Kirklees Council
Planning and Development Service
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Date: 10/12/2025
Our Ref: 2025/91021

Dear Sir/Madam

Application for Approval of Details Reserved by Condition
Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990

Discharge of details (retail food store only) reserved by Full Planning Permission conditions 7 (highway details), 18 (drainage), 19 (watercourse investigation), 20 (surface water drainage scheme), 23 (waste collection), 25 (ecological design strategy), 26 (landscaping), 27 (arboricultural method statement) and 29 (boundary treatments) of previous Section 73 approval 2024/92395 for variation of condition 2 (plans and specifications) and 3 (phasing) of previous Section 73 approval 2023/93058 for variation of conditions 2 (plans) and 3 (phasing plan) of previous hybrid permission 2018/92647 for mixed use development - retail/office and 229 residential units (Use Classes C3/ E(a) /B1a)

Former Kirklees College site, New North Road, Huddersfield, HD1 5NN

Application Number: 2025/91021

I write with reference to your application to discharge the conditions for the above development as submitted on 30/05/2025.

Summary

Details are hereby approved pursuant to conditions 23 and 27. You are invited to submit further and amended information in respect of conditions 7, 18, 19, 20, 25, 26 and 29 within four weeks of the date of this decision letter. After that time, a new Discharge of Conditions application would need to be submitted.

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Full Planning Permission condition 7 (highway details)

You have submitted or stated the following pursuant to condition 7:

- Surfacing and draining of car parks: Proposed Surfacing Plan (drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5) and Foul Sewer and Surface Water Layout (drawing 24184-SDS-00-SL-DR-C-3021 rev T3).
- Method storage/collection of waste: In a covering letter dated 06/08/2025 you stated "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".
- Closure of existing access points onto the existing highway network and Street lighting, signing, surface finishes and the treatment of sight lines: In a covering letter dated 06/08/2025 you stated "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". On 10/11/2025 you added "You should have these plans from the S73, mainly… 7355-SMR-00-ZZ-DR-A-2004-S4-C1, R-2377-1E, 00 001 Rev AC and 7355-SMR-00-XX-DR-A-2005-S3-C1".
- Stage 1 Road safety Audit: On 07/08/2025 you stated that a Road Safety Audit (RSA) was not required for this phase of development. Following further discussion with officers, on 07/11/2025 you stated "Our understanding is that the RSA requested by KC Highways in 2018 related to the site access, which the developer undertook. In parallel, the internal layout and pedestrian routes were assessed through the original and subsequent S73 determinations via the approved plans process and were deemed compliant".

The above submissions and statements are assessed as follows:

Surfacing and draining of car parks: It is accepted that the submitted Proposed Surfacing Plan (drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5) provides appropriate details relating to the surfacing of the car park within the retail store's part of the site. However, it is not recommended that the details of drainage of the car park set out in the Foul Sewer and Surface Water Layout (drawing 24184-SDS-00-SL-DR-C-3021 rev T3) be approved at this stage, given the concerns the Lead Local Flood Authority have raised regarding conditions 18 and 20 (which that same drawing has been submitted pursuant to).

Method storage/collection of waste: Your information regarding the storage and collection of waste is considered below in relation to condition 23, and is accepted.

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Closure of existing access points onto the existing highway network and Street lighting, signing, surface finishes and the treatment of sight lines: The submission does not clarify the locations of existing (or, rather, previous) access points onto the existing highway network, however reference to online imagery confirms that – for the retail store's part of the site – a pedestrian access existed on Portland Street, a vehicular access existed on Trinity Street, a pedestrian access existed at Castlegate adjacent to the subway, and another pedestrian access existed further along Castlegate close to the start of New North Road. In the proposed layout for the retail store's part of the site (as illustrated in the submitted Proposed Surfacing Plan drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5), new or relocated vehicular accesses are proposed at Portland Street and Trinity Street, and pedestrian accesses are proposed towards the southern end of the site. These access points have been considered under previous planning applications and – it is understood – via the Section 278 application process, and are considered acceptable. Regarding the other requirements of these two bullet points, you have referred officers to drawings previously submitted under a Section 73 application. Notwithstanding the fact that applicants should not rely on officers referring back to previous applications in order to understand how an applicant intends to discharge condition requirements, of the four drawings referred to in your email of 10/11/2025, two drawings were superseded (rev C2 of drawings 7355-SMR-00-ZZ-DR-A-2004-S4 and 7355-SMR-00-XX-DR-A-2005-S3 were in fact approved under the most recent Section 73 application 2024/92395), and one (drawing R/2377/1 rev E, which has in fact been resubmitted with this Discharge of Conditions application) details landscaping rather than highway works.

