



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

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2019/62/91656/W

To: Will Rogers,
Planning Potential
14-15, Regent Parade
Harrogate
HG1 5AW

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:-**

ERECTION OF A1 FOODSTORE WITH CAR PARKING, LANDSCAPING AND
ASSOCIATED WORKS

At: FORMER OAKES MILL, NEW HEY ROAD, OAKES, HUDDERSFIELD, HD3 4DD

**In accordance with the plan(s) and applications submitted to the Council on
17-May-2019, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning
with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as
amended by the Planning and Compulsory Purchase Order 2004.

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 required by other conditions attached to this permission, which in all cases shall take precedence.

Reason: So as to ensure the satisfactory completion and operation of the development in the interests of visual and residential amenity and highway safety and to accord with Policies LP24 and LP21 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Other than demolition and site clearance works no development shall commence until samples of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved facing and roofing materials.

Reason: In the interests of visual amenity and to accord with Kirklees Local Plan Policy LP24 and Section 12 of the National Planning Policy Framework.

4. Prior to development commencing, a detailed scheme for the provision of a right turn lane from New Hey Road into the site and new pedestrian crossing with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and transport regulation orders together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.

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

5. Notwithstanding the details shown on the approved plan 2729-100 rev B, a scheme detailing arrangements and specification for the parking layout shall be submitted to and approved in writing by the Local Planning Authority before works on that part of the site commence. Before any building is occupied the development shall be completed in accordance with the approved scheme and retained thereafter.

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

6. Prior to demolition/ construction works commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, demolition/construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of demolition/ construction.

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

7. Other than demolition and site clearance works, no development shall commence until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision, - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

8. Other than demolition and site clearance works no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority detailing site investigation works into the presence of any water courses within the site. The report shall include details of any mitigation measures required should a water course be detected.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure adequate drainage provision is made to accommodate foul and surface water drainage from the site and to accord with Kirklees Publication Draft Local Plan Policies LP27 and LP28 and Section 14 of the National Planning Policy Framework.

10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) Evidence of existing positive drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

11. Surface water run-off from the proposed hardstanding areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To ensure that existing drainage, surface water and ground water regimes are not contaminated and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework.

12. Groundworks (other than those required for a site investigation report and demolition) shall not commence until a further Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The report shall address the issues highlighted in Section 7 of the supporting Geo-Environmental Assessment (Ref: P18-365).

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (12) further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and section 15 of the National Planning Policy Framework.

16. The use hereby permitted shall operate as follows:

The store shall not be open to customers outside the hours of 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 Sundays

There shall be no deliveries to or dispatches from the premises outside the hours of 07:00 and 22:00 Monday to Saturday and 09:00 and 18:00 Sundays

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

17. The use hereby permitted shall not be brought into use until details of the installation and/or erection of extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the supermarket is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

18. The use hereby permitted shall not be brought into use until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify how noise associated with deliveries will be managed including any mitigation measures to ensure that the occupants of nearby residential properties are not significantly affected. The approved noise management plan shall be fully implemented and retained during the lifetime of this planning permission.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

19. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:-

- Noise & vibration arising from all demolition/construction related activities to. This should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all demolition/construction related activities;
- Artificial lighting used in connection with all demolition/construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the demolition/construction of the development.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

20. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A minimum of one Standard Electric Vehicle Charging Point for every 10 parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage the use of sustainable modes of transport and to accord with section 9 of the National Planning Policy Framework and Policies PLP24 and PLP51 of the Kirklees Local Plan.

21. The site shall be landscaped in accordance with the details included on plan V2729-L01 Rev A in the first planting season following completion of the construction of the store. Notwithstanding the soft landscaping specification detailed on the aforementioned plan any trees or shrubs which fail during the first 5 years following planting shall be replaced during the next available planting season.

Reason: In the interest of visual amenity and to enhance local biodiversity and to accord with Kirklees Local Plan Policies LP30 and LP52 and Section 15 of the National Planning Policy Framework

22. No development shall commence until a scheme has been submitted to and approved in writing which details the measures to be included to mitigate against the impact of this development on local bat populations.

Reason: In the interest of enhancing local biodiversity and to accord with Kirklees Local Plan Policy LP30 and Section 15 of the National Planning Policy Framework..

23. The development shall not be brought into use until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning

Authority. The development shall be completed in accordance with the approved boundary treatments which shall be retained fit for purpose.

Reason: In the interest of visual amenity and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework

24. Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:-

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

Note: *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: *A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof*

- *At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.*
- *For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.*
- *The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.*
- *The installation must comply with all applicable electrical requirements in force at the time of installation.*

Note: *Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours , Saturdays With no noisy activities on Sundays or Public Holidays.*

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2729-050	Rev. A	20.05.2019
Proposed ground floor layout	2729-101		20.05.2019
Proposed roof plan	2729-104		20.05.2019
Tree constraints plan	DR-3865-01		20.05.2019
Topographical plan			20.05.2019
Tree survey	AR-3865-01		20.05.2019
Proposed elevations	2729-102	Rev. A	25.09.2019
Proposed elevations/sections	2729-103	Rev. A	25.09.2019
Proposed highway works	AMA/40023/SK/005		18.11.2019
Swept path Analysis	AMA/40023/SK/003		18.11.2019
Landscape Plan	V2729/L01	Rev. A	18.11.2019
Proposed Site layout	2729-100	Rev. B	20.11.2019
Air Quality Assessment	2735r2		20.05.2019
Phase I geo-environmental assessment	P18-365/DS		20.05.2019
Phase II geo-environmental assessment	P18-365		20.05.2019
Interim Travel Plan	40023-002		20.05.2019
Transport assessment	40023-001		20.05.2019
Noise assessment	ADT 2842/ENIA		20.05.2019
Flood risk assessment	P18-0365-3E-00-XX-RP-C-9000		20.05.2019
Design and access statement	2729 GOLD-DAS 01		20.05.2019
Planning and retail statement	18/4412		03.06.2019
Bat emergence survey	R-3865-02		01.07.2019
Construction management plan			05.08.2019
Updated Preliminary Ecological Appraisal	R-3865-01		03.09.2019
Supplementary retail impact assessment	4412		17.10.2019
Emissions mitigation plan	2735-1r3		21.11.2019

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 Planning 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.

Negotiations associated with this application have resulted in:

Agreement to use of natural stone on the prominent elevations of the development.

The submission of further information regarding site drainage

Supplementary information regarding Retail Impact Assessment

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.

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 Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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/planning-inspectorate>. 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: 29-Jan-2020

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

dc.admin@kirklees.gov.uk

or telephone 01484 414746 with the application number.

There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR
