 2019/92221 granted on 18-Dec-2020] and subject to the condition(s) specified hereunder:-**

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

**Reason:** For the avoidance of doubt and to ensure the development is carried out to an appropriate quality standard of design and does not detrimentally affect the surrounding landscape, in accordance with Policies LP24 and LP32 of the adopted Kirklees Local Plan.

2. The development hereby permitted shall be carried out strictly in accordance with the Risk Assessment and Method Statement for the construction of foundations in proximity to the River Calder approved on 20/09/2023 under application 2023/91925 throughout the period of construction and no change therefrom shall be take place without prior written consent of the Local Planning Authority.

**Reason:** In the interests of ensuring that the final foundation design of the development safeguards the land stability of land adjacent to the water body, in accordance with Policy LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework (Chapter 15) Paragraphs 187(e) and 196(a).

3. The development hereby permitted shall be carried out strictly in accordance with the Construction Environmental Management Plan (CEMP) details approved on 20/09/2023 under application 2023/91925 throughout the period of construction and no change therefrom shall be take place without prior written consent of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24, LP29 and LP52 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 15.

4. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the new retaining walls/building retaining walls adjacent to the existing/proposed highways approved on 19/04/2024 under application 2023/92444 shall be completed prior to the commencement of the proposed development and thereafter be retained during the lifetime of the development.

**Reason:** In the interest of highways safety, in accordance with Policy LP21 of the adopted Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

5. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the southern sheet piled retaining wall approved on 19/04/2024 under application 2023/92444 shall be completed prior to the commencement of the proposed development and thereafter be retained during the lifetime of the development.

**Reason:** To ensure the ground stability of the site and that no detrimental effects in flood risk terms arise as a result of development within the banks of the River Calder, in accordance with Policies LP27, LP29 and LP53 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapters 14 and 15.

6. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the approved Habitat and Landscape Management Plan approved on 20/09/2023 under application 2023/91925 shall be implemented in accordance with the approved details for the lifetime of the development

**Reason:** In the interests of protecting and enhancing Biodiversity Net Gain, protected species, and terrestrial and water habitats, in accordance with Policies LP29, LP30 and LP33 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

7. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the Electric Vehicle Charging Point Scheme approved on 15/03/2024 under application 2024/90243 shall be installed prior to first use of the development and retained thereafter.

**Reason:** To support and encourage modal shift to the use of low emission vehicles, in the interest of air quality enhancement and sustainable development, in accordance with Policies LP20 and LP24 of the adopted Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

8. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the cycle parking area, approved on 15/03/2024 under application 2024/90243 shall be carried out in accordance with the details prior to the first use of the development and retained and maintain for the lifetime of the development.

**Reason:** To provide acceptable cycle parking facilities and encourage modal shift, in accordance with Policies LP22 and LP23 of the adopted Kirklees Local Plan.

9. Unless otherwise agreed in writing by the Local Planning Authority, all works which form part of the external lighting scheme, approved on 15/03/2024 under 2024/90243 shall be carried out in accordance with the details. No external artificial lighting shall be used on any phase of the development unless the lighting has been installed and operated in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, in accordance with Policies LP24 and LP52 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 15.

10. Prior to any part of the development hereby approved being brought into first use, the proposed on-site car and cycle parking/servicing/loading/unloading/turning/waiting areas will have first been levelled, laid out, demarcated, and surfaced in accordance with the approved plans under application 2022/90890. The parking and manoeuvring areas shall thereafter be retained and maintained available for that specific use for the lifetime of the development.

**Reason:** To ensure the permanent availability of the parking and manoeuvring areas for different modes of travel, in the interests of satisfactory development and highway safety, in accordance with Policies LP22 and LP24 of the adopted Kirklees Local Plan.

11. The development hereby permitted shall be carried out strictly in accordance with the tree protection measures laid out in the 'Conclusions and Recommendations' section of the Preliminary Water Framework Directive Compliance Assessment (ref: 14474 Revision 01, dated July 2022) approved on 10/05/2023 under application 2022/90890. These measures shall include the preparation of method statements for all contractors to include the necessary pollution prevention and construction good practice, the undertaking of surface water sampling before, during, and after construction, and the implementation of a maintenance schedule for regular inspection and clearance of all inlets and outlets.

**Reason:** To ensure that no detrimental effects in flood risk and water quality terms arise as a result of development on the River Calder, in accordance with Policies LP27 and LP29 of the adopted Kirklees Local Plan and National Planning Policy Framework Chapter 14.

12. The development hereby approved shall be carried out in strict accordance with the ecological mitigation and enhancement measures laid out in the approved Environmental Design Strategy (ref: 784-B033098 Revision 2, dated December 2022) approved on 10/05/2023 under application 2022/90890. These measures shall be completed prior to first use of the development and thereafter retained and maintained, where appropriate.

