

**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:	2025/70/93475/W
Site Address:	72, Northgate, Huddersfield, HD1 6AE
Description:	Variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure
Recommending Officer:	William Simcock

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: 29-May-2026

Application: 2025/93475

Site: 72 Northgate, Huddersfield

Proposal: Variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure

Site Description

The site is located approximately 55m to the northeast of Huddersfield town centre, just outside the main A62 ring road. It has historical vehicular accesses off Broadway to the west and off Lower Fitzwilliam Street to the north. The site was previously used as a car dealership but has been cleared and the implementation of permission 2024/92246 is ongoing.

The uses immediately adjacent to the site fronting Broadway consist of a car dealership to the south with a hot food takeaway to the north. Fronting on to Lower Fitzwilliam Street is a building belonging to a community association and residential properties. There are also residential properties to the east along Great Northern Street.

Description of Proposal

The proposal is for variation of condition 2 (plans) on previous permission 2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure. Condition 2 reads:

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 Policies LP21, 22, 24, 30, 33, 52 and 53 of the Kirklees Local Plan.

The applicant does not seek to vary the wording of condition 2 but seeks to amend the approved plans. In summary, the applicant proposes the following variations to the approved plans:

- Changes to the louvre screening around the plant machinery on the roof elevation of the building;
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The originally proposed louvre screening was acoustic panelling to reduce any noise output from the plant machinery on the roof. However following an acoustic assessment, the applicant has determined that noise emitted by the

machinery would be below the threshold for which this would be a requirement. Therefore, this application also proposes to change the type of screening.

The plans also indicate that there would be a modest increase in the height of the (now non-acoustic) screening (from 1.6m to 1.9m) and of the rooftop plant equipment itself.

- Addition of retaining walls along the site boundaries (north and south);

The existing and proposed sections submitted for the originally approved application, as well as the proposed northern and southern elevations, indicated that there were variations in ground level within the site (including the footprint of the proposed development) that would need to be accounted for, but did not make it explicit whether this was to be achieved through underbuild, through the formation of new or replacement retaining walls, or both. The current proposals make this explicit by showing the following retaining walls:

- 1) At the northern boundary, a 21m long stretch of retaining wall faced with pre-cast concrete panels, continuing for a further 6m at the eastern end as a concrete retaining wall faced in stone). The wall will be of variable height – the concrete panel section is made of sections 1.75m in height but the visible, above-ground height of the wall will generally be 1.35m above finished ground level. This part would be 350mm from the boundary line for approximately half its length but would then be angled slightly in towards the boundary, eventually meeting it. The stone section includes one panel the same height as the concrete section, but then would drop to a height of 350mm above finished ground level. The stone section would be co-existent with the boundary line.
- 1) At the south-eastern boundary, a 14m stretch of concrete retaining wall. This would predominantly be in reinforced concrete, with a short blockwork section. Height above finished ground level would vary between approximately 700mm to 1m on its south-eastern side, where it would be approximately 500mm from the party wall which is considerably higher, and approximately 300mm above the retained land to the north-west.

- Minor changes to landscaping scheme;

The proposals involve some changes to the landscaping of the site, especially in the south-eastern part of the site, east of the bin store. The need to create retaining structures means there would be less room adjacent to the south-eastern boundary, so fewer opportunities for landscaping in this part of the site. However, the leftover land in the far eastern corner of the site which measures 5m x 5m is now shown as being soft landscaped. A detailed scheme has been supplied in support of this, which will be assessed in the relevant section.

- Other miscellaneous changes, including to the doors and the addition of vehicle barriers at the two main entrances.

The addition of vehicle barriers at the two main entrances is proposed, as well as some changes to the design of external doors are also shown on the elevations but there are to be no changes to the number of door or window openings.

- Conditions update

The previous approved application was subject to several conditions which required details to be submitted and approved by the Council before commencement of development. A number of these conditions have already been the subject of successful applications for approval of details reserved by condition. The applicant also seeks a change in wording for those conditions to be incorporated into the new S73 decision notice that acknowledges that these conditions are now prescriptive.

History of negotiations/amendments received

March 2026 – Boundary wall sections / elevations and a detailed landscaping scheme submitted.

Apr 2026 – Vehicle barriers and supporting technical note, minor amendments to retaining wall sections submitted.

It was considered that none of the above changes would result in the development proposal falling outside the original description and were not significant enough in their impact to justify re-opening the publicity period to allow the opportunity for further public comment, and therefore were not re-publicised.

Relevant Planning History

Application site

2024/92246 for redevelopment of existing site including demolition of existing car sales room (sui generis) and erection of new 2 storey police station (sui generis) with associated car parking, landscaping and infrastructure. Approved subject to Section 106 Agreement requiring financial contributions to highway improvement works and travel plan monitoring. Implementation commenced.

