

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2023/62/91405/W</b>
Site Address:	Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA
Description:	Erection of foodstore (class E) with associated access, parking, servicing area and landscaping
Recommending Officer:	Nick Hirst

**DECISION – Section 106 full planning permission – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

*Victor Grayson*

**AUTHORISED OFFICER**

**Date:** 05/08/2025

**Decision Authorisation:** Committee Decision

**Committee:** Strategic Planning Committee

**Date of Committee:** 30/01/2025

**Application Number:** 2023/91405

### **Officer Recommendation**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matter(s):

**Biodiversity Net Gain (to secure 10% net gain off-site):** £37,030 towards off-site ecological habitat enhancement.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**Note:** recommended conditions revised in committee update.

### **Committee Decision**

Approve officer recommendation.

### **Post Committee Update**

Following the committee the conditions were drafted and agreed with the applicant, with final version agreed via email dated 10/04/2025.

The Section 106 agreement was signed / sealed, and subsequently dated 31/07/2025.

**Report Dated:** 04/08/2025

### **Conditions and Reasons**

1. The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Trees T1 and T2, as identified in Ecological Impact Assessment ref. 1513\_R01d\_GB\_CW, shall be felled in accordance with the details outlined in paragraph 4.5 of the same document.

**Reason:** In the interest of preventing undue harm to trees, in accordance with Policy LP33 of the Kirklees Local Plan.

4. No site clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check of the site for active birds' nests immediately before clearance works 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. The written confirmation shall be submitted to the Local Planning Authority to verify that this check has been undertaken.

**Reason:** To prevent significant ecological harm in respect of direct impacts to birds, their eggs, nests and young in order to accord with Policy LP30 of the Kirklees Local Plan.

#### Prior to development commencing

5. Prior to development commencing, details of the improvement works to the Turnstone Way and Blackmoorfoot Road junction, as shown on plan ref. 21/209/TR/005 Rev. C (contained within the Transport Assessment ref. 21-209-007.01), shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Geometric design of the street layout, including widths, radii, and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles; and
- Road markings

Thereafter the approved improvement works shall be installed and made ready for use prior to above ground works commencing.

**Reason:** To ensure that suitable access is available for the development, in the interest of the safe and effective operation of the highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details of the delivery of important facilities and suitable designs are designed prior to potentially abortive works taking place.

6. Prior to development commencing, notwithstanding the submitted information, details of the junction and associated highway works, between the proposed site access and Turnstone Way have been submitted to and approved in writing by the Local Planning Authority. This shall include:

- Geometric design of the street layout, including widths, radii, and horizontal and vertical alignment;
- Surface treatments;
- Junction visibility and forward visibility splays, and their treatment;
- Swept paths for the Kirklees Design Refuse vehicle and delivery vehicles; and
- Road markings;

No building shall be brought into use until the works to provide the junction have been completed in accordance with the approved details.

**Reason:** To ensure that suitable access is available for the development, in the interest of the safe and effective operation of the highway network, in accordance with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details of the delivery of important facilities and suitable designs are designed prior to potentially abortive works taking place.

7. Prior to development commencing, a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include details of:

- Any phasing of development and timetable of all works;
- Hours of works;
- Construction access arrangements;
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;

- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities;
- Means of engagement undertaken with local residents, occupants and/or their representatives, and means of continued engagement during the construction process; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

**Reason:** In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity are devised and agreed at an appropriate stage of the development process.

8. Prior to development commencing, (including demolition, ground works, vegetation clearance) a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure avoidance of impacts to protected and priority species in order to prevent significant ecological harm in accordance with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid biodiversity impacts are devised and agreed at an appropriate stage of the development process.

9. Prior to development commencing, details of temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be 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; and
- Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is 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 ensure the effective disposal of surface water from the development (including its internal roads) so as to avoid an increase in flood risk and so as to accord with Policy LP28 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure details of drainage are agreed at an appropriate stage of the development process.

10. Prior to development commencing (other than groundworks required for a site investigation report) a Phase II Intrusive Site Investigation Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary as the undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

11. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 10, 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. Remediation of the site shall thereafter be carried out and completed in accordance with the approved Remediation Strategy. 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 two 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:** So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary as the undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with the National Planning Policy Framework.

