KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2026/70/90740/W
Site Address:	Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA
Description:	Variation of conditions 2 (plans), 12 (retaining walls), 17 (carbon emissions), 18 (crime mitigation strategy), 19 (landscaping), 20 (noise assessment), 21 (materials), 23 (boundary treatments) and 32 (delivery noise management plan) on previous permission 2023/91405 for erection of foodstore (class E) with associated access, parking, servicing area and landscaping
Recommending Officer:	Ellie Thornhill

DECISION – Section 73 Variation of Condition – 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.

Nick Hirst

AUTHORISED OFFICER

Date: 21-Jul-2026

Officer report

Application: 2026/90740

Site: Part of former St Luke's Hospital site, Blackmoorfoot Road, Crosland Moor, Huddersfield, HD4 5RA

Proposal: Variation of conditions 2 (plans), 12 (retaining walls), 17 (carbon emissions), 18 (crime mitigation strategy), 19 (landscaping), 20 (noise assessment), 21 (materials), 23 (boundary treatments) and 32 (delivery noise management plan) on previous permission 2023/91405 for erection of foodstore (class E) with associated access, parking, servicing area and landscaping

Site description

The application site is brownfield land which was previously part of the St Luke's hospital grounds. The hospital was demolished between 2013 and 2014, with most of the hospital's grounds subsequently being redeveloped for residential use, while the application site was kept vacant. The outline permission which authorised the residential redevelopment included the application site having a retail use.

The site is within a residential area, with residential properties in each direction. Dwellings sit upon the site's south and west boundaries, with dwellings to the northeast and northwest separated from the site by Turnstone Way and Blackmoorfoot Road respectively. Several properties near to the site, on Blackmoorfoot Road, are Grade 2 Listed.

The topography of the area generally slopes downhill from southwest to northeast, with the land within the site and neighbouring dwellings following this form. Several TPOs are within the site's boundaries, however many of these trees have been felled previously (as part of the site wide re development). Two remain, a sycamore roughly north-east of the centre of the site and a horse chestnut adjacent to Blackmoorfoot Road. A substation sits to the immediately east of the site, fronting onto Turnstone Way.

Description of Proposal

This application is submitted under Section 73 of the Town and Country Planning Act.

National Planning Guidance confirms that permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. The guidance also confirms that in deciding any application under Section 73 (or S73A), the local planning authority must only consider the condition/s that are the subject of the application – is it not a complete re-consideration of the proposal.

The application seeks planning permission for the variation of conditions 2 (plans), 12 (retaining walls), 17 (carbon emissions), 18 (crime mitigation strategy), 19 (landscaping), 20 (noise assessment), 21 (materials), 23 (boundary treatments) and 32 (delivery noise management plan) on previous permission 2023/91405 for erection of foodstore (class E) with associated access, parking, servicing area and landscaping

The relevant conditions on the 2023/91405 application are:

> *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.*
>
> *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.*
>
> *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.*

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.*

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.*

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.*

In terms of the modifications proposed under condition 2, these include:

- Increase the finished floor levels (FFL) by 300mm across the site, to allow for the necessary changes to the site levels which are required particularly for the site access and in front of the store to enable the bellmouth at the site access to be adopted by the Local Highway Authority.

Alongside the above, this application seeks to vary the wording of planning condition 12 to remove the “pre-commencement” trigger. Whilst no wording for this has been offered by the applicant/agent, the covering letter sets out that they wish for this to be “prior to the construction of the new retaining walls”. This will be discussed and assessed in more detail below.

Lastly, the application seeks to amend conditions 17, 18, 19, 20, 21, 23 and 32 into prescriptive conditions, based on their details previously being discharged. This will be reviewed in the conditions section of the report.

History of negotiations/amendments received

Officers entered into discussions with the agent to request section plans from East to West and from North to South to fully understand the impact the development could have on the existing adjacent residential properties. These were received on the 21/05/26. Officers have also entered into discussions with the agent regarding the four EVCP’s to be provided, as the discharge of condition application 2025/92379 determined on the 01/05/2026 has secured six. As such, amended plans have been sought, to show six EVCP’s as opposed to the initial four. The conditions and plans table have also been agreed in writing with the agent on the 20/07/26.