The Section 106 Agreement required the payment of:

- (i) Highway Improvement Contribution. This consisted of two separate items, both to be paid pre-commencement: £57,000 for William Street / Lower Fitzwilliam Street junction improvement and £40,000 for Southgate Toucan Crossing upgrade;

- (i) Travel Plan Monitoring Contribution, £10,000, to be paid pre-occupation.

As of 19/03/2026, both parts of the Highway Improvement Contribution and the Travel Plan Monitoring Contribution have been paid.

The following applications for discharge of details pursuant to the above approval have been made:

2025/90322, Discharge of details reserved by conditions 23 (CEMP) and 24 (CMP) on previous permission 2024/92246. Approved.

2025/90523, Discharge of details reserved by condition 25 (road condition survey) on previous permission 2024/92246. Approved.

2025/91909, Discharge of details reserved by condition 22 (landscaping) on previous permission 2024/92246. Approved.

2025/90921, Discharge of details reserved by condition 7 (sewer easement) on previous permission 2024/92246. Approved.

2025/90923, Discharge of details reserved by conditions 14 (Phase II Intrusive Site Investigation Report) and 15 (Remediation Strategy) on previous permission 2024/92246. Approved.

2025/90924, Discharge of details reserved by conditions 3 (materials) and 6 (bin store and substation) on previous permission 2024/92246. Approved.

2025/90957, Discharge of details reserved by condition 19 (air-source heat pump or solar array) on previous permission 2024/92246. Approved.

2025/90295, Discharge of details reserved by conditions 9 (drainage strategy), 10 (flood routing) and 11 (temporary surface water drainage) on previous permission 2024/92246. Approved.

2025/91079, Discharge of details reserved by condition 22 (landscaping) on previous permission 2024/92246. Approved.

2025/92984, Discharge of details reserved by conditions 4 (parking areas), 8 (interceptor/separator) and 18 (EV charging) on previous permission 2024/92246. Approved.

2026/90146, Discharge of condition 12, air quality impact assessment. Approved.

2026/90147, Discharge of conditions 5 (cycle storage), 26 (Travel Plan) on previous permission. Approved.

2026/90309 - Discharge of details reserved by condition 27 (waste) on previous permission 2024/92246. Approved.

Surrounding area

There have been no recent applications in the surrounding area that are deemed relevant in the assessment of the present application.

Representations

Final publicity date expires: 18-Feb-2026

Publicity was by site notice and press advertisement, in accordance with the requirements of the Kirklees Development Management Charter as the proposal constitutes Major Development.

No representations were made as a result of publicity.

The site lies within Dalton Ward where, at the time of submission, the members were:

- Cllr Tyler Hawkins
- Cllr Musarrat Khan
- Cllr Munir Ahmed

The local ward members were notified (19/12/2025) of this application.

No comments were made as a result.

Following the May 2026 local elections, the ward members are now:

- Cllr Luke Fallas
- Cllr John Hardie
- Cllr Christine Smith

The new ward members were not notified of this application. Given the lack of any public representations or member comments received because of the initial round of publicity and consultation, and in the interests of expediting this application, such a course of action was not considered proportionate or necessary.

Consultation Responses

The following is a summary of consultee advice (more details are contained in the Assessment section of the report, where appropriate):

- KC Highways Structures – No comment.
- KC Highways Development Management – No objection.
- KC Environmental Health (informal consultation) – No objection.

Policy

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 Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan

The site lies within land that is without designation within the Local Plan proposals map. It is approximately 55m from the boundary of Huddersfield Town Centre.

The following Local Plan policies are considered relevant to the proposal:

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 30:** Biodiversity and geodiversity
- **LP 32:** Landscape
- **LP 52:** Protection & improvement of environmental quality
- **LP 53:** Contaminated and unstable land

Supplementary Planning Documents

- Highway Design Guide SPD
- Housebuilders Design Guide SPD
- Biodiversity Net Gain Technical Advice Note
- Waste Management Design Guide for New Developments

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), 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 8 – Promoting healthy and safe communities
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

The following matters are considered in the assessment below:

- 1) Principle of development
- 1) Impact on visual amenity
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Planning obligations
- 5) Review of conditions
- 6) Other matters
- 7) Representations
- 8) Conclusion

1 – Principle of development

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 S73.

The starting point for a S73 application is the previously granted planning permission, which must carry significant material weight.

Changes will be assessed according to relevant national and local policies on visual and residential amenity, biodiversity and other material considerations.

