

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

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

Reference No:	2026/70/91668/W
Site Address:	John Shaw And Son Ltd, Canker Lane Garage, Leeds Road, Huddersfield, HD2 1XT
Description:	Variation of condition 3 (use of building) on previous permission 2023/92597 for change of use from B2 to Class E, Conversion of existing car garage to retail unit
Recommending Officer:	Kerri Simpson

DECISION – VARIATION OF CONDITON APPROVED

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.

John Holmes

AUTHORISED OFFICER

Date: 29-Sep-2026

Officer Report – 2026/91668

**John Shaw and Son Ltd, Canker Lane Garage, 409 Leeds Road,
Huddersfield, HD2 1XT**

Site Description

The application site comprises a former commercial vehicle garage located on the corner of Leeds Road and Red Doles Lane, Huddersfield. The principal building is single storey and set back from Leeds Road, with stone frontages, brick side and rear elevations and a corrugated metal roof. The site includes areas of hardstanding and parking around the building, with vehicular access from Leeds Road and Red Doles Lane.

The surrounding area is mixed in character and includes residential properties, retail parks and light industrial/commercial premises. The site is approximately 1.2km walking distance from Huddersfield Town Centre and lies outside a defined centre. The site is within Flood Zone 2, the River Colne Strategic Green Infrastructure Network, an outer hazardous substances consultation zone and a historic landfill buffer. Byway HUD/56/10 runs along Red Doles Lane. The site lies within an area identified by the Coal Authority as being at low risk from former coal mining activity.

Description of Proposal

The Scheme

Planning permission 2023/62/92597/W was granted on 24 April 2024 for the change of use of the former B2 commercial vehicle garage to a Class E retail unit, together with associated external alterations. The approved retail use was intended for the display and sale of beds and mattresses.

This application is made under section 73 of the Town and Country Planning Act 1990 and seeks to vary condition 3 of permission 2023/92597 Condition 3 currently reads:

“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.”

The applicant explains that the previously intended occupier, Mattressonline, is no longer proceeding and that United Carpets is proposed as the new occupier. The variation would retain the approved Class E retail use but broaden the range of goods that may be sold to include floor coverings, together with related soft furnishings and ancillary items. No alterations are

proposed to the approved building, floorspace, access, parking arrangements or hours of operation as part of this application.

Condition 3 is proposed to be worded as follows:

“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 8 of the National Planning Policy Framework.”

History of Negotiations / Amendments Received

There were no negotiations or amendments required.

Relevant Planning History

The most relevant planning history relates to the following planning applications:

Ref: 2026/90053

Description: Discharge of details reserved by condition 7 (Phase II Report) on previous permission 2023/92597 for change of use from B2 to Class E; conversion of existing car garage to retail unit.

Decision: Discharge of Condition(s) Approved (01.05.26)

Ref: 2025/90335

Description: Discharge of details reserved by condition 5 (Phase I Geo-environmental Report) and 6 (Phase II Geo-environmental Report) on previous permission 2023/92597 for change of use from B2 to Class E; conversion of existing car garage to retail unit.

Decision: Discharge of Condition(s) Approved (23.09.25)

Ref: 2023/92597

Description: Change of use from B2 to Class E, conversion of existing car garage to retail unit.

Decision: Conditional Full Permission (24.04.24)

Ref: 2023/92808

Description: Advertisement consent for erection of illuminated signs.

Decision: Advertisement Consent Granted (21.11.23)

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (2024).

The application has been publicised on the Council's website and by site notice. The expiry date of the publicity period was the 27th August 2026.

There were no letters of representation received.

Consultation Responses

No formal consultations were undertaken as part of this application. The principle of Class E retail use has already been established under the original permission, and the current application seeks only to vary the wording of Condition 3 to broaden the range of goods permitted to be sold from the premises. Officers are satisfied that the proposed variation would not materially alter the nature, scale or intensity of the approved use or give rise to any new material planning considerations requiring consultation with statutory or non-statutory consultees.

Allocation and Policy

The site is unallocated within the Kirklees local Plan (Adopted 2019)

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Kirklees Local Plan, adopted 27 February 2019.

The following Kirklees Local Plan policies are relevant:

LP1 – Presumption in Favour of Sustainable Development

LP2 – Place Shaping

LP3 – Location of New Development

LP7 – Efficient and Effective Use of Land and Buildings

LP13 – Town Centre Uses

LP20 – Sustainable Travel

LP21 – Highways and Access

LP22 – Parking

LP24 – Design

LP27 – Flood Risk

LP28 – Drainage
LP31 – Strategic Green Infrastructure Network
LP51 – Protection and Improvement of Local Air Quality
LP52 – Protection and Improvement of Environmental Quality
LP53 – Contaminated and Unstable Land

National planning policy is contained in the National Planning Policy Framework (NPPF), published in August 2026. The following chapters and national decision-making policies are of particular relevance:

