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## Appeal Decision

Hearing held on 2 December 2025

Site visit made on 1 December 2025

**by A Hickey MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 January 2026

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**Appeal Ref: APP/Z4718/W/25/3369715**

**Land off Huddersfield Road/Leeds Road, Birstall, Batley WF17 9AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Wharfedale Ltd against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2022/62/92081/E.
  - The development proposed is demolition of existing buildings. Erection of retail food store and associated parking and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing buildings. Erection of retail food store and associated parking and landscaping at Land off Huddersfield Road/Leeds Road, Birstall, Batley WF17 9AA in accordance with the terms of the application, Ref 2022/62/92081/E, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of development and site address in the banner heading above are taken from the planning application form and as agreed by the main parties at the Hearing.
3. At the Hearing, the appellant provided an updated survey for occupied and vacant units within and outside of Birstall Centre. The Council was provided an opportunity to comment on the updated survey findings. I therefore do not consider that any party would be prejudiced by my acceptance of the updated survey.
4. As discussed at the Hearing and as noted in the supporting evidence, the Council's first retail appraisal<sup>1</sup> was withdrawn/superseded. It has therefore not been taken into account for the purposes of this appeal.
5. The Government is currently in the process of consulting on proposed amendments to the National Planning Policy Framework (the Framework). The draft revised Framework could be subject to significant amendments following the conclusion of the consultation and therefore it has little weight in my assessment of the current appeal. Instead, the extant version of the Framework has been considered.

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<sup>1</sup> Appraisal of Retail and Town Centre Issues dated November 2022 prepared by Nexus Planning

## **Main Issue**

6. The main issue is the effect of the proposed development on the vitality and viability of Birstall District Centre (BDC).

## **Reasons**

### *Policy and context*

7. The appeal site occupies a prominent position at the junction of Huddersfield Road and Leeds Road. The proposal would involve the demolition of a small terrace of vacant dwellings and former commercial buildings previously used as a garage and car sales business, and the erection of a convenience foodstore with associated parking, servicing, landscaping and boundary treatments.
8. The Statement of Common Ground (SoCG) confirms that the appeal site lies outside, but adjacent to, the defined boundary of BDC. While at the outer edge of the centre, the site is closely related to other commercial premises around the junction and, in my view, displays the characteristics of being functionally associated with the wider commercial area of the centre.
9. Additionally, I observed that the proximity of the Birstall Conservation Area (CA) provides an attractive historic environment in and around the BDC. The presence of a primary school, weekly market, public library, church, community centre and the availability of free parking are all components that likely encourage additional footfall into the BDC beyond the existing retail and professional service offers.
10. Policy LP13 of the Kirklees Local Plan (KLP) directs main town centre uses to defined centres, subject to the sequential test and, where relevant, an impact assessment. Given the proposal's scale and its location within 800 metres of the BDC, an impact assessment is required. Policy LP13 broadly reflects the objectives of the Framework in protecting the vitality and viability of town centres.
11. It is common ground that there are no sequentially preferable sites that are suitable and available to accommodate the proposal. It is also agreed that there are no known existing, committed or planned investments within BDC or nearby centres that would be adversely affected. I therefore find that the sequential test is met and that there is no conflict with paragraph 94 a) of the Framework.
12. Paragraph 94 b) of the Framework requires an assessment of the impact of proposals on town centre vitality and viability, including local consumer choice and trade. Paragraph 95 makes clear that planning permission should be refused only where a proposal is likely to have a significant adverse impact. This approach is reflected in KLP Policy LP13.
13. Planning Practice Guidance (PPG) advises that impact assessments should be undertaken in a proportionate and locally appropriate way, drawing on existing information where possible. While the appellant's evidence draws in part on the Kirklees Retail Capacity Study, I afford the study reduced weight due to its age and the limited number of survey responses, a matter agreed by the main parties.