The following text from Paragraph 140 of the NPPF is relevant and will inform the decision:

“Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”

2 – Urban design and visual amenity

The various elements of the proposed changes to the site layout and design will be considered below:

Changes to the louvre screening around the plant machinery on the roof elevation of the building

The changes to the louvre screening and the overall height of the rooftop plant are considered insignificant in visual terms. While it is acknowledged that the plant equipment would become taller, and be nominally taller than the plant screen itself, the plant and associated enclosure have been placed near the north-eastern corner of the building, as was the case in the plans as approved, and would therefore not be visually prominent from outside the site. Therefore, the plant would remain low prominence and the visual impacts would be minimal.

The materials for the louvre screening would be unchanged, having been covered by discharge of condition application 2025/90924.

Construction of retaining walls

The retaining wall to be built along the northern edge of the site would be built and faced in precast concrete panels (each 1m in width) for the first 22m, measured from its western extent. This does not reflect the predominant materials in the vicinity of the site. It would not, however, be clearly visible from any public vantage point. The occupiers of 45 and 47 Lower John William Street would have a clear view of it since it would be on or close to their rear curtilage boundary. However, the wall would in effect replace the old industrial style buildings on site which were also very close to the boundary line. Based on scaled measurements taken from 6BKD2-BBA-30-ZZ-D-A-1006 revision P02 (demolition plan) submitted with the original application, the gap between the original buildings and nos. 43-47 would have been a maximum of 500mm, but diminishing in width from west to east. Furthermore, the original buildings were of poor design quality and much more imposing than that now proposed.

It is therefore considered that this aspect of the development would not result in a significantly negative impact on the visual amenity of the area or the design quality of the scheme.

The last 5.5m of the wall, most of which is set alongside the curtilage boundary to no. 43 Fitzwilliam Street, is described as in-situ, which is understood to mean that it would be built of masonry rather than pre-cast panels. This would consist of a 1.15m length of wall the same height as the pre-cast section and a further 4.4m that would be 650mm in height. This part of the wall would be faced in stone. The applicant has explained that the pre-cast section of the retaining wall has been left unclad due to its high-quality finish. In contrast, the in-situ retaining walls are to be stone-faced since it was considered that otherwise they would not achieve an acceptable finish.

The developer has confirmed that the stone used would be the same as that previously approved for discharge of condition application 2025/91909. The facing of the northern retaining wall in stone in its entirety would be preferable from the point of view of visual amenity. It is considered however that it would

not be justifiable to make this a requirement of granting planning permission, since it would, as acknowledged in the paragraph above, replace a much larger structure that was of poor design quality and detracted from the visual amenity of the area. The use of pre-cast concrete panels (images of which have been viewed on the manufacturer's website, FP McCann) is on balance considered acceptable in this location.

The south-eastern retaining wall would also not be visible from the public highway and, whilst it would be visible from neighbouring industrial / commercial premises (the former Radiant Works), it would be of lesser height than the northern retaining wall and it is, again, considered that its impact overall would not be detrimental to the visual amenity of the area.

Landscaping

A full landscaping scheme was submitted and approved under discharge of condition application 2025/91079. An amended scheme was submitted and approved under a subsequent discharge of condition application, 2025/91909. This resulted in the loss of a wedge of ornamental grass adjacent to the Broadway (western) frontage which was compensated for by additional soft landscaping at the northern extent, adjacent to Lower Fitzwilliam St.

The scheme submitted with the current Section 73 application makes further changes to the distribution of soft landscaping throughout the site but does not result in a net reduction in the amount of soft landscaping provided. The changes are largely to facilitate the retaining wall works.

The landscaped areas that lie immediately adjacent to the public highway, and which are therefore the most prominent in the street scene, would remain unchanged. The reduction in the size of the landscaped area near the south-eastern boundary is not considered to lead to a reduction in the quality of the scheme and would be compensated for (therefore not resulting in a net loss) by the creation of a further landscaped area in one corner of the car park which would include mixed grass and wildflower sowing, a length of native hedge, and bulb planting comprising a mix of daffodil, snowdrop and bluebell.

It is considered on balance that the changes do not represent a significant reduction in the quality of the landscaping scheme, either visually or in terms of biodiversity.

Other changes

The other changes proposed, namely the external doors and the inclusion of barriers near the entrances, would have negligible impacts on visual amenity. The vehicle barrier, at the gates, is a feature typical of a secure building and, while prominently sited, would not be a visually dominant feature.

Urban design and visual amenity – conclusion

In conclusion, it is considered that the development as modified by this application would not result in the quality of design being materially

diminished, and would assist in the aim of enhancing the townscape and creating high-quality places as set out in policy LP24 of the Local Plan and Chapter 12 of the NPPF.

3 – Impact on residential amenity

There are no residential properties to the south of the site.