Chapter 3 – Decision-making policies
Chapter 4 – Achieving sustainable development
Chapter 7 – Building a strong, effective economy
Chapter 8 – Ensuring the vitality of town centres
Chapter 12 – Making effective use of land
Chapter 14 – Achieving well-designed places
Chapter 15 – Promoting sustainable transport
Chapter 17 – Pollution, public protection and security
Chapter 18 – Managing flood risk and coastal change
Chapter 19 – Conserving and enhancing the natural environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)
The Biodiversity Net Gain Technical Advice Note (June 2021)

Legislation

The Town & Country Planning Act 1990 (as amended).
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017
Biodiversity Net Gain Technical Advice Note 2021

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Assessment

Principle of Development – Ability to seek S73

The ability to seek minor material amendments to extant planning permissions is set out within S.73 of the Town and Country Planning Act 1990. Unlike an application for 'non-material changes' (S.96a applications) an application under S.73 results in a new permission being issued, although the time given to implement the permission remains unchanged and is not extended as a result of any S.73 permission. Whilst a planning authority should take into consideration all relevant matters, including current policies at the point it determines a S.73 application, it must also take into account the scope of the

changes being requested, and the status of the permission, in terms of how far construction has progressed.

This application has been submitted under Section 73 (S73) of the Town and Country Planning Act 1990 to vary “Condition 3 – use of building” attached to the planning permission (ref 2023/92597), granted 24th April 2024.

In considering whether the proposed amendment qualifies under Section 73 of the Town and Country Planning Act 1990, it is noted that the nature of the changes would not alter the description of development or result in a fundamentally different scheme. The amendments are considered a minor material change and falls within the scope of what can be assessed under Section 73.

Principle of Development

This application is made under section 73 of the Town and Country Planning Act 1990, which enables an application to be made for development without compliance with conditions previously attached to a planning permission. A section 73 permission is a new and independent planning permission which sits alongside the original permission. The Local Planning Authority is required to consider the conditions subject to which planning permission should now be granted; the section 73 procedure cannot be used to alter the description of development or extend the original time limit for commencement.

The starting point is permission 2023/62/92597/W, which established the principle of the change of use of the site from B2 to a Class E retail use. The present application does not seek to change the approved description of development, the amount of retail floorspace, the external alterations, access, parking or hours of operation. The assessment therefore focuses on whether the proposed variation to the range of goods permitted to be sold would give rise to materially different planning effects and whether the revised condition remains necessary and appropriately worded.

Town Centre and Retail Considerations

Policy LP13 of the Kirklees Local Plan applies a town-centre-first approach to main town centre uses and requires proposals outside defined centres to satisfy the sequential approach. National policy in Chapter 8 of the August 2026 NPPF is consistent with this approach. Policy TC3 requires a sequential test for main town centre uses requiring planning permission where they are outside an existing centre and are not allocated for that purpose, with town centre sites considered before edge-of-centre and then out-of-centre locations.

The original permission was for approximately 430sqm of retail floorspace for the display and sale of beds and mattresses. A sequential assessment was submitted and accepted under application 2023/62/92597/W. The previous officer assessment concluded that the search of Huddersfield Town Centre

and relevant district centres appropriately considered suitable and available units, demonstrated flexibility in format and scale and provided an adequate audit trail for discounting sequentially preferable sites. The principle of a restricted out-of-centre retail use was therefore accepted.

The current proposal would not create additional retail floorspace or introduce an unrestricted retail use. The principal additional goods comprise carpets and other floor coverings, including carpet tiles, rugs, laminate, wood and engineered flooring, with related soft furnishings and ancillary goods. These are predominantly comparison/bulky goods and the applicant identifies operational requirements broadly comparable with those previously assessed, including showroom floorspace, storage, customer parking and access for deliveries. The proposed operator is different, but the physical site requirements and the character of the principal goods remain sufficiently similar to the approved use that the previously accepted sequential assessment remains a significant and relevant material consideration.

Having regard to the limited scope of the variation, the unchanged floorspace and location, and the continued restriction to specified bulky/comparison goods, officers consider that the proposal would not undermine the basis on which the site previously passed the sequential test. A new unrestricted retail permission is not being created. The revised condition is therefore important in ensuring that the permission cannot be used for a materially different form of general retailing without further planning consideration.

Policy LP13 also sets local thresholds for retail impact assessments. The approved retail floorspace is approximately 430sqm gross. The site was previously identified as approximately 1.2km walking distance from Huddersfield Town Centre and approximately 1.1km from the nearest local centre. The proposal is therefore below the 500sqm gross general threshold and is not within 800m of a defined centre so as to trigger the lower local thresholds. An impact assessment is not required. The national default threshold in policy TC4 of the 2026 NPPF is also not exceeded.

Subject to the revised condition, the proposal is considered to accord with Policy LP13 of the Kirklees Local Plan and the town centre policies in Chapter 8 of the NPPF.

Other Matters

The proposed variation does not involve any physical alterations to the approved development and would not change the approved access, parking provision, waste arrangements or hours of operation. The applicant states that staffing levels, delivery patterns and general traffic movements would remain consistent with those previously assessed. There is no evidence before the Local Planning Authority that the restricted change in goods sold would result in materially greater highway, parking or residential amenity impacts than the approved use.

