



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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2025/70/91260/W

To: Project Coordinator,
@Architect Ltd
Clocktower House, Suite 2
Station Road
West Horndon
CM13 3XL

For: Steel Frame Building Systems

**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 CONDITION 2 (PLANS) ON PREVIOUS PERMISSION
2020/92499 FOR ERECTION OF DRIVE THROUGH FOOD RETAIL UNIT WITH
ASSOCIATED WORKS**

At: LAND ADJACENT, 205, LEEDS ROAD, HUDDERSFIELD, HD1 6NJ

**In accordance with the plan(s) and applications submitted to the Council on 07-
May-2025 [together with those plans and application(s) submitted to the Council
on 03-Sept-2020 and incorporated into planning permission ref no.
2020/62/92499/W granted on 28-May-2021] 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 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 LP1, LP2, LP21, LP22 and LP24 of the Kirklees Local Plan

2. The drainage for the development shall be carried out in accordance with the details as approved within the letter dated 23rd May 2024 and which were submitted as part of discharge of condition application 2024/91175 and relate to the following:

- Drawing Ref: 21-856/D01, Proposed Drainage Plan, Rev P13 dated 13/03/2024.
- Document ref: 21-856-HCL-92-XX-M3-C1, Storm Network Calcs dated 12/03/2024.
- Drainage Maintenance Schedule (no reference or date).
- SDS GEOlight brochure
- Document Ref: TH-1254-MS-001, FCC Outlet Method Statement, Rev A dated 13/03/2024.

The development shall not be brought into use until such approved drainage scheme have been provided on the site to serve the development and which shall thereafter be retained.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being, in the interests of the protection of the adjacent Huddersfield Broad Canal, and to accord with Policies LP27, LP28 and LP34 of the Kirklees Local Plan and the National Planning Policy Framework. This is a pre commencement condition to ensure that appropriate details are provided at an appropriate stage of the development.

3. On the completion of the development and before the development is first brought into use, a dilapidation survey of all temporary and permanent highway retaining structures within the site and off-site (including Learoyd Bridge over the canal on Hillhouse Lane including the steps, all retaining walls retaining or adjacent to the highway, culvert under the site) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway and public safety and the protection of the canal and surrounding highway structures. This is a pre-commencement condition to ensure that the development does not adversely affect existing retaining structures, does not compromise the safety of all those using the site, adjacent roads, canal and existing highway network, in accordance with the requirements of Policies LP21 and LP53 of the Kirklees Local and guidance in the National Planning Policy Framework.

4. The design and construction details of proposed alterations or repairs to the retaining structures referred to and assessed as part of the dilapidation surveys and which were submitted as part of discharge of condition application 2024/91175 and approved within the letter dated 23rd May 2024 shall be carried out in accordance with the following approved details

- Overall Site Layout Plan as Existing, Dwg No. 01, dated 01/11/23.
- Overall Site Layout Plan as Proposed, Dwg No. 02, Amendment B, dated 01/11/23.
- Section Through and Elevation on Boundary as Existing & Proposed, Dwg No. 03, Amendment B, dated 01/11/23.
- Approval in Principle for Design of Proposed Modifications to Private Burr Wall Supporting Hillhouse Lane on Land Adjacent to No 205 A62 Leeds Road, Huddersfield dated 29th April 2024.

The development shall not be brought into use until approved scheme has been provided on the site to serve the development and there is an ongoing requirement for the retention of the scheme.

Reason: In the interests of highway safety and the protection of the Huddersfield Broad Canal and surrounding highway structures. This is a pre-commencement condition to ensure that new/repaired/altered retaining structures do not compromise the safety of all those using the site, adjacent roads, canal and existing highway network, in accordance with the requirements of Policies LP21 and LP53 of the Kirklees Local and guidance in the National Planning Policy Framework.

5. Before development hereby approved is brought into use a detailed scheme for the closure of the gap in the central island on Leeds Road shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme to close the gap implemented. The scheme submitted shall include details of construction specifications, drainage works, street lighting, white lining, signing and surface finishes, together with an independent road safety audit covering all aspects of the works.

Reason: In the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

6. The development hereby approved shall be carried out in accordance with the Ecological Design Strategy submitted as part of application 2023/92115 and approved within a letter dated 28th September 2023 which approved the following details:

- Ecological Design Strategy ref: 220416/EDS

The approved strategy shall be implemented as part of the development, completed prior to the development being brought into use, and retained thereafter.

Reason: to ensure the development hereby permitted provides ecological enhancement measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan.

7. Before the development is brought into use, a scheme detailing the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the works comprising the approved scheme have been completed and thereafter retained.

Reason: In the interests of the protection of visual amenity and to protect the appearance and operation of the Huddersfield Broad Canal and its associated tow path and to accord with Policy LP24 of the Kirklees Local Plan and Policies in the National Planning Policy Framework.

8. The external lighting will be carried out in accordance with the details submitted as part of application 2023/92115 and approved within a letter dated 28th September 2023 which approved the following details:

- Exterior Flood Lighting Plan (Design Ref: LS25863)
- Road Lighting, S-LUM AL61000
- Car Park & Amenity Lighting, VETTA AL22000

All external lighting shall be installed in accordance with the approved details and retained thereafter.