12. Prior to development commencing, a scheme detailing locations and including cross sectional information together with the proposed design and construction details for all new retaining walls / building retaining walls adjacent to the existing / proposed highways shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved details, which shall thereafter be retained.

**Reason:** To ensure the stability of retaining structures on site, for the safe and efficient operation of the highway and to comply with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure the necessary design has been secured prior to relevant works being undertaken.

#### Prior to the above ground works commencing

13. Prior to above ground works commencing, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 0.36 habitat units to be achieved post development are to be provided on site and shall include details of the following:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management;
- Appropriate management Actions for achieving Aims and Objectives;
- An annual work programme (to cover an initial 5-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures;
- The BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years;
- Details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery; and
- Where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met, the BEMP shall detail how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP.

Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

14. Prior to above ground works commencing, a scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor of adequate capacity prior to discharge shall be submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor. Thereafter the development shall be undertaken in accordance with the approved details.

**Reason:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

15. Prior to above ground works commencing, 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), shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

**Reason:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

16. Prior to above ground works commencing, a detailed design scheme detailing foul, surface water and land drainage, including discharge rates 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 and 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 the scheme shall include a maintenance and management plan for surface water infrastructure. 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.

**Reason:** In the interest of ensuring an appropriate surface water system and mitigation of flood risk, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan.

17. Prior to above ground works commencing, details of insulation, on-site micro-generation, or other measures to be incorporated into the development to reduce carbon emissions associated with it shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development during construction and shall thereafter be retained as such.

**Reason:** To ensure that the proposed development contributes to the council's target of achieving 'net zero' carbon emissions by 2038 and thereby reducing the causes of climate change, and to accord with the aims of Policy LP24(d) of the Kirklees Local Plan.

18. Prior to above ground works commencing, a Crime Mitigation Strategy shall be submitted to, and approved in writing by, the Local Planning authority. The strategy shall detail the development's measures to mitigate and protect from crime, giving due regard to boundary treatment, lighting, glazing specification, means of locking, alarms, and vehicle storage. Thereafter, the approved crime mitigation measures shall be implemented on site, prior to the development being occupied, and shall thereafter be retained.

**Reason:** To mitigate the harmful impacts of crime, and the perception of crime, in the interest of residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

19. Prior to above ground works commencing, notwithstanding the approved plans, full details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Planting plans;
- Written specifications of soil depths, cultivation and other operations associated with plant and grass establishment;
- Schedules of plants noting species, planting sizes and proposed numbers/densities;
- Assessment of landscaping impact on public sewer infrastructure;
- Details of an implementation and maintenance programme for a minimum 5-year period; and
- Details of phasing of soft landscaping works.

All soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme, phasing and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme. If within a period of five years from the date of the planting of any tree/hedge/shrub that tree/hedge/shrub, or any replacement, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree/hedge/shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of the provision and establishment of acceptable landscape scheme to ensure a good quality development, in accordance with Policy LP24 of the Kirklees Local Plan.

20. Prior to the above ground works commencing, a further/addendum noise assessment report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. The report shall include:

- An assessment of all noise emissions from the car parking area of the proposed development;
- Details of existing background and predicted future noise levels at the boundary of the nearest noise sensitive premises; and
- A written scheme of how the occupants of the above-mentioned noise sensitive premises will be protected from noise from the proposed development including details of all necessary noise attenuation.

The development shall not be brought into use until all works comprised within the measures specified in the approved report have been carried out in full and such measures shall be thereafter retained.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of

amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Prior to specific trigger

21. Prior to their use, details of all the external facing materials shall be submitted to and approved in writing by the Local Planning Authority. The proposed details shall adhere to the information shown on plan ref. P210 rev. C. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

22. Prior to their use, details of all the external facing materials for the proposed retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

**Reason:** In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan.

23. Prior to the installation of any boundary treatment and prior to the occupation of the building, a boundary treatment strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include typical elevations for the boundary treatment(s) proposed, the colour and materials composition of the boundary treatments set out in approved plan P416 rev. E. The boundary treatments shall be installed in accordance with the approved boundary treatment scheme, prior to the development being brought into use, and shall thereafter be retained.