Stage 1 Road safety Audit: On 16/11/2025, KC Highways Development Management stated "…in this instance a RSA is not required for the internal layout, and that as required by the condition an RSA has been undertaken for the elements of the highway works for which an RSA is required". This is noted. Regarding the points where the proposed development would interact with the surrounding highway network (namely, the four access points listed above), it is understood that an RSA has been considered as part of the Section 278 application process. Noting the clear requirement of condition 7, and again noting that applicants should not rely on officers referring back to previous applications in order to understand how an applicant intends to discharge condition requirements, the submission of a copy of the relevant Section 278 approval and related RSA is likely to address the requirement.

In light of the above concerns, an approval pursuant to condition 7 is not granted.

Please be reminded that the onus for gathering and submitting information remains with the applicant team. You are invited to address the above concerns.

Full Planning Permission condition 18 (drainage)

You have submitted a Foul Sewer and Surface Water Layout (drawing 24184-SDS-00-SL-DR-C-3021 rev T3) pursuant to condition 18.

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In comments dated 07/09/2025, the Lead Local Flood Authority (LLFA) advised that the use of an adequately sized interceptor and the separation of roof and road/parking drainage was noted and accepted. However, the LLFA raised the following concerns:

> *A narrative is required regarding a 30% reduction on the site's previous drainage to a given system and how this has been achieved and split up between various phases including the 'Food Store'.*
>
> *Supporting hydraulic calculations are required to show no flooding for the above design in critical storm events.*

In light of the above concerns, an approval pursuant to condition 18 is not granted.

You are invited to address the above concerns.

Full Planning Permission condition 19 (watercourse investigation)

In a covering letter dated 06/08/2025 you stated "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".

The document referred to above is titled "1387 – Huddersfield Trinity" and subtitled "Planning Condition 19 – "Possible Watercourse" investigation works".

In comments dated 07/09/2025, the Lead Local Flood Authority (LLFA) raised the following concerns:

> *Although some research has been submitted, the condition was imposed due to the location of an upstream watercourse and risk mapping suggestions that a natural flow route for the catchment ran through* [the] *site which indicated a culvert could be present as no surface feature is shown within the site. The location of this linear pattern does not coincide with the excavation. A map is provided for assistance.*

In light of the above concerns, an approval pursuant to condition 19 is not granted.

You are invited to address the above concerns.

Full Planning Permission condition 20 (surface water drainage scheme)

In relation to condition 20, in a covering letter dated 06/08/2025 you stated "Provided on the surface flows diagram". You clarified by email that this means the Foul Sewer and Surface Water Layout (drawing 24184-SDS-00-SL-DR-C-3021 rev T3).

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You also submitted a Modular Geo-Void Systems Maintenance and Access document (Environmental Sustainable Solutions Ltd), a Typical Inspection Chamber Detail and Typical Hydrobrake Chamber Detail with Overflow Pipe drawing, and an Environmental Product Declaration (Hydro International, EPD HUB, HUB-2505, 28/03/2025).

In comments dated 07/09/2025, the Lead Local Flood Authority (LLFA) raised the following concerns:

> *We are encouraged by the submission of a maintenance and management plan. However, some of the plans are cut off as shown in landscape in a portrait document. To be bespoke for this site, drawings should not be a selection of possibilities of vent types and bypass channels, but a definitive design for the site. Some of the plans cannot be read when zoomed in. Clear definitive plans should be resubmitted.*
>
> *Access points should be finalised and incorporated into a bespoke maintenance plan.*
>
> *A replacement period should be included as part of the maintenance and management plan. Kirklees will accept a 25-year replacement plan for such storage, providing there is also evidence of landscape stand off and a brief assessment on loading in the location of the tank. An arbitrary 50-year lifespan will be accepted with a guarantee from the manufacturer or some independent assessment for the product which unlike pipework would not carry a British Standard and Water Industry Standard assessment. Other manufacturers have achieved a BBA certificate that mentions a 50-year lifespan.*
>
> *Replacement will also be required for leaks or creep causing system failure and must be built into the plan.*

In light of the above concerns, an approval pursuant to condition 20 is not granted.

You are invited to address the above concerns.

Full Planning Permission condition 23 (waste collection)

Of note, not all of the requirements of condition 23 are relevant to the retail store's part of the site. The requirement for "details of storage and access for collection of wastes from the residential units hereby approved" is not considered relevant (given no residential units are proposed in this part of the site, and given access to the future residential development of the remainder of the site would not be adversely affected by the current proposals), however the requirement for "details of management of waste collection points" is considered relevant.