To the north are several residential properties, including nos. 41 – 47 Lower Fitzwilliam Street and apartments above 90 Northgate. The proposed varied retaining works, specifically those shown on plan ref. 6BKD2-BWB-35-ZZ-D-S-6020 rev. C07, would be sited upon the shared boundary for these properties. The boundary in question is to the rear of the dwellings and their respective private amenity spaces. As a result of the retaining wall's introduction, the proposed boundary treatment (3.0m secure fence mesh) would be increased in height. The increase in height would vary, due to existing ground levels, but with a maximum of circa 1.6m, for a combined total of 4.6m retaining wall with fence atop.

The taller than typical (i.e., 2.0m) fencing is warranted, on security grounds, due to the site's sensitive nature being a police station. In terms of impacts, it's acknowledged that prior to the current development, the shared boundary hosted the solid wall of a building (with high level windows) of a height comparable to that now proposed, establishing a baseline not significantly different to that now proposed. Furthermore, when compared to the previous solid wall, a mesh fence is proposed, therefore having a lower visual prominence. Weighing these factors, on balance, officers are satisfied that the proposed introduction of the retaining wall would not cause materially greater overbearing or overshadowing upon existing residents to the north.

To the east are properties on Great Northern Street. Officers are satisfied that the proposed variations are a sufficient distance away from these properties to negate any harmful impacts.

The proposed changes are not considered to cause any harm regarding overbearing, overlooking, or overshadowing upon adjacent / nearby residential properties.

Regarding noise pollution, K.C. Environmental Health were informally consulted on the changes to the proposed rooftop plant and louvre screening. They have confirmed that the changes did not raise any concerns from the point of view of residential amenity, specifically noise pollution, and that no new or amended conditions would be required. They confirmed that the operational noise would be adequately controlled by condition 13 which sets maximum noise emissions from mechanical services, plant and equipment.

It is considered that none of the other changes would have any implications for residential amenity and that the development as varied would comply with the aims of LP24(b) and LP52.

4. – Impact on highway safety

The proposals seek to amend the access arrangements to incorporate the addition of vehicle barriers on the accesses from Broadway and Lower Fitzwilliam Street.

- Proposed Fencing Layout – Dwg 6BKD2-BBA-30-ZZ-D-L-1006 Revision C08;
- Boundary Retaining Wall Sections Sheet 1 – Dwg 6BKD2-BWB-35-ZZ-D-S-6020-C07
- Boundary Retaining Wall Sections Sheet 2 – Dwg 6BKD2-BWB-35-ZZ-D-S-6021-C03

The vehicle access point from Lower Fitzwilliam Street proposes a barrier set back approximately 19m, stop lines on either approach and also a swipe / push button point on approach to the site.

The vehicle access point from Broadway proposes a barrier set back approximately 23m, stop lines on either approach and also a swipe / push button point on approach to the site. There is also the additional of a mesh fencing on the south side of the access and a pedestrian gate to the north side of the access point which seems acceptable.

It is considered that the two proposed barriers would improve security for users of the site and would have no adverse impact on accessibility to the site, or on the safety or convenience of other highway users.

In conclusion, it is considered that none of the amendments now proposed would have any material effect on highway, including, pedestrian, safety, and would accord with the aims of Policies LP20-22 and LP47 of the Kirklees Local Plan.

5. Planning obligations

The Section 106 Agreement secured for the original permission required the payment of:

- Highway Improvement Contribution: This consisted of two separate items, both to be paid pre-commencement: £57,000 for William Street / Lower Fitzwilliam Street junction improvement and £40,000 for Southgate Toucan Crossing upgrade;
- Travel Plan Monitoring Contribution: £10,000, to be paid pre-occupation.

All the above sums have been paid. The Section 106 Agreement did not contain any ongoing obligations. A deed of variation, to ensure that the original obligations remain binding, is therefore not required in this instance.

6. Review of conditions

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously applied conditions attached to permission 2021/94664 and to update, revise, add to or delete redundant conditions as part of the assessment of the current application.

Those conditions would normally be re-applied in any subsequent approval of a Section 73 application, as the effect of the Section 73 approval is the issue of a fresh grant of permission.

Some conditions, it is recommended, should either be modified to reflect the fact that the details sought by the condition have been submitted and approved under various discharge of condition applications, and will therefore become prescriptive conditions, which will reference the documents submitted, or are no longer pertinent and should be removed. Others should be retained in their original form.

The conditions are assessed, as follows:

- *1 – Development to commence within three years.*

Can be removed as development has commenced.

- *2 – Development to be in accordance with approved plans.*

Retain, but will refer to current plans.

