

HOLME PLANNING

Partnership

Planning Statement

Canker Lane Garage

409 Leeds Road

Huddersfield

HD2 1XT

Variation of Planning Condition

June 2026

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1.0 Introduction

Background

- 1.1 Holme Planning Partnership have been instructed by PGO Properties Ltd, to prepare a detailed planning statement to support an application to vary a planning condition attached an original approval for the following development at Canker Lane Garage, Leeds Road, HD2 1XT, namely:

“Change of use from B2 to Class E, Conversion of Existing Car Garage to Retail Unit.”

- 1.2 The above development was approved by Kirklees Council on the 24 April 2024, under the provisions of consent reference 2023/62/92597/W. The permission included a number of conditions in relation to the operation of the approved use of the site and environmental protections. Whilst the principle of these conditions are accepted, given a change in the future site operator following the cessation of the previous agreement with Mattressonline (as a result of their decision to not continue at this site given delays in addressing all of the requirements of the original approval), there is a need to make some minor variations to the wording of the conditions attached to the original approval, namely condition 3. These amendments are required in order to broaden the goods which can be sold on site to reflect the new tenancy agreement with United Carpets.
- 1.3 The application does not seek to alter the nature, scale or intensity of the approved use, but rather to ensure that the planning conditions align with the operational realities of the current economic climate, market demands and to secure a viable use of the site.
- 1.4 This statement will address the relevant national and local planning policies that deal with the principle of the proposal to vary the provisions of the original approval, and the pertinent planning matters associated with the scheme.

Principle of Development

- 1.5 The National Planning Policy Framework is supportive as a matter of principle of development to support economic development, job creation and the viable reuse of previously developed sites. The Development Plan further supports development where it can be shown not to result in harm to neighbour amenity, highway safety or the character of an area by way of noise, disturbance or general activity.

1.6 It is our view that the development subject of this application remains compliant with the core principles of local and national planning policy. Further, that there are other material considerations which also weigh in favour of the grant of consent. We would therefore kindly request that this application to amend the wording of the conditions associated with the approved use of the site, be approved without delay, such that subject to the discharge of the final outstanding conditions, the approved use of the site can now be implemented.

2.0 Application Site Context

- 2.1 The application site is located within the authority of Kirklees Council. The property currently comprises of a single storey former vehicle garage, with off street car parking for a number of vehicles on the junction of Leeds Road and Red Dole Lane, Huddersfield. The site is currently vastly under used and has been for a number of years.
- 2.2 The property is located within the main built up development area and is approximately 1200m to the north west of the town centre of Huddersfield. The property is located within an area of mixed commercial and residential character, with other out of town retailers noted to be sited within the immediate vicinity. In that regard, the proposed use is deemed to be well suited to the character of the wider local area, as demonstrated through the provisions of consent reference 2023/62/92597/W.
- 2.3 The property is well located for access to the main highway network given its position on the A62, which provides direct road links into Huddersfield and on into Mirfield, Leeds and the wider motorway network. There are local public transport connections, including bus stops which are available within walking distance of the site on Leeds Road. The site is also within walking distance of eating establishments, recreation areas, supermarkets, cinema, other retail uses etc. The site is therefore well positioned for access to key local services and facilities, and very well located for site access for staff, customers and deliveries.
- 2.4 The application site is not understood to be listed, nor locally listed, and there are no other listed buildings within the immediate vicinity of the application site. The property is also not understood to be located within a conservation area.
- 2.5 From a review of the Environment Agency Flood Map, the application site is noted to be located within an area at risk from flooding. However, this was addressed and overcome under the provisions of the original approval, and the variations now sought to broaden the goods to be sold on site are not felt to result in greater risk in that regard. Flood risk is not therefore deemed to be determinative to this application to vary condition 3 of the original approval.

Approved Development

- 2.6 As the Council are aware, the site already benefits from planning permission for a Class E retail use, which is limited by way of condition as to what can be sold on site. The previous consent

was issued by Kirklees Council on 24th April 2024, under the provisions of consent reference 2023/62/92597/W.