### *Retail Impact*

14. It is common ground between the main parties that the impact considerations in this case relate solely to convenience goods. The Council's reason for refusal is

founded on the view that a top-up convenience store in this location would divert a substantial quantum of trade from the Premier Store (formerly Co-op/Nisa) and the Tesco Express store within BDC, both of which the Council considers to be of fundamental importance in underpinning the health of the centre.

15. From my site visit and the evidence before me, I find that BDC is in a reasonably healthy condition. While there is some disagreement between the parties regarding the precise number of units and the vacancy rate, I am satisfied that vacancy levels are below national averages and do not indicate a centre in decline or struggling. The Council does not dispute that vacancy levels are comparatively low. This is an important indicator of the BDC's health and resilience, particularly in view of the large out-of-centre retail/shopping park a short driveaway.
16. The BDC contains a diverse mix of uses, including independent professional services, leisure, food and drink and community facilities, many of which are inherently footfall-generating. The regular market, library, church, community centre, nearby school and free parking also form an important part of the centre's role and attraction. In my judgement, this diversity reduces the centre's reliance on any single use or operator.
17. While the Tesco Express and Premier Store perform an important top-up convenience function, I am not persuaded that these two stores alone underpin the vitality and viability of the BDC. The evidence and my observations indicate that the centre's health derives from its broader mix of uses and functions rather than being dependent on the performance of two modest convenience stores.
18. It is accepted that the appeal proposal would compete most directly with the Tesco Express and Premier Store. The Council's retail evidence identifies trade diversion of around 17.6% from the Premier Store and 19.9% from Tesco Express. These figures are notably higher than those advanced by the appellant and arise from differing assumptions, including sales density and pass-by trade. No figure has been put forward by the Council for the diversion on the BDC as a whole.
19. Having considered the retail impact evidence and the explanations provided at the Hearing, I am not persuaded that the appellant's assumptions would limit trade diversion to the levels suggested. While the edge-of-centre location and the presence of pass-by trade would lessen the scale of diversion, the appellant's modelling places substantial reliance on optimistic assumptions regarding sales density and the extent of expenditure drawn from passing traffic rather than from existing local convenience stores. In my view, these assumptions risk underestimating the degree to which the proposed store would compete directly with the Tesco Express and Premier Store.
20. Equally, I am also not persuaded that the Council's higher diversion estimates represent the most likely outcome. The Council's findings are heavily focused on redistribution of existing local expenditure, with limited allowance for pass-by trade or expenditure that might be captured from out-of-centre convenience shops such as the M&S Simply Food at the nearby retail park. In the context of a small-scale convenience store located adjacent to a busy junction, I consider that the Council's findings are likely to overestimate the degree of diversion from the in-centre stores.
21. Accordingly, I am not convinced that either of the main parties assumptions would be correct. In these circumstances, the Framework and Planning Practice Guidance make clear that planning judgement is required. Taking into account the

site's edge-of-centre relationship, the nature of the proposed top-up convenience offer, local shopping patterns and the scale of the development, I find that the most realistic outcome would lie between the impact scenarios advanced by the two parties.