Relevant Planning History

<u>At the application site</u>

2023/91405 Erection of foodstore (class E) with associated access, parking, servicing area and landscaping – S106 Full Permission.

2025/92379 Discharge of details reserved by condition 33 (EVC) on previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping – Approved.

2025/92472 Erection of illuminated signs – Granted.

2025/92535 Discharge of details reserved by conditions 9 (temporary drainage), 14 (oil/petrol interceptor), 15 (flood routing), 16, (drainage strategy), 19 (landscaping) on previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping – Split decision.

2025/92676 Discharge of details reserved by conditions 12 (retaining walls), 17 (carbon emissions), 18 (crime mitigation strategy), 20 (noise assessment), 21 (materials), 23 (boundary treatments) and 32 (delivery noise management plan) of previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping – Split decision.

2025/92887 Discharge of details reserved by conditions 7 (Construction (Environmental) Management Plan), 8 (Construction Management Plan:

Ecology), 10 (Phase 2 Site Investigation Report), 13 (Biodiversity Enhancement and Management Plan), 22 (Retaining Wall), 24 (Lighting) on previous permission 2023/91405 for erection of foodstore (Class E) with associated access, parking, servicing area and landscaping – Pending consideration.

Surrounding area

Nonrelevant to the current proposal.

Representations

The application has been advertised via site notice and the press.

Final publicity expires: 01/05/2026

As a result of the above publicity, no representations have been received.

Consultation Responses

KC Lead Local Flood Authority: In respect of original flood risk and drainage conditions, the temporary drainage plan is acceptable as proportionate to the risk identified and the scale of development (Condition 9). Clarification on flood routing has been provided by levels and gradients shown on submitted plans. This is now accepted (Condition 15). An accepted drainage scheme has been submitted that includes a maintenance and management plan. The non return valve inclusion to protect crate storage from any surcharge from the existing public combined sewer is noted (Condition 16).

KC Highway Structures: I would like to advise that condition 12 (retaining walls) should be reimposed.

Local ward councillors

Local ward councillors Cllr Imran Safdar, Cllr Alex Vickers and former councillor Cllr Jo Lawson have all been notified of this application. However, no formal comments have been received.

In the interest of expediency officers have not notified new ward councillors following the May 2026 elections.

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for this part of Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019)

The application site is unallocated in the Kirklees Local Plan. Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP7** – Efficient and effective use of land and buildings
- **LP13** – Town centre uses
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP67** – Mixed use allocations

National Planning Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021 and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 7** – Ensuring the vitality of town centres
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment

Scope of this application

This application is made under S73 of the Town and Country Planning Act 1990, which allows for the 'determination of applications to develop land without compliance with conditions previously attached'. In addition to removing conditions, S73 enables the varying of a condition's wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight. However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context.

In terms of local context, there has been no changes in the environment (including built and natural) which would impact on the assessment of the application.

In light of the above, consideration must be given to the specific changes proposed and their interaction with adopted planning policy.

The principle of development on the site has already been established by the planning application 2023/91405 to which this application relates.

Implications of the proposed variation of Condition 2

Urban design considerations (including heritage assets)

Policies LP1, LP2 and LP24 of the Kirklees Local Plan are all relevant, as these policies seek to achieve good quality design that retains a sense of local identify, which is in keeping with the scale of development within the area and is visually attractive. These aims are also reinforced within Chapter 12 of the NPPF (Achieving well designed plans) where paragraph 131 provides an overarching consideration of design. In this case, the proposal seeks to change the finished floor levels across the site by 300mm.

From a visual perspective officers consider the height increase to be inconsequential when taking into account the original consent. The scheme is also considered to sit comfortably within the surrounding built form, which would still allow for the natural fall in topography from the south west to north east.

The sites proposed boundary treatment, approved under application 2025/92676 would also be constructed on land 300mm higher than what was originally approved. In this case, such changes are not considered to have a detrimental impact to the visual amenity of the site or the wider area in which it sits within.

Other than the above, the covering letter submitted as part of this application further confirms that there would be no further changes proposed to the layout or design of the store.

Having taken into account the changes proposed, they are not considered to significantly change the appearance, size or scale of the building, nor would they affect the use of the development in the context of the wider area. The changes sought are considered to be of an equivalent quality to that originally approved and would not detract from the original approval. The proposed variation is deemed to adhere to the aims and objectives of LP24 of the Local Plan and Chapter 12 of the NPPF.

Impact on the historic environment

In terms of impact on adjacent heritage assets, it is acknowledged that there are several Grade II listed buildings within close proximity to the site, all of which are terraced dwellings fronting (or are back-to-back properties) onto Blackmoorfoot Road. These are numbers 174 – 190 (even properties only), 194, 200, 303 and 305 Blackmoorfoot Road.

In this instance, the marginal increase of 300mm across the site's levels, is not considered to give rise to any material impact upon the nearby heritage assets (materially different to that assessed as part of the original approval) and therefore is considered to have a neutral impact. Accordingly, the proposal is considered to comply with the aims of policy LP35 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

Paragraph 135 of the National Planning Policy Framework states that Local Planning Authorities should seek to achieve a high standard of amenity for existing and future users.

This is echoed within Kirklees Local Plan policy LP24 which states that proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The nearest residential properties to the site are the properties that lie to the west and south along Turnstone Way, those to the north east along Chapel Terrace, and those to the north west along Blackmoorfoot Road.

30 – 56 Turnstone Way

Section plans AA, BB and CC have been submitted to show the relationship the development would have with the aforementioned residential properties along Turnstone Way.

Section plans AA and BB focus on the residential dwellings to the west/south west of the site. On review of these plans, officers are satisfied that

significant separation distances would be retained, along with a reasonable height difference which would mean that these residential properties would remain on a higher level than the application site. The site / proposed building as approved sat on a significantly lower ground level than these dwellings, which would remain the case, despite the 300mm increase.

The slight (300mm) increase in the overall height of the boundary treatment closest to these neighbours as a result of raising the site levels, is also not considered to give rise to any material overbearing or overshadowing. Therefore, officers are satisfied that the changes proposed would have an acceptable impact on these neighbours' amenity.

34 Turnstone Way

These neighbours are situated to the south east of the application site. The agent has confirmed that whilst the boundary treatment/acoustic fence would be retained at the overall height of 1.8-2.4m along the site's boundary with these neighbours, given the increase in finished site levels, the boundary treatment would appear 300mm taller within these neighbours' garden.

As such, section plans have been sought, which shows a separation distance of 9.3m from the fence to these neighbours nearest rear elevation. There would also be 13.7m retained from the nearest elevation at the Lidl to these neighbours (albeit, due to the levels differences and the main built form being on a significantly lower level) officers are satisfied that there would be no undue overbearing, overlooking or overshadowing, as a result of the minor amendments proposed.

30 Turnstone Way

Is the residential property to the south east of the application site. In this instance, this property would have a side on relationship with the site, with only limited openings within its northern elevation, which appear to be non-habitable. This would help alleviate any impact to which the raising of the site by 300mm would have on these neighbours amenity (and naturally the impact that would come from the 2m acoustic fence). However, given the approved arrangement, these minor amendments are unlikely to have any material impact upon these neighbours amenity, over and above the existing situation, as the principle of having this development to the north of the site has already been established under the original planning permission. Therefore, on balance, these changes can be supported by officers.

Properties along Blackmoorfoot Road

Given the minimal changes proposed and the relationship to which the nearest residential properties to the north and north west of the application site (along Blackmoorfoot Road) would have, officers are satisfied that there would be no material impact to their amenity. Therefore, these changes can be supported.