2.7 In the assessment of the previous application the Applicants submitted a robust sequential assessment to demonstrate that there were no other more suitable sites available to meet the needs of the end user, which at that time was Mattressonline. The Council accepted the content of the previous sequential assessment, with the planning policy team determining that the scheme had passed the sequential test. Given that this further proposal does not seek to alter the approved use of the site, the previous sequential test and its robust conclusions are deemed to remain pertinent and make the case in favour of the variation of the previous approval as now applied for.

2.8 In relation to the provisions of the officer delegated report associated with consent reference 2023/62/92597/W, the case officer is noted to confirm that:

“Officers conclude that the submitted sequential test appropriately demonstrates a search of Huddersfield Town Centre and District Centres regarding whether there would be any suitable and available units, taking into account flexibility in format and scale and providing an appropriate audit trail of sequentially preferable sites that have been discounted, accompanied by a robust justification.

As such, it is considered that the proposal would appropriately accord with LP13 of the Kirklees Local Plan and Chapter 7 of the NPPF.”

2.9 Given that this further proposal does not seek to alter the use of the application site, but simply seeks to expand to a limited degree the goods to be sold, we are of the view that the comments made by the case officer above remain relevant and in support of the scheme as now applied for.

2.10 In the assessment of application 2023/62/92597/W, it is noted that a number of statutory consultees responded positively to the application including highways, lead local flood authority, environmental health and the Health and Safety Executive, with many confirming no objection to the scheme subject to conditions. The proposal to vary goods to be sold on site does not result in any works which could impact on highways, flood risk, drainage

etc, and in that regard the scheme is deemed to remain acceptable in relation to the previously assessed technical matters.

- 2.11 The Case Officer is noted to have set out their justification for the approval of the use of the site for retail purposes (albeit limited by way of condition), and we are of the view that the scheme as now applied for continues to represent a sustainable form of development, and continues to be consistent with the provisions of the following extract of the Officer's Report, and is therefore once again deemed to be acceptable:

"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."

Proposed Development

- 2.12 As detailed at section 1 of this report, planning permission was granted in April 2024 for the change of use of the existing site from Class B2 to a Retail Use (use class E). The site is ready to be refurbished in line with the provisions of the original approval, with a number of conditions already having been discharged. Sadly, however given the time taken from approval to the date of this application, the previous tenant who sought to use the site for the sale of beds and mattresses has had to pull out of their lease. The site owner has therefore sought to locate an alternative end user, but it has not been possible to locate an alternative tenant who can work within the confines of the consent as currently worded.
- 2.13 The site owner has therefore reached an agreement with United Carpets to take over the lease and longer term use of the site. United Carpets have also been searching for a suitable site within Huddersfield to deliver their goods and services, and deem the site on Leeds Road to not only best meet their needs, but that there remains no other more sequentially preferable sites which are currently available and can accommodate their use.
- 2.14 United Carpets are understood to need a site which is in the order of 300sqm-500sqm in floor area, to be a suitable single storey property in order to deliver sufficient sales space for the

showroom, staff accommodation and offices, as well as areas for storage of goods, on site parking and a site located in an accessible and sustainable location which can also secure safe access for HGV deliveries.

- 2.15 In order to secure the lawful use of the application site by United Carpets, there is a need to vary the wording of the current condition as drafted, to ensure that the permission meets their operational requirements, and secures the delivery of the use as approved.

- 2.16 The condition as currently drafted reads as follows:

“Condition 3: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the building as outlined in red on the submitted Location Plan (Dwg Ref: PP-1238569V1) shall be restricted to a retail unit selling beds and mattresses only for the lifetime of the development.

Reason: For the avoidance of doubt as to what is being permitted and to ensure that the retailing operations undertaken are complimentary to those undertaken in the centre of Huddersfield to protect the vitality and viability of Huddersfield town centre and to accord with policy LP13 of the Kirklees Local Plan as well as policies contained within Chapter 7 of the National Planning Policy Framework.”