22. Nonetheless, even if I were to accept the Council's higher diversion scenario, I have not been provided with or heard any compelling evidence to demonstrate that either Tesco Express or Premier Store is currently trading at a marginal or loss-making level such that the predicted diversion would place their continued operation at risk.
23. The Council contends that any loss of trade from these stores could lead to closure and would have consequential impacts on the wider centre. However, there is no substantive or up-to-date evidence quantifying the extent to which linked trips in the BDC are driven specifically by top-up convenience shopping at these stores, as opposed to trips generated by the centre's service, leisure, and community offer.
24. Given the nature of the centre's role and offer, I consider it likely that many visits are destination-led or multi-purpose rather than primarily convenience-based. In that context, a reduction in convenience turnover would not necessarily translate into a corresponding reduction in overall footfall or activity to the detriment of the vitality and viability of the BDC. Moreover, the appeal site's proximity to the BDC would make it attractive for linked trips into the centre, as it would appear to form part of the wider shopping offer.
25. There is no definition of what might constitute a significant adverse impact in the context of the impact test. PGG makes clear that this is a matter of planning judgement in light of local circumstances. I acknowledge that there would be an impact on Tesco Express and Premier Store, and potentially minor harm to Costcutter and Howden Clough stores. However, this impact would be limited in scale and would not undermine the overall vitality and viability of the BDC.
26. Having regard to the centre's diversity, low vacancy levels and strong service, leisure and community offer, I find that the centre is resilient to change. Even in the event of modest trade diversion or the hypothetical closure of one of the existing convenience stores, the evidence does not demonstrate that the BDCs' overall vitality and viability would be undermined. Accordingly, I find the significant adverse threshold set out in the Framework and Policy LP13 would not be met.
27. Interested parties have expressed concern that the proposal would draw customers away from the BDC. However, no substantive footfall or visitor data has been provided to demonstrate that the centre is currently struggling or that the proposal would lead to a material reduction in activity. Given the appeal site's proximity to the BDC, it would also present opportunities for linked trips rather than isolated shopping patterns.
28. In light of the above, while the proposal would have an impact on existing convenience stores, that impact would be limited in scale and would not amount to a significant adverse impact on the vitality and viability of the BDC. I therefore find no conflict with Policy LP13 of the KLP, the aims of which are set out above. For the same reasons, I also find no conflict with the Framework.

## Other Matters

29. Part of the appeal site is located within the CA. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. I am also mindful of the guidance in the Framework that great weight should be given to the asset's conservation.
30. The terrace of properties at Nos. 2–8 Huddersfield Road is identified as a non-designated heritage asset (NDHA) in the Birstall Conservation Area Appraisal, which recognises its contribution to the historic streetscape. However, the appraisal also notes that these buildings are currently in a dilapidated condition and are at risk from further deterioration.
31. The significance of the CA, particularly this part in which the appeal site is located, is derived from the historic layout, including transport routes and view towards Birstall Market Place, which forms the central nucleus of the settlement. The surrounding site topography and varying styles and designs of historic buildings add variety and character to CA. Consequently, the area's varied historic layout and forms of dwellings and buildings add to the CA's architectural interest and character.
32. The existing terrace is in a poor state of repair and has been subject to unsympathetic modern alterations, including uPVC windows, doors and rainwater goods. There is also compelling structural evidence to indicate that the buildings are no longer fit for purpose. While their original form and materials reflect the wider character of the CA, their current condition detracts from the appearance of this part of the area.
33. The proposed building would not wholly replicate the predominantly two-storey appearance of the existing terrace row due to the single-storey wrap-around elements to the side and rear. Nonetheless, the bulk of the building would have a two-storey appearance, and the revised materials palette would ensure the building comfortably assimilates with those found in the surrounding CA.
34. For these reasons, the proposed development would form a sympathetic addition to the area, and the character and appearance of the CA would, as a result, be preserved. As such, the loss of the NDHA would be outweighed by the improvement to this part of the CA, which the NDHA currently detracts from.
35. No cogent evidence is presented to suggest that the condition of the terrace has arisen through deliberate neglect. In any event, I have considered the proposal on its own merits and, while the loss of the NDHA is regrettable, it does not justify withholding planning permission in this case.
36. Objections have been received in relation to traffic, highway safety, congestion, the findings of the Transport Statement, the location of the bus stop and construction traffic. I carried out an unaccompanied site visit during the afternoon peak period, including school pick-up time, and observed traffic conditions at the junction and on surrounding roads.
37. While there was a short-term increase in traffic and queuing at the signalised junction, this was limited in duration. I accept that the development would result in an increase in traffic movements compared to the existing situation. However, based on the evidence before me and my site observations, I am satisfied that

there would be no unacceptable impact on highway safety and that the residual cumulative impacts on the road network would not be severe.