**Reason:** In the interests of protecting and enhancing Biodiversity Net Gain, protected species, and terrestrial and water habitats, in accordance with Policies LP29, LP30 and LP33 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

13. The development hereby approved shall be carried out in strict accordance with tree protection measures laid out in Section 6 of the Arboricultural Method Statement (ref: 4998, DEP Landscape Architecture Ltd., dated February 2022) approved on 10/05/2023 under application 2022/90890. The approved measures shall be completed prior to the first use of the development and thereafter retained and maintained as such, where appropriate.

**Reason:** In the interests of protecting retained trees on the site, in accordance with Policy LP33 of the adopted Kirklees Local Plan.

14. The development hereby approved shall be carried out in full accordance with the approved hard and soft landscaping scheme and maintenance plan (plan ref: 15151-VL L01 Revision B (Landscape Plan, dated 25/01/2023) approved on 10/05/2023 under application 2022/90890. The approved landscaping details shall be developed prior to the first use of the building. They shall be maintained as such for at least five years following the date of the planting.

**Reason:** To ensure that the approved landscaping scheme is maintain in the interest of protecting the visual amenities of the area and to sustain Biodiversity Net Gain on the site, in accordance with Policies LP24, LP30, LP32 and LP33 of the adopted Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Any tree, shrub or hedgerow forming part of an approved landscape scheme which dies, is removed or become seriously damaged or diseased, within a period of five (5) years from the date of planting, shall be replaced during the next planting season following removal with another of a similar size and species as that originally planted, and in the same place.

**Reason:** To protect and enhance the visual amenities of the area, in accordance with Policies LP24, LP32 and LP33 of the adopted Kirklees Local Plan.

**NOTE:** Due to the proximity of the river to the south, the applicant/developer would likely need to comply with the Canal & River Trust's 'Code of Practice for Works affecting the Canal & River Trust'. The applicant/developer is advice to contact the Canal & River Trust's Works Engineering Team via switchboard on 0303 040 4040 or email at [enquiries.tpwnorth@canalrivertrust.org.uk](mailto:enquiries.tpwnorth@canalrivertrust.org.uk) in order to ensure that any necessary consents are obtained and that the works would comply with the Trust's 'Code of Practice for Works affecting the Canal & River Trust'.

**NOTE:** It is an offence under the Salmon and Freshwater Fisheries Act 1975 to cause or knowingly to permit to flow, or put, into any waters containing fish, any liquid or solid matter to such an extent as to cause the water to be poisonous or injurious to fish or the spawning grounds, spawn or food of fish' (this includes fine sediment pollution).

**NOTE:** The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment@agency.gov.uk](mailto:enquiries@environment@agency.gov.uk).

**NOTE:** The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with the “Guidance Note 01/21 for the Reduction of Obtrusive Light” by the Institution of Lighting Professionals: 2021 [www.theilp.org.uk](http://www.theilp.org.uk). The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for the corresponding Environmental Zone (i.e. E0 to E4). The external lighting scheme should also be compliant with Bats and artificial lighting in the UK: Bats and the Built Environment series (ILP, 2018) guidance.

**NOTE:** This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended) under outline planning permission 2019/92221.

**NOTE:** The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application in order to secure a policy compliant proposal.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
<b>Received via this Variation of Conditions Application: - 2025/90506</b>			
Proposed site plan	15151-101S	S	25/02/2025
Proposed site boundary plan	15151-115H	H	25/02/2025
<b>Received via Reserved Matters Application: - 2022/90890</b>			
Location plan	15151-098	C	15/03/2022
Existing site plan	15151-099	F	15/03/2022
Proposed Demolition Plan	15151-116	C	15/03/2022

Proposed GA floor plans	15151-111	C	15/03/2022
Proposed roof Plan	15151-112	C	25/04/2023
Proposed Sections	15151-103	C	15/03/2022
Proposed elevations	15151-114	F	22/09/2022
Landscape plan	15151-VL L01	B	03/04/2023
Environmental design strategy	784-B033098	2	13/12/2022
Preliminary Water Framework Directive Compliance Assessment	14474	01	22/09/2022
Aboricultural Survey (AIA & AMS)	4998		15/03/2022
Planning statement	-	-	14/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2024 and guidance in the National Planning Policy Framework, the Local Planning Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. For this application, no amendments were considered necessary.

**Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.**

## **Development within a Coal Mining Area**

### **DEVELOPMENT LOW RISK AREA - STANDING ADVICE**

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](https://www.mra.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 speedier 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.

**Where the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
  - i) 28 days from the date of this notice where the enforcement notice has been served,
  - ii) 28 days of the date of service of the enforcement notice or,
  - iii) the specified period starting from the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/appeal-planning-decision>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

#### **Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 07-May-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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2025/70/90506/E.

If a paper copy of the decision notice or decided plans are required please email [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk) or telephone 01484 414746 with the application number. There may be a charge for this service.

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All communications should be sent to one of the following address:

**E-mail:** [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

**Write to:** Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL

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