- *3 – Materials to be submitted and approved.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90924

- *4 – Provision and retention of car parking areas.*

Retain, as it still provides a necessary purpose.

- *5 – Details of facilities for cycle storage.*

Change to prescriptive condition, to comply with details approved pursuant to DO 2026/90147

- *6 – Details of bin store and substation.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90924.

- *7 – No obstructions over public sewers; if diversion is required, developer shall provide evidence that it has been agreed.*

Change to prescriptive condition – no further details required since the plan submitted and approved for DOC 2025/90921 shows that there would be no obstruction over the public sewer.

- *8 – Details of oil interceptor to be agreed.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/92984

- *9 – Drainage scheme.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90295.

- *10 – Effects of 1 in 100 year storm events and exceedance events.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90295.

- *11 – Temporary surface water drainage.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90295.

- *12 – Air quality impact assessment.*

Change to prescriptive condition, to comply with details approved pursuant to DOC2026/90923.

- *14 – Phase 2 site investigation report.*

Can be deleted as a Phase 2 report has already been submitted and approved under DOC 2025/90923.

- *15 – Remediation strategy.*

Can be deleted as a remediation strategy has been submitted and approved under DOC 2025/90923 and its implementation is covered by condition 16.

- *16 – Remediation strategy to be implemented*

Not discharged, therefore retain in its present form.

- *17 – Verification report.*

Applied for under application 2026/91168 but not yet discharged, therefore retain in its present form.

- *18 – Electric vehicle charging point scheme.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/92984

- *19 – ASHP / solar array.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90957

- *20 – Development to be undertaken in accordance with Ecological Impact Assessment.*

Retain.

- *21 – Approved habitat boxes to be installed.*

Retain.

- *22 – Detailed landscaping scheme.*

Change to prescriptive condition (details submitted with this application).

- *23 – Submission of Construction Environmental Management Plan.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90322.

- *24 – Submission of Construction Management Plan.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90322.

- *25 – Pre- and post-development road surveys.*

This has been part-discharged by DOC application 2025/90523, in that the pre-commencement survey has been approved, so the condition should be re-worded to take this into account.

- *26 – Detailed travel plan.*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2026/90147.

- *27 – Arrangements for storage and collection of wastes*

Change to prescriptive condition, to comply with details approved pursuant to DOC 2025/90923.

7 – Other matters

Land stability

Paragraph 196 of the NPPF state that planning policies and decisions should prevent new development from contributing to, or being put at risk from, land instability and that a site is suitable for its proposed use. Paragraph 197, however, states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

In general, the stability of new or modified retaining walls is only treated as being within the remit of the planning system where the walls lie in close proximity to a public highway or would be likely to affect its stability or integrity. In this instance, none of the retaining walls abut the public highway. KC Highways Structures has confirmed that an application for a technical Approval in Principle is not necessary.

As such, it is considered that responsibility for the stability of any retaining walls will rest solely with the developer and that it would not be appropriate to seek further technical details as part of the planning process.

Ecology

The Environmental Impact Assessment (EIA) submitted with the original application found that the development would not impact a priority habitat and would impact less than 25sqm of onsite habitat and 5m of linear habitat. As such it was exempt from the normal statutory requirement to provide mandatory 10% Biodiversity Net Gain as established by the Environment Act 2021.

All development, under Local Plan policy LP30, is however required to enhance the biodiversity of the site, in compensating for any losses and delivering net enhancements on site. The EIA recommended the installation of four bird boxes and two bat boxes, which are secured by condition 21, a prescriptive condition. Condition 22, requiring a full landscaping scheme, including species mix details, was also imposed, in the interests both of visual amenity and ensuring that opportunities to enhance the biodiversity of the site were maximised.

In the latest revision of the soft landscaping scheme, 1005 Revision C04, the proposed species mix is largely unchanged from that approved under application 2025/91909. A note on the drawing indicates that the grass/wildflower mix to be sown would be in a ratio of 85:15. The developer has subsequently confirmed however that the mix used would be Emorsgate EM1 Basic General Purpose Meadow Mixture, which in fact has 90:10 grass to flower mix, since this would be better suited to the site conditions than the mix originally chosen. The mix shown in the scheme submitted for application 2025/91909 was 80:20 grass to wildflowers. Whilst an 80:20 mix would have been preferred, it is noted that the total extent of wildflower meadow is also

slightly increased in size (from 70sqm to 75sqm), based on scaled measurements by the case officer. The total amount of native hedge (*Taxus baccata* and mixed) would also be increased, from 22m to 28m by length, and from 23 to 24sqm by area.

It is also considered that the formation of a small area of semi-natural landscaping in the south-eastern part of the site might bring additional benefits in that it would potentially provide the opportunity for connectivity with planted areas and trees within the rear gardens of 1-27 Great Northern Street, which the landscaping proposals near the south-western corner of the site would not.