**Reason:** In the interests of visual amenity in accordance with Policy LP24 Design of the Kirklees Local Plan

24. Before the installation of external artificial lighting commences, notwithstanding the submitted information, an External Lighting Design Strategy for Biodiversity and Residential Amenity shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;

- 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;
- 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;
- 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
- 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 (once approved), 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.

**Reason:** To safeguard the amenities of the occupiers of nearby properties, to protect wildlife and promote sustainable development in accordance with part 2 and 15 of the NPPF and Policies LP30 and LP52 of the Local Plan

#### Prior to the development being brought into use

25. Before the development is brought into use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to improve and encourage the use of sustainable transport. The measures will include as a minimum:

- The provision of current/up-to-date bus/train timetables and information;
- Car sharing facilities;
- The introduction of working practices to reduce travel demand; and
- The provision of on-site cycle facilities and information.

The Travel Plan will include details of when these measures will be introduced. To support the promotion of the use of sustainable modes the travel plan will also include:

- How the Travel Plan will be managed;
- Targets aimed at lowering car use, particularly single occupancy trips, from/to the site;
- A program for monitoring the Travel Plan and its progress; and
- How the Travel Plan and its objective of more sustainable travel will be promoted.

Thereafter the development shall be operated in accordance with the approved travel plan.

**Reason:** In the interests of promoting sustainable travel, and to accord with Policy LP20 of the Kirklees Local Plan.

26. Prior to the hereby approved development being brought into use, the car park and parking spaces shall be surfaced and marked out into bays in accordance with approved plan P413 rev. K. The car parking spaces shall thereafter be retained in accordance with approved details.

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

27. Prior to the hereby approved development being brought into use, a strategy for the permanent closure and making good for the existing access onto Blackmoorfoot Road shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include any redundant footway crossings being removed and the footway reinstated. Thereafter, prior to the occupation of the hereby approved development, the approved works shall be implemented in full.

**Reason:** In the interests of highway safety, to avoid any danger and inconvenience to highway users in accordance with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

28. Prior to the hereby approved development being brought into use, the development's ventilation and extraction systems shall be installed in accordance with the details outlined in the document Ventilation & Extraction Statement by DDA Building Services/Consultant Engineers. Thereafter, the site's ventilation and extraction systems shall be retained and maintained in accordance with the approved details.

**Reason:** In the interest of preventing harmful odour pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

29. Prior to the hereby approved development being brought into use, five Sheffield cycle hoops shall be installed in accordance with the details shown on plan ref. P422 rev. B. Thereafter the cycle hoops so installed shall be retained.

**Reason:** To promote alternative means of travel, in accordance with Policy LP21 of the Kirklees Local Plan.

30. Prior to the hereby approved development being brought into use, details of staff cycle storage facilities shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle facilities shall be suitably safe from the elements and crime. Thereafter, the approved cycle facilities shall be installed on site, prior to the development being brought into use, and shall thereafter be retained.

**Reason:** To promote alternative means of travel, in accordance with Policy LP21 of the Kirklees Local Plan.

31. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy pursuant to condition 11 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 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.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

32. Prior to the hereby approved development being brought into use, a Delivery Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall detail the control measures that will be taken to ensure that excessive noise does not arise from the deliveries and the actions that will be taken to prevent a loss of amenity. The approved Delivery Noise Management Plan shall thereafter be adhered to.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

33. Before first occupation, 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 approved dedicated facilities for charging electric vehicles shall be installed prior to occupation and retained for use thereafter. The EVCPs should be installed before the development is brought into use.

**Reason:** In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

#### Ongoing requirements

34. The use hereby permitted shall not be open to customers outside the hours of:

- Monday to Saturday: 0800hrs to 2200hrs
- Sunday: 1000hrs to 1800hrs.