Properties along Chapel Terrace

Likewise, officers are satisfied with the separation distances which would still be retained to the back to back properties along Chapel Terrace and therefore do not consider the slight increase to site levels by 300mm to have a significant impact on these neighbours amenity, over and above the consented scheme. Therefore, any impact would be minimal and can be supported by officers.

Regarding the potential for noise pollution, a Delivery Noise Management Plan (Condition 32) was attached to the original consent ref 2023/91405, which has been discharged under application 2025/92676. The agent has confirmed that the height of the acoustic fence itself would be no greater as part of this application.

Highways safety

The amendments proposed are not considered to give rise to any highway concerns, as the access remains unchanged, along with the parking arrangements. The increase in site levels by 300mm has been requested by the Local Highway Authority, to aid adoption. This is to accord with Policy LP21 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

Drainage

As part of the above changes to the levels within the site, details pursuant to conditions 9 (temporary drainage) 15 (flood routing) and 16 (drainage scheme) have also been submitted with this application. These have been reviewed by KC Lead Local Flood Authority and have been considered to be acceptable.

<u>Implications for modification of Condition 12 (retaining walls)</u>

Officers have discussed amending the trigger for condition 12 (as set out below) with KC Highways Structures.

> "*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.*

In this case, given the close relationship to which the new building would have with the proposed retaining wall along Turnstone Way, any excavation to facilitate these works, could have the potential undermine the build for the retaining wall and therefore, officers are not satisfied with the revised wording proposed.

As such, officers have suggested an alternative trigger for condition 12 which includes:

> *"12. Prior to development commencing (other than site clearance works that would not include any excavation works)" , 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.*

This would allow for some site clearance, whilst the relevant conversations/processes to meet the requirements of condition 12 are underway with KC Highway Structures.

The agent has confirmed in writing their agreement to the above proposed wording of condition 12.

Implications for modification of conditions 17 (carbon emissions), 18 (crime mitigation strategy), 19 (landscaping), 20 (noise assessment), 21 (materials), 23 (boundary treatments) and 32 (delivery noise management plan)

These conditions have each been discharged via earlier Discharge of Condition applications. The applicant seeks for the wording of the conditions to be updated, to reflect the earlier decisions. This is not opposed, with further details provided in the below 'Review of conditions' section of this report.

Planning obligations

If approved the application will result in a new planning permission being issued.

A S106 was secured as part of the original application 2023/91405 which includes a clause within section 12 (future permissions) that outlines the agreement shall apply to and remain in full force in respect of both the planning permission and the new planning permission without the need for a future agreement to be entered into.

As such, a Deed of Variation to tie into the original S106 is not needed in this instance.

Review of conditions

As this is an application under S73 of TCPA 1990 it would, in effect, be a new permission. Planning practice guidance (The Use of Conditions) confirms that the original planning permission would continue to exist whatever the outcome

of the application under section 73 and that the conditions imposed on the original permission still have effect unless they have been discharged.

The PPG also confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect (Paragraph: 040 Reference ID: 21a-040-20190723).

The 38 conditions applied to the previous application (2023/91405) should therefore be repeated unless they are no longer required.

A review of the conditions is as follows:

1. Development to commence within three years

To be amended to set out a specific date, three years from the approval of the original approval. Section 73 cannot be used to extend a commencement date.

1. Development in accordance with the approved plans and specifications

This condition has been sought to be varied and, for the reasons given above, officers support the change. However, the condition wording itself would not change although the plans table would be updated to reflect the amended plans submitted.

2. Trees T1 and T2, as identified in Ecological Impact Assessment ref. 1513_R01d_GB_CW, shall be felled in accordance with the details agreed

To remain as existing.

3. No site clearance works shall take place between 1st March and 31st August inclusive

To remain as existing.

4. Details of the improvement works to the Turnstone Way and Blackmoorfoot Road junction, as shown on plan ref. 21/209/TR/005 Rev. C

To remain as existing.

5. Details of the junction and associated highway works, between the proposed site access and Turnstone Way

To remain as existing.