Taking the above factors into account, it is considered that the ecological enhancement measures now proposed, consisting of the habitat boxes secured by condition 21 and the planting and sowing of native species, would still deliver a significant uplift in the biodiversity value of the site and that this would not be of a materially lower level than that delivered by the currently approved scheme approved under application 2025/91909.

8 – Representations

No representations were made because of publicity.

9 – 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 variation of conditions applied for would result in a scheme that would constitute sustainable development and would not result in the quality of the scheme approved under permission reference 2024/92246. It is therefore recommended for approval.

Recommendation: GRANT VARIATION OF CONDITION

Report Dated: 29/05/2026

Decision Authorisation: Delegated Powers

Application Number: 2025/93475

Officer Recommendation: Grant variation of condition

Conditions and Reasons

Note: The applicant is advised that the below conditions were imposed by planning permission 2024/92246. Where appropriate, by virtue of Discharge of Condition application(s) determined prior to this Section 73 application, they have been re-worded as prescriptive conditions. Others, requiring additional details which have not, at this stage, been approved, are reproduced on this notice.

1. Removed as development has commenced.

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 Policies LP21, 22, 24, 30, 33, 52 and 53 of the Kirklees Local Plan.

3. The external materials used for the proposed building shall accord with those approved under discharge of condition application 2025/90924, as set out in the decision letter dated 07/07/25, and any stone facing for retaining walls shall accord with the details approved under discharge of condition application 2025/91909 as set out in the decision letter dated 24/02/26.

Reason: To ensure that the proposed development contributes to the aim of achieving well-designed and beautiful places and buildings, and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

4. Prior to any part of the new development being brought into use, the areas shown to be used for the parking and turning of vehicles within the site, shall be surfaced and drained and shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.

Reason: To achieve a satisfactory layout in the interests of highway safety, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

5. The cycle storage facilities shall be provided, in accordance with the details approved under discharge of condition application 2026/90147, as set out in the decision letter dated 20/05/26, before first occupation and shall be so retained thereafter.

Reason: In the interests of promoting the use of means of transport with a low environmental impact, to promote active and healthy lifestyles, and to accord with the aims of Policies LP24(d) and LP47 of the Kirklees Local Plan.

6. The bin store and substation shall be erected in accordance with the details approved under discharge of condition application 2025/90924, as set out in the decision letter dated 07/07/25, before any part of the development is brought into use.

Reason: To ensure that the proposed development contributes to the aim of achieving well-designed and beautiful places and buildings, and to accord with the aims of Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. No building or other obstruction including landscape features shall be located over or within 3m either side of the centre line of the public sewer (i.e. a protected strip width of 6m), that crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times, to prevent flood risk and ensure the safe and sustainable drainage of the site, and to accord with the aims of Policies LP27 and 28 of the Kirklees Local Plan.

8. Surface water run-off from hardstanding, including car parking areas, shall pass through an oil, petrol and grit interceptor/separator which shall be installed in accordance with the details approved under discharge of condition application 2025/92984, as set out in the decision letter dated 16/02/26, before any part of the building is first brought into use. The interceptor/separator shall thereafter be retained and maintained in accordance with the manufacturer's instruction.

Reason: To prevent pollution of the aquatic environment in accordance with the aims of Policy LP34 of the Kirklees Local Plan.

9. No part of the development shall be occupied until the drainage scheme approved under discharge of condition application 2025/90295, as set out in the decision letter dated 30/05/25, has been provided on the site to serve the development. This shall be retained thereafter and maintained in accordance with the approved maintenance scheme.

Reason: To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10. No part of the development shall be brought into use until the works comprising the approved scheme shown on the details approved under discharge of condition application 2025/90295, as set out in the decision letter dated 30/05/25, have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

11. The temporary drainage scheme approved under discharge of condition application 2025/90295, as set out in the decision letter dated 30/05/25, shall be retained until the approved permanent surface water drainage system is in place and functioning.

Reason: To ensure the safe and sustainable drainage of the site and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This information is required pre-commencement to ensure that suitable drainage arrangements laid out in the early stages of development.

12. The development shall be carried out in accordance with the Air Quality Impact Assessment approved under discharge of condition application 2026/90146, as set out in the decision letter dated 30/03/25.

Reason: In the interests of promoting sustainable development and transport and conserving the natural environment in accordance with Parts 2, 9 and 15 of the NPPF and LP20, LP24, LP47 of the Local Plan.

13. 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 typical measured 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.

14. Removed – details have been approved under Discharge of Condition application 2025/90923, which contained no ongoing obligation.