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In a covering letter dated 06/08/2025 you reiterated the information provided pursuant to condition 7 above. In addition, the Proposed Surfacing Plan (drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5) is considered relevant to condition 23 – this illustrates the location of the store's delivery dock (from where waste would be collected), and vehicular routes to/from it.

In comments dated 09/10/2025, KC Waste Strategy advised that, based on the submitted information, condition 23 could be discharged in relation to the retail store.

Given the above assessment, an approval pursuant to condition 23 is hereby issued in respect of the retail store only, subject to you being reminded of the further requirement of condition 23, which states:

> *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.*

Full Planning Permission condition 25 (ecological design strategy)

You have submitted an Ecological Design Strategy (Brooks Ecological, ER-7830-01, 26/11/2024) pursuant to condition 25. This sets out details of wildflower lawns, bat boxes, swift boxes, other bird boxes and a bee post. Most of the listed requirements of condition 25 are addressed in the document as follows:

- Purpose and conservation objectives for the proposed works – Detailed on page 3, with reference to maximising biodiversity value.
- Review of site potential and constraints – Opportunities are examined on page 4. Although constraints are not identified, these are known (and relate to the urban location of the site, noise, light, human activity, and the limited space available for ecological enhancement measures).
- Detailed design(s) and/or working method(s) to achieve stated objectives – The designs of the proposed measures are sufficiently detailed.
- Extent and location/area of proposed works on appropriate scale maps and plans – Plans are included, and adequately identify the locations of the proposed measures.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance – Example products are illustrated, and a lawn seed mix (Emorsgate EL1 Flowering Lawn Mixture or equivalent) is specified. This detail is considered sufficient.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development – The timing of the implementation is confirmed for each of the proposed measures.
- Persons responsible for implementing the works – Page 3 of the submitted document confirms that the developer would be responsible for implementation, and that an Ecological Clerk of Works (who would be a qualified ecologist) would oversee the work.

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- Details of initial aftercare and long-term maintenance – Although the document refers to maintenance for a five-year period (on page 3), lawn maintenance from year 2 onwards (on page 5), and lawn mowing and management in year 6+, long-term maintenance (such as bird box cleaning, and repair and replacement of installations) is not detailed for all the proposed measures. Of note, no long-term maintenance of the grounds was secured via the relevant Section 106 agreement (dated 27/07/2022) associated with permission 2018/9264.
- Details for monitoring and remedial measures – These are not detailed. Monitoring of the proposed measures is necessary to ensure they deliver enhancement in accordance with the intended objectives. If, for example, the bee post or bird boxes prove unattractive to wildlife (which would be established through monitoring), it may prove necessary to relocate, reorientate or replace these installations, or to implement other remedial measures.
- Details for disposal of any wastes arising from works – These are not detailed, however the proposed measures are not expected to generate significant quantities of waste.

Given the above-noted shortcomings in relation to long-term maintenance, monitoring and remedial measures, an approval pursuant to condition 25 is not granted.

You are invited to address the above concerns.

Full Planning Permission condition 26 (landscaping)

You have submitted a Landscape Details drawing (R/2377/1 rev E) pursuant to condition 26. You also suggested that a Site Boundary Treatment Plan and Details drawing (7355-SMR-00-ZZ-DR-A-3005-A4 rev C5) is relevant, however this has been considered separately in relation to condition 29. The Proposed Surfacing Plan drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5 is considered relevant to part of condition 26.

Some of the listed requirements of condition 26 are addressed in your submission as follows:

- Details of existing and proposed levels, and regrading – Although hachures are included in drawing 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5, full details of existing proposed levels have not been submitted.
- Species schedule and planting plans – Five existing trees (four at the eastern edge of the site, one at its western edge) are to be retained. Of the eight tree species proposed, only one (tilia cordata) is native to the UK, and only two of that species would be planted (out of a total of 48 proposed trees). The proposed trees would, however, introduce visual interest to the site. No potentially invasive tree species are proposed. Some of the proposed trees (such as prunus avium “plena”) are attractive to pollinators and birds. For the bulb planting, a single non-native, non-invasive species (narcissus lobularis) is proposed. This would also add visual interest to the site in spring, and would complement the daffodil planting already

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carried out along the ringroad. Turf is proposed for the development's lawns, with no mention of the wildflower lawn seeding referred to in the Ecological Design Strategy submitted pursuant to condition 25. Shrub planting is proposed in beds throughout the site. Of the 15 shrub species proposed, none are native to the UK. Two varieties of a potentially invasive shrub species (lonicera nitida) are proposed, however the potential for escape is limited at this town centre location, and this species is not known to aggressively self-seed. The other species, although non-native, are considered to be acceptable for this location, given they would introduce visual interest, and given that some (such as lavandula angustifolia) are attractive to pollinators. The proposed planting is illustrated in drawing R/2377/1 rev E, which also includes appropriate details of preparatory works and planting methods.