6. Submission of a Construction (Environmental) Management Plan (C(E)MP)

To remain as existing. This condition is the subject of the ongoing DOC ref. 2025/92887: as this is pending consideration at the time of writing, it is to remain as originally imposed.

7. Submission of a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity)

Approved via DOC 2025/92887. To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.

8. Details of temporary surface water drainage for the construction phase (after soil and vegetation strip)

Approved via DOC 2025/92535*. To be amended into a prescriptive condition.*

9. Submission of a Phase II Report

To be deleted, as a Phase II approved under 2025/92887.

10. Submission of a Remediation Strategy

The Phase II report submitted under 2025/92887 advises that remediation of the site is not considered necessary to which KC Environmental Health have accepted. Therefore condition 11 will be re-worded to capture any unexpected land contamination not previously identified, which would then require the submission of a future Remediation Strategy.

11. Details of locations and including cross sectional information

As assessed in this report, it is recommended to amend the trigger for the condition as per the above.

12. Submission of a Biodiversity Enhancement and Management Plan (BEMP)

Approved via DOC 2025/92887. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

13. Scheme demonstrating surface water from vehicle parking and hard standing areas passing through an oil/petrol interceptor

Approved via DOC 2025/92535. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

14. An assessment of the effects of 1 in 100 year storm events

Discharged via DOC 2025/92535. *To be deleted and included in a joint prescriptive condition, with condition 16.*

15. A detailed design scheme detailing foul, surface water and land drainage

Approved via DOC 2025/92535. *To be amended into a prescriptive condition.*

16. Details of insulation, on-site micro generation, or other measures to be incorporated into the development to reduce carbon emissions

Approved via DOC 2025/92676. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

17. Submission of a Crime Mitigation Strategy

Approved via DOC 2025/92676. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

18. Details of soft landscape works

Approved via DOC 2025/92535. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

19. A further/addendum noise assessment

Approved via DOC 2025/92676. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

20. Details of all the external facing materials

Approved via DOC 2025/92676. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

21. Details of all the external facing materials for the proposed retaining walls

To remain as existing. This condition is the subject of the ongoing DOC ref. 2025/92887: as this is pending consideration at the time of writing, it is to remain as originally imposed.

22. Submission of a boundary treatment strategy

Approved via DOC 2025/92676. *To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

23. Submission of an External Lighting Design Strategy for Biodiversity and Residential Amenity

Approved via DOC 2025/92887*. To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

24. Submission of a Travel Plan

To remain as existing.

25. The car park and parking spaces shall be surfaced and marked out into bays in accordance with approved plan P413 rev. K

To remain as existing.

26. Submission of a strategy for the permanent closure and making good for the existing access onto Blackmoorfoot Road

To remain as existing.

27. Details of the development's ventilation and extraction systems shall be installed

To remain as existing.

28. Five Sheffield cycle hoops shall be installed in accordance with the details shown on plan ref. P422 rev. B

To remain as existing.

29. Details of staff cycle storage facilities shall be submitted

To remain as existing.

30. Submission of a Validation Report

To remain as existing.

31. Submission of a Delivery Noise Management Plan

Approved via DOC 2025/92676*. To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

32. Submission of a scheme detailing the EVCP's

Approved via DOC 2025/92379*. To be amended into a prescriptive condition, relating to the condition's original ongoing requirements.*

33. Opening hours

To remain as existing.

34. No deliveries or dispatches outside of the agreed hours

To remain as existing.

35. The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled

To remain as existing.

36. The development shall operate with no more than 1,331sqm (square metres) of net internal sales floorspace and 2,000sqm of gross internal floorspace

To remain as existing.

37. The development shall not be sub-divided to form multiple planning units

To remain as existing.

Representation

As a result of the above publicity, no representations have been received.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: Grant Variation of Condition

Report Dated: 20/07/2026.

Decision Authorisation: Delegated Powers
Application Number: 2026/90740
Officer Recommendation: Grant Variation of Condition

Conditions and Reasons

1. The development hereby permitted shall be begun on or before 4th August 2028.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country.