15. Removed – details have been approved under Discharge of Condition application 2025/90923, which contained no ongoing obligation.

16. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy reference WYP-BWB-RP-LE 0001_GIR approved under discharge of condition application 2025/90923, as set out in the decision letter dated 03/06/25. If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

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

18. The facilities for the charging of electric vehicles as set out within the submitted and approved documents and plans submitted under discharge of condition application 2025/92984, as set out in the decision letter dated 13/02/26, shall be implemented in accordance with the details and phasing set out within the approved documents, consisting of a minimum of six EV charge points and below-ground infrastructure to facilitate the later installation of a further 14 charging points to be provided before any part of the development is first brought into use. These facilities shall thereafter be retained as such.

Reason: In the interest of supporting the use of low-emission means of transport, 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).

19. The approved microgeneration measures submitted under discharge of condition application 2025/90957 as set out in the decision letter dated 30/05/25 and the further carbon reduction measures set out in Part 3, Q1, of the submitted Climate Change Statement, shall be implemented before any part of the development is first brought into use and thereafter 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 LP26 of the Kirklees Local Plan and Principle 18 of the Kirklees Housebuilders Design Guide SPD.

20. The development shall be undertaken in full accordance with the mitigation measures set out in part 7 of the Ecological Impact Assessment reference MOR001-013-006/001/002.

Reason: To ensure that harm to biodiversity is prevented or minimised during the development process and to accord with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

21. The habitat boxes specified in part 8 of the Ecological Impact Assessment reference MOR001-013-006/001/002 and accompanying Species Enhancement Statement shall be installed as detailed before any part of the development is first brought into use, and thereafter retained.

Reason: In the interests of enhancing the ecological value of the site and visual amenity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

22. All hard and soft landscaping works as shown on the approved landscaping scheme shall be implemented in accordance with the approved landscaping scheme within the first sowing or planting season following the substantial completion of the development, and subsequently managed in accordance with the approved Landscape Management Strategy. Any tree, hedge or shrub dying or becoming diseased within five years of its substantial completion shall be replaced by another of the same species and variety.

Reason: In the interests of enhancing the ecological value of the site and visual amenity and to accord with Policies LP24 and LP30 of the Kirklees Local Plan, and Chapters 12 and 15 of the National Planning Policy Framework.

23. The Construction Environmental Management Plan approved under discharge of condition application 2025/90322, as set out in the decision letter dated 08/04/25, shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

24. The development shall be carried out strictly in accordance with the Construction Management Plan approved under discharge of condition application 2025/90322, as set out in the decision letter dated 08/04/25, 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, and to accord with Policy LP21 of the Kirklees Local Plan.

25. Upon completion of the development hereby approved a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works and timescale for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out in accordance with the agreed timescales. Should any highways defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the Highway, and to accord with Policy LP21 of the Kirklees Local Plan.

26. The Travel Plan approved under discharge of condition application 2026/90147, as set out in the decision letter dated 20/05/26, shall be implemented prior to occupation and retained thereafter.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

27. The arrangements and facilities for the storage and collection of waste from the development, approved under discharge of condition application 2025/90923 as set out in the decision letter dated 19/03/26, shall be implemented in accordance with the approved details for the lifetime of the development.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, in the interests of highway safety, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

28. No part of the development shall be brought into use until the off-site highway works on Broadway, as shown indicatively on drawing SCP/230484/SK02 Revision D, have been fully constructed and made operational. The works shall include:

- Improvements to the site access, including pedestrian crossing provision;
- Footway resurfacing along the full extent of the site frontage;
- Closure of the redundant access(es);
- Kerbing and carriageway works, including dropped kerbs to facilitate refuse collection; and
- Other associated works, including alterations to utility apparatus and street furniture.

Reason: To ensure that any impacts upon the free and safe use of the highway arising from the development are mitigated, in accordance with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

NOTE – Temporary drainage works

It is expected that the maximum off-site discharge rate should not exceed 2.5 litres per second per ha.

NOTE – Construction Environmental Management Plan

No construction related noise should be audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays

- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Bank/Public Holidays.