**Reason:** To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

35. There shall be no deliveries to or dispatches from the premises outside the hours of:

- Monday to Saturday: 0800hrs to 2200hrs
- Sunday: 1000hrs to 1800hrs.

**Reason:** To ensure that the proposed use does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

36. 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.

**Reason:** To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

37. The development shall operate with no more than 1,331sqm (square metres) of net internal sales floorspace and 2,000sqm of gross internal floorspace. The quantum of net internal sales floorspace dedicated to comparison goods shall be no more than 248sqm with the remaining net internal sales floorspace dedicated to convenience goods.

**Reason:** To ensure the retail store operates in the manner originally proposed throughout the lifetime of the permission in accordance with the requirements of Local Plan Policy LP13 (Town Centre Uses) and Chapter 7 of the National Planning Policy Framework.

38. The development shall not be sub-divided to form multiple planning units and shall remain as a single planning unit in perpetuity.

**Reason:** To ensure the retail store operates in the manner originally proposed throughout the lifetime of the permission in accordance with the requirements of Local Plan Policy LP13 (Town Centre Uses) and Chapter 7 of the National Planning Policy Framework.

**Note – Electric Vehicle Charging Points:** A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable.

For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points will 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 and the installation must comply with all applicable electrical requirements in force at the time of installation.

**Note:** It is the developer and landowner's responsibility to secure a safe development.

**Note:** Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

**Note:** All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

**Note:** The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition

**Note:** To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- Monday to Friday: 0730 – 1830
- Saturday: 0800 – 1300
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Floor Plan	P110	Rev. B	05/07/2024
Proposed Floor Plan	P111	Rev. B	05/07/2024
Proposed Elevations	P210	Rev. C	05/07/2024
Proposed Site Sections	P301	Rev. A	05/07/2024
Proposed Site Sections	P302	Rev. A	05/07/2024
Location Plan	P410		18/12/2023
Existing Site / Block Layout	P411		18/12/2023
Block plan	P413	Rev. K	05/07/2024
Proposed Site Survey (levels)	P414	Rev. B	05/07/2024
Block plan	P415	Rev. C	05/07/2024
Block plan	P416	Rev. E	05/07/2024
Block plan	P421	Rev. B	05/07/2024
Proposed Floor Plan	P422	Rev. B	05/07/2024
Plan General	DR-C-0102	Rev. P1	08/03/2024
Proposed Site Sections	DR-C-0103	Rev. P1	08/03/2024
Proposed Landscaping Layout	R/2682/1	Rev. F	08/07/2024
Design and Access Statement			21/12/2023
Flood Risk Assessment			18/12/2023
Drainage / Foul Sewerage Assessment	DR-C-0101	Rev. P1	08/03/2024
Drainage / Foul Sewerage Assessment	DR-C-0100	Rev. P5	08/03/2024
Drainage / Foul Sewerage Assessment	Surface Water Drainage Maintenance and Management Schedule	Micro Drainage	08/03/2024
Drainage / Foul Sewerage Assessment			08/03/2024
Tree / Arboricultural Survey	AWA5710		18/12/2023
Supporting Information	Preliminary Appraisal Report (Desk-Top Study)		18/12/2023
Supporting Information	St Luke's Hospital Energy & Sustainability Statement		18/12/2023
Supporting Information	Ventilation and Extraction Statement		15/05/2023
Noise Assessment	NIA/10533/22/10679/v4/ Blackmoorfoot Road, Lidl		18/12/2023
Air Quality Assessment	GM12449		18/12/2023
Air Quality Assessment	Technical Note		22/01/2025
Ecological/Biodiversity	Ecological Impact		18/12/2023

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Statement	Assessment		
Retail Assessment	Planning and Retail Statement		15/05/2023
Retail Assessment	Updated Retail Assessment Summary		18/12/2023
Transport Assessment	Transport Assessment		18/12/2023
Transport Assessment	Technical Note (ref. 21-209-007.01)		13/05/2024
Transport Assessment	Travel Plan		18/12/2023
Transport Assessment	Road Safety Audit: Stage 1		22/05/2024
Transport Assessment	Road Safety Audit: Stage 1: Designers Response		22/05/2024

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.