1. 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.

2. 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.

3. 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.

<u>Prior to development commencing</u>

1. 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.

2. 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.

3. 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.

4. The development shall be carried out in strict accordance with the Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) prepared by HTC, dated August 2025, approved by ref 2025/92887 within the letter dated 15/07/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 8).

   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.

5. The development shall be carried out in strict accordance with the temporary drainage plan ref. DR-C-0105 rev P03 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 9), which 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.

6. [DELETED, following determination of Discharge of Condition application 2025/92887]

7. In the event that contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Ground Investigation 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 a Remediation Strategy has 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 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 LP53 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

8. Prior to development commencing (other than site clearance works that would not include any excavation works) 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. The approved scheme shall be implemented and completed prior superstructure works being commenced on any part of the food store building. The new retaining wall shall be appropriately maintained throughout the lifespan of the development.
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.

<u>Prior to the above ground works commencing</u>

9. The development shall be carried out in strict accordance with the Biodiversity Enhancement & Management Plan prepared by Tyler Grange, ref. 15131_R03-BP, approved pursuant to condition 13 under application ref: 2025/92887 within the letter dated 15/07/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 13).
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.

10. The approved scheme relating to surface water from vehicle parking and hard standing areas approved pursuant to condition 14 under application ref: 2025/92535 within the letter dated 08/01/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 14), shall thereafter be undertaken 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. [DELETED, following determination of Discharge of Condition application 2025/92535]

15. No part of the development shall be occupied until the drainage strategy plan ref. 21561-DR-C-0100 rev P12 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 16), hereby approved has been provided on the site to serve the development and 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. The reduced carbon emissions scheme approved pursuant to condition 17 under application ref: 2025/92676 within the letter dated 02/02/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 17), 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.

17. The development shall be carried out in strict accordance with the Crime Mitigation Strategy approved pursuant to condition 18 under application ref: 2025/92676 within the letter dated 02/02/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 18), which 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.

18. The development shall be carried out in strict accordance with the soft landscape works approved pursuant to condition 19 under application ref: 2025/92535 within the letter dated 08/01/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 19), and shall be confirmed 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.

19. The development shall not be brought into use until all works comprised within the measures specified in the addendum noise assessment report approved pursuant to condition 20 under application ref: 2025/92676 within the letter dated 02/02/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 20), 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.

<u>Prior to specific trigger</u>

20. The development shall be built in strict accordance with the external facing materials plan ref: T200 rev C, approved pursuant to condition 21 under application ref: 2025/92676 within the letter dated 02/02/26. In the event that updated external materials details are submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 21, the development shall be built in strict accordance with those details.
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.

21. 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.

22. The boundary treatments shall be installed in accordance with the boundary treatment plan reference: P1406 rev E (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 23) 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.

23. The development shall be carried out in accordance with the External Lighting Design Strategy for Biodiversity and Residential Amenity approved pursuant to condition 24 under application ref: 2025/92887 within the letter dated 15/07/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 24) 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.

<u>Prior to the development being brought into use</u>

24. 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.

25. 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 P1401 rev L. 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.

26. 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.

27. 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 (or any equivalent updated document that is subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 28). 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.

28. 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. P1401 rev M. 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.

29. 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.

30. 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.

31. The development shall be carried out in strict accordance with the Delivery Noise Management Plan approved pursuant to condition 32 under application ref: 2025/92676 within the letter dated 02/02/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 32) and 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.

32. The development shall be carried out in strict accordance with the approved dedicated facilities for charging electric vehicles pursuant to condition 33 under application ref: 2025/92379 within the letter dated 01/05/26 (or any details subsequently submitted to and approved in writing by the local planning authority, via an application for the approval of details reserved by condition 33), prior to occupation and retained for use thereafter.
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).

<u>Ongoing requirements</u>

33. 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.

34. 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.

35. 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.

36. 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.