- Details of initial aftercare and long-term maintenance – This is not addressed in the submission. It is again noted that no long-term maintenance of the grounds was secured via the relevant Section 106 agreement (dated 27/07/2022) associated with permission 2018/9264.
- 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 – This is not addressed in the submission.
- Details (including samples, if requested), of paving and other hard surface materials – Drawings R/2377/1 rev E and 7355-SMR-00-ZZ-DR-A-3003-A4 rev C5 illustrate dark grey block paving, tarmac, concrete and buff tactile paving for the development's hard surfaces. This is considered appropriate for the grounds of a retail store and in the context of the adjacent heritage assets (namely, the site's listed buildings and the Greenhead Park / New North Road, Huddersfield Town Centre and Springwood Conservation Areas).
- 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 – This requirement is not considered relevant to the retail store part of the site.

The proposed landscaping does not raise specific concerns regarding the creation of opportunities for crime, although it is noted that shrubs would need to be maintained to appropriate heights to avoid secluded, unsurveilled areas being created.

Given the above-noted concerns and shortcomings in relation to existing and proposed levels and regrading, initial aftercare, long-term maintenance, monitoring and remedial measures, and the apparent contradiction with the Ecological Design Strategy submitted pursuant to condition 25, an approval pursuant to condition 26 is not granted.

You are invited to address the above concerns.

Full Planning Permission condition 27 (arboricultural method statement)

You have submitted an Arboricultural Method Statement (JCA, 22125-A/AJB, 10/07/2024) pursuant to condition 27. In addition, an Arboricultural Report (JCA, 22125/AJB,

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10/07/2024) was submitted (although it was not required by condition 27), and has also been considered.

The submitted Arboricultural Method Statement includes a Tree Protection Plan relating to the five existing trees (four at the eastern edge of the site, one at its western edge) that are to be retained.

In comments dated 08/08/2025, KC Trees advised that the retained trees would be sufficiently protected during construction through the use of tree protection fencing, and that the requirements of condition 27 had been met.

Given the above assessment, an approval pursuant to condition 27 is hereby issued in respect of the retail store only, subject to you being reminded of the further requirement of condition 27, which states:

> *The development of the phase shall be carried out in accordance with the document so approved.*

Full Planning Permission condition 29 (boundary treatments)

You have submitted a Site Boundary Treatment Plan and Details drawing (7355-SMR-00-ZZ-DR-A-3005-A4 rev C5) pursuant to condition 29.

On 11/06/2025, KC Conservation and Design provided you with pre-application advice, noting that – at the time – the plans did not clearly show the extent, location or design of the 2m high fence around the proposed plant. The officer advised you to try to minimise the impact of this fencing by reducing its height, proposing landscaping or changing its siting, and clarifying the impact with justification.

The Site Boundary Treatment Plan and Details drawing (7355-SMR-00-ZZ-DR-A-3005-A4 rev C5) subsequently submitted shows:

- Retaining walls adjacent to the footway at the southern end of the site, and within the site (south of the retail store and adjacent to the delivery bay).
- 1.1m high railings above some retaining walls.
- Stainless steel crash tubing to the southern end of the retail store.
- 2.01m high acoustic timber fence to the plant enclosure at the north end of the retail store.
- 1.1m high stainless steel bollards around and within the car park.
- 1.5m high stainless steel crash protection bollard adjacent to the delivery bay.

Only the acoustic timber fence has been illustrated in elevation. That elevation lacks information regarding the colour and finish of the timber, and the annotation referring to a "Jackson Fencing Envirofence 12K" is not supported by product information.

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For the other boundary treatments, insufficient information (such as elevations or product sheets, and details of colours and finishes) has been submitted to demonstrate that visual and neighbouring amenity would be maintained, and that the significance and appearance of the site's listed buildings and the character and appearance of the Greenhead Park / New North Road, Huddersfield Town Centre and Springwood Conservation Areas would be maintained.

Given the above-noted shortcomings, an approval pursuant to condition 29 is not granted.

You are invited to address the above concerns.

Yours faithfully

Victor Grayson

Victor Grayson, Development Management Masterplanner
for Mathias Franklin, Head of Planning and Development