- 2.17 Importantly, the use now proposed does not alter the nature, scale or intensity of the approved consent, and the use of the property would continue to operate in the same manner as previously assessed and accepted by the Local Authority. We are however asking that the goods to be sold on site now be extended to meet the operational requirements of the new tenant, namely for the sale of carpets and other floor coverings (as well as the retention of the approved use for the sale of beds and mattresses). For that reason, we would therefore request amending the wording of condition 3 as follows:

“Condition 3 (Revised)

“Condition 3: Notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) the use of the building as outlined in red on the submitted Location Plan (Dwg Ref: PP-1238569V1) shall be restricted to a

retail unit selling beds, mattresses, floor coverings (including without limitation carpets, carpet tiles, rugs, laminates, wood and engineered floor products), soft furnishings and other ancillary items together with ancillary storage accommodation, office and staff facilities only for the lifetime of the development.

Reason: For the avoidance of doubt as to what is being permitted and to ensure that the retailing operations undertaken are complimentary to those undertaken in the centre of Huddersfield to protect the vitality and viability of Huddersfield town centre and to accord with policy LP13 of the Kirklees Local Plan as well as policies contained within Chapter 7 of the National Planning Policy Framework.”

2.18 For clarity, the proposal to make a minor modification to condition 3 of the original approval to allow the sales of carpets and flooring, as well as beds and mattresses, does not give rise to any material change in the operation and use of the site as approved. In particular:

- There is no increase in the number of staff to be employed on site from the previous application.
- The nature and frequency of deliveries and general traffic and movements remains consistent with that assessed under the original application.
- The use now proposed continues to relate to the delivery of specialist goods and not an everyday good, and maintains a much wider catchment and which needs an out of town location to best meet its needs.
- The proposals do not result in any change in the approved use of the site, which will remain within Use Class E, and will be limited by way of the revised condition and the other limitations attached to the original grant of consent.

2.19 The site would therefore continue to operate in the same manner as previously assessed and accepted by the Local Authority, but will simply allow the sales of carpets and flooring (and relevant ancillary goods), as well as beds and mattresses in order to ensure that the approval remains viable, deliverable and market responsive.

2.20 The site will continue to operate as a small scale, low impact retail use with no greater impact on the vitality and viability of the town centre or the character of the local area. The proposed amendment to the condition wording will also not result in any increase in vehicle movements, parking or general activity from the previously approved development, and

therefore will not give rise to any additional impact on the local area when compared to the approved scheme. The proposal will therefore not result in a development which falls foul of the provisions of the adopted Development Plan, and is therefore deemed to be acceptable.

3.0 Relevant Planning Policy and Legislation – National Planning Policy Framework

- 3.1 The development subject of this detailed application needs to be assessed against the provisions of the Development Plan, which comprises of the Revised National Planning Policy Framework, and the adopted Kirklees Local Plan. This section of the report will focus on the national planning policy position, with local policies addressed at Section 4.

Revised National Planning Policy (NPPF)

- 3.2 The Revised National Planning Policy Framework was last updated in February 2025, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the evaluation of this proposed development read as follows:

Section 1 – Achieving Sustainable Development

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

“Paragraph 10: *So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”*

“Paragraph 11: *Plans and decision should apply a presumption in favour of sustainable development. For decision taking this means approving development that accords with an up to date development plan without delay.”*

Section 4 - Decision Making

“Paragraph 39: *Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

“Paragraph 48: *Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”*

Section 6 – Building a strong, competitive economy

“Paragraph 85: *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.”*

Section 7 - Ensuring the Vitality of Town Centres

“Paragraph 90: Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:

- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;*
- b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;*
- c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;*
- d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;*
- e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and*
- f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.”*

“Paragraph 91: Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or

expected to become available within a reasonable period) should out of centre sites be considered.”

“Paragraph 92: When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Section 8 – Promoting Healthy and Safe Communities

“Paragraph 96: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and*
- c) enable and support healthy lives, through both promoting good health and preventing ill-health, especially where this would address identified local health and well-being needs and reduce health inequalities between the most and least deprived communities – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

“Paragraph 98: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings,*

public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services."