37. 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: 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:

Plan Type	**Reference**	**Version**	**Date Received**
(S73) Setting Out Proposed Site Plan	P1401	M	30/06/2026
(S73) Proposed Site Plan with Houses FFL	P1409	D	30/06/2026
(S73) GA Proposed Site Plan	P1400	B	30/06/2026
(S73) Proposed Crime Prevention Site Plan	P1408	C	30/06/2026
(S73) Street Scene - Turnstone Way	P1303	C	30/06/2026
(S73) Proposed Site Lighting Plan	P1407	C	30/06/2026
Landscape Details	R/2682/1K	-	30/06/2026
(S73) Proposed Boundary Treatment	P1406	E	23/06/2026
(S73) Proposed Sections CC	P1302	B	22/06/2026
Proposed levels	21561-DR-C-0110	P06	22/06/2026
(S73) Proposed Surface Treatment	P1402	B	22/06/2026

Drainage Strategy	21561-DR-C-0100	P12	22/06/2026
(S73) Proposed Sections AA BB	P1301	C	22/06/2026
(S73) Proposed Elevations - Material Details	P1211	-	16/03/2026
Temporary Drainage	DR-C-0105	P03	16/03/2026
(S73) Proposed Floor Plan	P1110	-	16/03/2026
(S73) Proposed Roof Plan	P1111	-	16/03/2026
(S73) Proposed Elevations	P1210	-	16/03/2026
(S73) Existing Site Plan	P1411	A	16/03/2026
(S73) Site Location Plan	P1410	A	16/03/2026
Noise Impact Assessment	NIA/10533/22/10679/ v8/Blackmoorfoot Road, Lidl		16/03/2026
Flood Risk Assessment	21561-FRA-001	H	16/03/2026
Surface Water Drainage Maintenance and Management Schedule	21561	-	16/03/2026
Briefing Note – Retail statement	63026/01/JW/TW	-	16/03/2026
Design and Access Statement	March 2026	-	16/03/2026
Received via Discharge of Condition 2025/92887			
Various drawings and documents submitted pursuant to 8, 10, 13 and 24 and approved on 15/07/2026	See decision notice letter – dated 15/07/2026	-	Various
Received via Discharge of Condition 2025/92676			
Various drawings and documents submitted pursuant to conditions 17, 18, 20, 21, 23 and 32 and approved on 02/02/2026	See decision notice letter – dated 02/02/2026	-	Various
Received via Discharge of Condition 2025/92535			
Various drawings and documents submitted pursuant to conditions 14 and 19 and approved on 08/01/26	See decision notice letter – dated 08/01/26	-	Various
Received via Discharge of Condition 2025/92379			

Various drawings and documents submitted pursuant to condition 33	See decision notice letter – dated 01/05/26	-	Various
Received via original application 2023/91405			
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	-	18/12/2023
Ecological/Biodiversity Statement	Ecological Impact Assessment	-	18/12/2023
Retail Assessment	Planning and Retail Statement	-	15/05/2023
Retail Assessment	Updated Retail Assessment Summar	-	18/12/2023
Transport Assessment	Transport Assessment	-	18/12/2023
Transport Assessment	Technical Note (ref. 21-209 007.01)	-	13/05/2023
Transport Assessment	Travel Plan	-	18/12/2023
Transport Assessment	Road Safety Audit: Stage 1	-	22/05/2023
Transport Assessment	Road Safety Audit: Stage 1: Designers Response	-	22/05/2023

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.

In this instance, officers entered into discussions with the agent to request section plans from East to West and from North to South to fully understand the impact the development could have on the existing adjacent residential

properties. These were received on the 21/05/26. Officers have also entered into discussions with the agent regarding the four EVCP's to be provided, as the discharge of condition application 2025/92379 determined on the 01/05/2026 has secured six, following discussions with KC Environmental Health colleagues. As such, amended site plans have been sought, to show six EVCP's as opposed to the initial four. The conditions and plans table have also been agreed in writing with the agent on the 20/07/2026.