Reason: To ensure that habitats within and adjacent to the application site, including the Kirklees Wildlife Habitat Network, remain suitable for local ecology. This is in order to accord with Policies LP24 and LP52 of the Kirklees Local Plan and the requirements of the Chapter 15 of the National Planning Policy Framework.

9. The development shall not be brought into use until all areas indicated to be used for vehicles and/or pedestrians on the submitted plans have been marked out in accordance with the hereby approved plan 24-0163-A-DR-PL-20-120, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted plans, and retained thereafter.

Reason: In the interests of highway safety and to accord with Policies LP21 and LP22 of the Kirklees Local Plan.

10. Before the hereby approved development is brought into use the bicycle parking provision as detailed on Dwg. No. 24-0163-A-DR-PL-20-120 shall be provided and thereafter retained free of obstructions and available for cycle parking.

Reason: To encourage sustainable means of travel to the site which are secure for users and to accord with Policies LP21 and LP24 of the Kirklees Local and Policies set out in the National Planning Policy Framework.

11. Before the hereby approved development is brought into use a minimum of two electric vehicle recharging points shall be provided within the car park shown on Dwg. No. 24-0163-A-DR-PL-20-120 which serves the hereby approved development. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current

demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging points so installed shall thereafter be retained.

Reason: To encourage ultra-low emission vehicles in the interests of air quality and accord with the guidance contained in Chapter 9 and Chapter 15 of the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Policy LP24 of the Kirklees Local Plan.

12. The hereby approved development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated January 2021, reference KRS.0277.002.R.001.A by KRS Environmental Ltd, and the following measure detailed within the FRA:

- There shall be no building within an 8m buffer strip adjacent to the top of the Grimescar Dyke. If this cannot be achieved, there shall be no building within a 45 degree angle of the base of the culverted Grimescar Dyke as it runs across the site. The mitigation measure shall be fully implemented prior to occupation and subsequently retained thereafter.

Reason: To enable maintenance access to the culvert and to reduce the risk of flooding at the site and to accord with Policy LP27 of the Kirklees Local Plan and Policies in Chapter 14 of the National Planning Policy Framework.

13. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: In order that proper account is taken of any contamination on the site including its coal mining legacy and in the interests of future occupiers of the site and the surrounding environment and to accord with Policy LP53 of the Kirklees Local Plan.

NOTE: Environmental Permitting Regulations (EPR) for Flood Risk Activities

It is brought to the applicant's attention that this development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the Grimescar Dyke which is designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>

It can take up to two months to determine the application from being duly made. Every effort will be made to process it as quickly as possible, but the applicant is reminded that works should not commence until the permit is granted.

NOTE: The Lead Local Flood Authority recommends that the Geolight 800 (or equivalent) is installed due to the likelihood of delivery vehicles parking on top of the tank as indicated on the Proposed Drainage Layout.

NOTE: Contact Details for the Canal and Rivers Trust

The applicant/developer is advised to contact the Canal & River Trust Utilities Team on 0303 404 4040 or enquiries.tpwnorth@canalrivertrust.org.uk to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement. In addition, you are advised that the Canal and River Trust have stated there may be an historic weir crossing the site. The presence or otherwise of this feature will need to be established as part of the drainage strategy for the site.

The applicant/developer is advised to contact the CRT Works Engineering Team on 0113 200 5713 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

NOTE: Works to the Highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: Adoption under Section 38 of the Highways Act

It is brought to the Applicants' notice that the Highway Development, Investment & Regeneration, Civic Centre 3, Market Street, Huddersfield HD1 2JR (Kirklees Street Care: 0800 7318765 or Highways.Section38@kirklees.gov.uk) must be contacted to discuss road adoption arrangements under Section 38 of the Highways Act 1980.

NOTE: Flood Line

It is recommended that applicant signs up to the Floodline Warnings Direct at the link below or on 0345 988 1188

<https://fwd.environment-agency.gov.uk/app/olr/register>

Note regarding signage: Notwithstanding the submitted plans, this permission does not relate to the approval of any signage. Separate advertisement consent is required for the signage.

Plans and specifications schedule:-

Plan Type submitted as part of application 2020/92499	Reference	Version	Date Received
Location Plan	2016018-(LP)01	-	3/9/2020
Flood Risk Assessment	KRS.0277.002.R.001.A	-	2/2/2021
Contaminated Lane Report - Phase I Desk Study Report	12110674_P1_V1	-	3/9/2020
Contaminated Lane Report - Phase II Site Investigation	12110674	-	3/9/2020
Design and Access Statement	-	-	3/9/2020
Plan Type submitted as part of application 2025/91260	Reference	Version	Date Received
Proposed Site Layout Plan	24-0163-A-DR-PL-20-120	-	8/5/2025
Proposed Elevations	24-0163-A-DR-PL-20-251	A	16/7/2025
Proposed Elevations	24-0163-A-DR-PL-20-252	A	16/7/2025
Proposed Floor Plan	24.0163-A-DR-PL-20-254	-	8/5/2025

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 2024 and otherwise actively engaged with the applicant in dealing with the application. A materials schedule was submitted during the course of the application.

DEVELOPMENT WITHIN A COAL MINING AREA

The proposed development lies within an area that has been defined by the Mining Remediation 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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://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.

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.

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 so that we can work on continually improving our customer service. Thank you.

Dated: 17-Jul-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 and view existing planning applications and decisions' and by searching for application number 2025/70/91260/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