Section 9 – Promoting Sustainable Transport

"Paragraph 115: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach."*

"Paragraph 116: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios."*

"Paragraph 117: *Within this context, applications for development should:*

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or*

other public transport services, and appropriate facilities that encourage public transport use;

b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and

e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”

- 3.3 **Summary:** The proposal to amend the goods to be sold at the application site does not alter the nature or intensity of use of the approved development, and would not give rise to any additional impacts in terms of residential amenity, character of the area or highway safety than the previously approved development.
- 3.4 The site will continue to operate as laid out within the original consent in relation to use and staff numbers, parking, deliveries etc. There is no material change to that original consent, and the minor variations now being sought are deemed to remain within the confines of the original approval and to continue to represent an acceptable form of development.
- 3.5 The proposal seeks to ensure that the condition wording accurately reflects the intended long-term operation of the approved use, allowing for a more viable and flexible use of the application site, to better meet current market needs and to do so without causing undue harm to the vitality and viability of Huddersfield Town Centre.
- 3.6 The proposal continues to align with the objectives of the paragraphs and requirements of the National Planning Policy Framework. Therefore, in line with the provisions of paragraph 11 of the Framework, we would kindly request that the Council seek to support the variation to the previously approved development as currently proposed, and to work with us towards a positive determination of this further application.

4.0 Relevant Planning Policy – Kirklees Development Plan

- 4.1 The Development Plan currently comprises of the Kirklees Local Plan (2019) and the provisions of relevant Supplementary Planning Documents as addressed below.
- 4.2 It is understood from a review of the local authority Proposals Map (extract included below for ease of reference), that the site subject of this application is located within the main built up area, outside of a defined centre, is sited adjacent to a Priority Employment Area and within a Strategic Green Infrastructure Network. The site is also understood to be located within a defined flood plain and a mineral safeguarding zone for sand and gravel.



Figure 1: Proposals Map Extract

- 4.3 Included below is a list of the adopted key determinative development plan policies of relevance to the assessment of this further application:

Kirklees Local Plan

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping;
- Policy LP3 – Location of New Development;
- Policy LP4 – Providing Infrastructure;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP13 – Town Centre Uses;
- Policy LP20 – Sustainable Travel;
- Policy LP21 – Highways and Access;
- Policy LP22 – Parking;

- Policy LP27 – Flood Risk;
 - Policy LP28 – Drainage
- 4.4 Of the policies detailed above, specific regard is to be paid to policies LP7 and LP13 which are the key determinative policies in relation to this request to vary the provisions of the existing consent.
- 4.5 **Policy LP7** confirms that proposals should encourage the efficient use of previously developed land in sustainable locations, should encourage the reuse or adaptation of vacant or underused properties and give priority to land that is not of high environmental value. The scheme as approved and now sought to be varied, will importantly secure the viable reuse of a longstanding underused property, on a prominent site on a main thoroughfare into the town centre, and will represent the efficient use of a previously developed site within a sustainable location. The scheme subject of this revised proposal is therefore deemed to once again meet the tests laid out within policy LP7 and remains an acceptable form of development.
- 4.6 **Policy LP13** confirms that within Kirklees, main town centre uses shall be located within defined centres. The policy also goes on to confirm that for proposals which come forward for main town centres, located outside of defined centre boundaries, the Council will require the submission of a Sequential Test. The application site has already been approved for a Class E retail use and passed the sequential assessment when the original consent was granted. The proposal to simply amend the goods to be sold on site to a very limited degree, by varying the provisions of condition 3, is not felt to create any additional issues or harm to the vitality and viability of Huddersfield town centre than those previously deemed to be acceptable. The proposed revised wording of condition 3 is therefore deemed to remain appropriate and acceptable and to have met the tests laid out within policy LP13.
- 4.7 As set out within the approved application, the scheme as proposed is capable of delivering a viable and suitable reuse of the application site which has been significantly under used for a period of time, and to do so without undue harm to residential amenity, the character of the local area, and without undermining the vitality and viability of Huddersfield town centre. In addition, the proposed variation to the condition wording would assist in ensuring that the approved development can respond to changing market conditions and can secure the delivery of jobs and investment which will be of benefit to the wider local economy. In that regard, the

proposed amendment is considered to support and comply with the relevant provisions of the adopted Local Plan.