38. The site benefits from an extant permission for car sales, a use which would also have generated vehicle movements. No cogent evidence has been provided to demonstrate that this former use resulted in unacceptable highway impacts. I therefore find no basis for concluding that the proposal would give rise to unacceptable congestion or highway safety concerns. These findings would reflect the Council's views on these matters, and I see no requirement for a revised Transport Statement.
39. Matters relating to short-term construction traffic, servicing, and noise can be adequately controlled through planning conditions. There is no substantive evidence to suggest that the proposal would give rise to vermin issues affecting neighbouring properties.
40. Concerns relating to retail need or the existence of other retail proposals elsewhere are not determinative as the proposal has been found acceptable for the reasons set out above.
41. My attention has been drawn to the Holmfirth appeal<sup>2</sup>. Whilst this appeal relates to a retail store, it does not involve the same local circumstances as those before me. As such, it carries little weight and does not lead me to conclude differently on the main issue.

### **Conditions**

42. I have had regard to the planning conditions suggested and agreed between the main parties in the SoCG and considered them against the tests in the Framework and the advice contained in the Planning Practice Guidance. I have accordingly modified the wording or form of certain conditions without altering their fundamental aims.
43. In addition to the statutory time limit condition (1), a condition specifying the plans that are approved and that the development shall be undertaken in accordance with them is required in the interests of certainty (2). In the interests of the area's character and appearance, a condition on roofing material is also necessary (3).
44. To safeguard future users and neighbouring occupiers from potential land contamination, conditions requiring site investigation, risk assessment, and, if necessary, remediation works are justified (5-9). Conditions have been imposed for turning facilities, a road conditions survey, road markings, a servicing management plan, a construction schedule and frontage parking details in the interests of highway safety (13, 14, 15, 16, 21, 22).
45. Conditions are included to restrict the opening hours of the units to customers and the times between which deliveries can be made or dispatched from the site in the interests of the living conditions of neighbouring residents (26, 27).
46. Lighting conditions to protect the living conditions of neighbouring residents and in the interest of biodiversity are also included. Conditions for bird boxes and nesting birds are also included in the interests of biodiversity. Drainage conditions are

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<sup>2</sup> APP/Z4718/A/13/2191213

necessary to ensure satisfactory drainage of the site in the interests of flood prevention (10, 11, 12, 18, 19, 20, 24).

47. It is necessary in the interests of amenity to impose conditions on noise, including the provision of an acoustic fence and submission of an air quality assessment. Finally, in the interests of security, a scheme detailing the full site safety and security measures is required (4, 17, 23, 25).

### **Conclusion**

48. For the reasons given above, having regard to the development plan taken as a whole and all other relevant material considerations, I conclude the appeal should be allowed.

*A Hickey*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

- Nicholas Willock - Robert Halstead Chartered Surveyors & Town Planners
- Andrew Astin - WSP

### FOR THE LOCAL PLANNING AUTHORITY:

- Edward Cheseldine - Planner
- Kirsty Nicholls - Team Leader
- James Broadhead - Senior planner (Policy Team)
- Heather Lindley-Clapp – Nexus Planning

## SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: WLLR-MWA-XX-XX-DR-A-0001 P1, MWA\_198\_Birstall 1, WLLR-MWA-XX-XX-DR-A-1001 P7, WLLR-MWA-XX-ZZ-DR-A-0005 P1, WLLR-MWA-XX-ZZ-DR-A-0006 P1, WLLR-MWA-XX-ZZ-DR-A-0003 P1, WLLR-MWA-XX-XX-DR-A-0004 P1, 15124, WLLR-MWA-XX-XX-DR-A-0103 P9, WLLR-MWA-XX-GF-DR-A-0102, E20/7706/01C and 1620-201C.
- 3) Notwithstanding the submitted details, the roof should be finished in stone slates and shall be thereafter retained throughout the lifetime of development.
- 4) Before the development is brought into use a full Air Quality Impact Assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall:
  - determine the impact that the development will have on air quality (taking into consideration any cumulative impact from other local developments)
  - include a calculation of the monetary damages from the development and
  - include a fully costed mitigation plan detailing the proposed low emission mitigation measures. The monetary value of the damages should be reflected in money spent on the low emission mitigation measures

The approved low emission mitigation measures shall be implemented before the development is brought into use & retained thereafter.