For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document “*Guidance on the assessment of dust from demolition and construction*” Version 2.2 2024.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of

NOTE – Electric vehicle charging points

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 – Works within the highway

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Submitted with original application, 2024/92246			
Application form			09/08/2024
Site Location plan	6BKD2-BBA-30	P03	09/08/2024
Existing Site Plan	6BKD2-BBA-30	P05	09/08/2024
Proposed Site Plan	6BKD2-BBA-30	P10	09/08/2024
Demolition Site Plan	6BKD2-BBA-30	P02	09/08/2024
Lower ground & Ground Floor general arrangement	6BKD2-BBA-31	P08	09/08/2024

Plan Type	Reference	Version	Date Received
First & Second Floor Roof general arrangement	6BKD2-BBA-31	P09	09/08/2024
Existing general arrangement Plans	6BKD2-BBA-31	P01	09/08/2024
Existing general arrangement Elevations	6BKD2-BBA-31	P01	09/08/2024
Existing general arrangement Elevations	6BKD2-BBA-31	P01	09/08/2024
General arrangement Elevations	6BKD2-BBA-32	P07	09/08/2024
Streetscene Elevations	6BKD2-BBA-32	P02	09/08/2024
Detailed Elevations	6BKD2-BBA-32	P02	09/08/2024
General arrangement Sections	6BKD2-BBA-33	P04	09/08/2024
Site Sections 1	6BKD2-BBA-33	P01	09/08/2024
Site Sections 2	6BKD2-BBA-33	P01	09/08/2024
Planning Statement (including Statement of Community Involvement)			09/08/2024
Transport Assessment	230484-TA	V2	09/08/2024
Transport Assessment Addendum	SCP/230484/TAA01	V0.1	09/08/2024
Travel Plan	230484-TP	V2.0	09/08/2024
Stage 1 Road Safety Audit	230484/RSA1/TH	2	09/08/2024
Stage 1 Road Safety Audit response report	230484/RSA1/DR	1	17/12/2024
Broadway Site Access Drawing by SCP	SCP/230484/SK02	D	20/12/2024
Boundary Treatments Plan	6BKDZ-BBA-30-22-D-L-1006	P03	20/12/2024
Flood Risk Assessment & Drainage Strategy	6BKD2-BWB-ZZ-XX-T-W- 0001_FRA		09/08/2024
Sustainable Drainage Statement	6BKD2-BWB-ZZ-XX-T-C- 0001_SDS		09/08/2024
Preliminary Ecological Appraisal	MOR001-013-006/001/001		20/08/2024
Ecological Impact Assessment	MOR001-013-006/001/002		13/09/2024

Plan Type	Reference	Version	Date Received
Species Enhancement Statement	MOR001-013-006/002/001		20/12/2024
Bat Emergence Survey Report	MOR001-013-004/001/002		13/09/2024
Tree Survey Report	MOR001-013		09/08/2024
Arboricultural Impact Assessment	MOR001-013		09/08/2024
Arboricultural Method Statement	MOR001-013		09/08/2024
Phase 1 Geotechnical Report	350564-R01 (00)		06/09/2024
Phase 2 Site Investigation	350564-R03 (00)		09/08/2024
Supplemental Ground Investigation Report	WYP-BWB-EGT-XX-RP-LE-0001-GIR	P1	24/10/2024
Coal Mining Risk Assessment	350564-R04 (00)		09/08/2024
Air Quality Assessment	445798-01 (00)		09/08/2024
Acoustic Report	1700837-RPAC-0001	1	09/08/2024
Climate Change Statement	230012 – WYP		09/08/2024
Site Waste Management Plan	6BDK2		09/08/2024
Submitted under Section 73 application, 2025/93475			
Application form			17/12/25
Location plan	6BKD2-BBA-30-ZZ-D-A-1001	P03	17/12/25
Proposed landscape general arrangement	6BKD2-BBA-30-ZZ-D-L-1003	C07	31/03/26
Proposed hard landscape layout	6BKD2-BBA-30-ZZ-D-L-1004	C07	31/03/26
Proposed soft landscape layout	6BKD2-BBA-30-ZZ-D-L-1005	C04	31/03/26
Proposed fencing layout	6BKD2-BBA-30-ZZ-D-L-1006	C08	17/12/25
Landscape material schedule	6BKD2-BBA-30-ZZ-T-L-0010	C02	17/12/25
Boundary retaining wall section sheet 1	6BKD2-BWB-35-ZZ-D-S-6020	C07	07/04/26
Boundary retaining wall section sheet 2	6BKD2-BWB-35-ZZ-D-S-6021	C03	08/04/26
Detailed elevations	6BKD2-BBA-32-ZZ-D-A-3501	C02	01/04/26

Plan Type	Reference	Version	Date Received
General arrangement elevations	6BKD2-BBA-32-ZZ-D-A-3001	C09	01/04/26
Roof level plan	6BKD2-BBA-31-R1-D-A-2104	C08	02/04/26
Plant room plan	6BKD2-BBA-31-R2-D-A-2105	C06	02/04/26
Covering letter	Section 73 Note 31.03.26		17/12/25

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer requested further details of the proposed retaining walls and changes to the landscaping scheme during the application process so that their impact could be accurately assessed and the developer also submitted further changes, the addition of vehicle barriers, which were assessed during the application process.