- 4.8 **Summary:** The principle of the use of the application site as a Class E retail use has already been established following the approval by Kirklees Council of consent reference 2023/62/92597/W, and this is not being sought to be changed as part of this further application. The minor amendments to the scope of that approval, through the variation of condition 3, is not deemed to result in any greater harms or impacts than the use as approved, but will offer material benefits to securing a viable use of the application site. The proposals therefore remain compliant with the provisions of the Development Plan and raise no new or materially different planning considerations.

Other Relevant Policy Documents

- 4.9 In the preparation of this further application we have had regard to the list of adopted Supplementary Planning Documents in force in Kirklees, and given the nature of the application, we do not consider any to be fundamentally determinative to this application to vary the provisions of the existing consent, given that the core principles of the approved use of the site are unaffected by the proposed vary of condition 3 as applied for.

Emerging Local Plan

- 4.10 It is understood that Kirklees Council are in the process of drafting their new Local Plan, with work commencing on the Plan in November 2023 following the outcome of a Local Plan Review. The Council are noted to have undertaken Local Plan Early Engagement from November 2024 to February 2025. The Council have then confirmed in the latest published Local Plan Timetable in March 2026, that the next stage of consultation will take place in the summer of 2027.
- 4.11 Given that the emerging Plan remains in its early stages and has yet to be submitted for independent examination, it is our view that the document carries no weight in the determination of this amended proposal.

5.0 Other Material Considerations

- 5.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy.
- 5.2 In addition to this, material considerations exist that weigh further in favour of the development, including the fact that the use of the site for retail purposes has already been established within a previous and extant approval. There has however been a need to identify a new end user following the previous tenants decision to not progress with this site following delays to being able to open. United Carpets' (a major UK brand) decision to take over the lease is therefore clearly positive, will secure the delivery of the original approval (once varied) and will result in wider economic and social benefits.
- 5.3 The scheme as submitted is deemed to continue to represent a sustainable form of development as it relates to the viable reuse of an existing and longstanding underused site, which if left for a period of time, will result in harm to the visual amenities of the street scene. Given the application site's prominent position on a main thoroughfare into the town, its viable and active use will have a significant positive benefit on the character of the local area, and the vibrancy and feeling of safety in the street scene.
- 5.4 The application site is sustainably located for access to key local services, facilities and public transport connections, and is also well located for access to the main highway network. Importantly, the scheme remains within the main built up area and is for a retail use which is simply not based placed within an existing defined centre for the reasons previously laid out and supported in the assessment of the previous approval.
- 5.5 The scheme now proposed will deliver an active and job creating use of the site, bringing clear benefits to the wider local economy, will continue to offer environmental improvements as required in the original consent, and importantly can secure the delivery of the as approved development.
- 5.6 As such, whilst we remain of the view that the development proposed is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are

also a number of clear material benefits to the development which also tip the balance in favour. We therefore kindly request that the Council seek to support this application to vary the provisions of the previously approved development as a matter of principle.

6.0 Conclusions

- 6.1 It has been demonstrated throughout this submission that the development subject of this application to vary condition 3 attached to approval reference 2023/62/92597/W once again accords with the relevant statutory duties and the Development Plan when read as a whole.
- 6.2 The proposed development is acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan. Furthermore, the proposed changes as detailed within this application, will not result in harm to the character of the local area, the vitality and viability of Huddersfield town centre, nor highway safety. There are in addition other material considerations which weigh very heavily in favour of the grant of consent, and these have been dealt with in detail above.
- 6.3 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal, and to work with us on a positive outcome to this application.
- 6.4 Should you require any further information in advance of validation of the application, or during the assessment process, please do not hesitate to contact us.