- 5) Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
- 6) Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (5). Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
- 7) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (6) further. Groundworks shall not commence until a Remediation Strategy by a suitably competent person 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.
- 8) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (7). 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.

- 9) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report by a suitably competent person 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 have 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.
- 10) Development shall not commence until a detailed design scheme detailing foul, surface water and land drainage, including agreed discharge rates with the LLFA indirectly or directly to watercourse, attenuation for the critical 1 in 100 + climate change rainfall event, attenuation construction details /design, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development and retained thereafter.
- 11) The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.
- 12) Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) 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 is prevented.

- The strategy shall include a plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm. It should be assumed that once the site has been stripped that the percentage run-off will be 100 %. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise agreed with the LLFA.

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.

13) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include:

- the point of access for construction traffic
- details of the times of use of the access
- the routing of construction traffic to and from the site
- construction workers parking facilities and the provision
- use and retention of adequate wheel washing facilities within the site.

Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

14) The development shall not commence until a scheme detailing measures to manage parking to the site frontage on Leeds Road and all associated works have been submitted to, and approved in writing by, The Local Planning Authority. Unless otherwise agreed in writing no part of the scheme shall be brought into use until the approved scheme has been implemented.

15) Prior to development commencing, road condition surveys shall be submitted and approved in writing by the local planning authority. Upon completion of the development, prior to the development being brought into use, post-development road condition surveys and a schedule of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to the development.

16) Prior to development commencing, a detailed scheme for the provision of Keep Clear Marking at the junction of the proposed site access and Leeds Road shall be submitted to and approved in writing by the Local Planning Authority. All of the agreed works shall be implemented before any part of the development is first brought into use.

17) Before the development is brought into use details of an acoustic barrier to the entire south-western boundary as recommended in section 5.04 of the report by Environmental Noise Solutions Ltd - dated 22 February 2022 (Ref: NIA/9103/20/9089/v2/2 Huddersfield Road) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the barrier
- The minimum height of the barrier relative to the adjacent ground level
- The construction specification of the barrier including the barrier support structure, the barrier material, the minimum barrier thickness, the minimum density of the barrier material and the details where the barrier meets the ground.

The use hereby approved shall not commence until the construction of the acoustic barrier has been completed and the barrier shall be retained thereafter.

18) 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.

19) Prior to the occupation of the property, a plan detailing the positioning and location of an integral bird box (Manthorpe Swift Brick or similar) shall be submitted to and approved in writing to the local authority. The installation of the bird box shall be carried out in accordance with the approved details and timetable and shall thereafter be retained in that form.

20) Prior to occupation, a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 21) Before any the development is brought into use, turning facilities shall be provided in accordance with the details shown on the approved Visibility & Vehicle Tracking Plan '1620-201C'. The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.
- 22) Before any the development is brought into use, a Servicing Management Plan, which details the maximum size of vehicle which can enter the site, and waste storage and collection points, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be fully implemented, and the development thereafter operated in accordance with the approved details.
- 23) No part of the development shall be brought into use until a scheme detailing the full site safety and security measures to be implemented, has been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include details of security glazing, CCTV and boundary treatment. The development shall be implemented in accordance with the approved details.
- 24) Works affecting potential bird nesting areas shall not take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the area is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
- 25) The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.
- 26) The use hereby permitted shall not be open to customers outside the hours of 07.00 to 23.00 Monday to Sundays.
- 27) There shall be no deliveries to or dispatches from the premises outside the hours of 07.30 and 19.00 Monday to Saturdays and 10.00 and 18.00 Sundays.

**End**