Flood risk, drainage, contamination, design and other site-specific matters were assessed under the original permission. The present application does not alter the physical development or increase the vulnerability of the approved use. The conditions imposed on the original permission in respect of these matters remain capable of securing the necessary mitigation and should be carried forward to the new section 73 permission, subject to any conditions which have already been formally discharged being updated to reflect the approved details.

Amended Conditions

The grant of permission under section 73 would result in a new planning permission. Conditions from the original permission should therefore be restated where they remain relevant, with condition 3 varied as part of this application. The original permission was dated 24th April 2024 and the section 73 procedure cannot extend the time limit for commencement. Unless the development has already lawfully commenced, the commencement deadline must therefore remain 24th April 2027.

Planning permission reference 2023/92597 was granted conditional full planning permission on 24th April 2024 for the change of use from B2 to Class E, conversion of existing car garage to retail unit. The permission was subject to a number of planning conditions. The table below sets out the conditions imposed on the original permission and outlines the new conditions in relation to this S73 application.

No.	Condition Original (2023/92597)	Condition S73 (2026/91668)
1	The development hereby permitted shall be begun within three years of the date of this permission. Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.	The development hereby permitted shall be begun by 24th April 2027. Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
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	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 Policies

	on completion, and to accord Policies LP1, LP2, LP3, LP4, LP7, LP13, LP20, LP21, LP22, LP24, LP25, LP27, LP28, LP30, LP31, LP51 & LP52 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 2, 4, 6, 7, 8, 9, 11, 12, 14 & 15 of the National Planning Policy Framework.	LP1, LP2, LP3, LP4, LP7, LP13, LP20, LP21, LP22, LP24, LP25, LP27, LP28, LP30, LP31, LP51 & LP52 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 3, 4, 5, 7, 8, 12, 14, 15, 16, 17, 18 and 19 of the National Planning Policy Framework.
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 the policies contained within Chapter 7 of the National Planning Policy Framework.	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 8 of the National Planning Policy Framework.
4	Before the development is brought into use, details of waste storage, bin presentation points and access arrangements for the	Before the development is brought into use, details of waste storage, bin presentation points and access arrangements for the collection of

	collection of wastes from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the development is brought into use and shall be so retained thereafter. Reason: To ensure a suitable access and layout in the interests of highway safety to accord with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.	wastes from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the development is brought into use and shall be so retained thereafter. Reason: To ensure a suitable access and layout in the interests of highway safety to accord with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.
Note: Conditions 5, 6 and 7 National Planning Practice Guidance advises that conditions imposed on the original planning permission continue to have effect unless they have been discharged and that, when granting permission under Section 73, only those conditions which continue to have effect should be restated on the new decision notice.		
5	The development shall not be brought into use until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.	Details pursuant to Condition 5 and 6 were approved under application reference number 2025/90335, with those for 7 approved under application 2026/90053. Conditions 5 and 6 have been discharged and do not require re-imposition on the new permission granted under Section 73. The approved Preliminary Risk Assessment, Phase II Intrusive Site Investigation Report, Remediation Strategy and implementation timetable nevertheless remain relevant to the development and are expressly referenced within revised Condition 8, which secures ongoing remediation requirements and any necessary response to previously unidentified contamination.
6	Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5 the development shall not be brought into use until a Phase II	

	Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.	
7	Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6 the development shall not be brought into use until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.	
8	Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all	Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy and implementation timetable: • Remediation Strategy Implementation Timetable, 2023/62/92597/W and, • Remediation Statement by JNP Group, dated December 2025, ref: B25657A-JNPXX-XX-RP-G-0001-P01 Approved under application

	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 be carried out in accordance with the Remediation Strategy approved by this condition. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.	reference 2026/90053. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment, Phase 1 Geo-environmental Report authored by JNP Group Consulting Engineers dated April 2024 (ref: B25657-JNP-XX-XX-RP-G-1001 P01) or the Phase II Intrusive Site Investigation Report Phase II Geo-environmental Report authored by JNP Group Consulting Engineers dated July 2024 (ref: B25657-JNP-XX-XX-RP-G-1002 P04) and Detailed Commentary on the Sampling Methodology and Explanation of Deviations statement authored by JNP Group Consulting Engineers dated June 2025 approved under application reference number 2025/90335 on 16th June 2026.] 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 be carried out in accordance with the Remediation Strategy approved by this condition. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of Chapter 17 of the National Planning Policy Framework.
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9	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 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. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 189 and 190 of the National Planning Policy Framework.	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 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. Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of Chapter 17 of the National Planning Policy Framework.
10	The development hereby permitted shall not take place at any time except between the hours of 09:00 to 17:30 Monday to Saturday and 10:00 to 16:00 Sunday and Bank Holidays. Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.	The development hereby permitted shall not take place at any time except between the hours of 09:00 to 17:30 Monday to Saturday and 10:00 to 16:00 Sunday and Bank Holidays. Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 14 and 19 of the National Planning Policy Framework.

The proposed variation relates solely to the wording of Condition 3 and does not involve any alterations to the approved drawings. The approved plans and specifications attached to planning permission 2023/92597 therefore remains

unchanged and continues to apply to the development permitted under this Section 73 application.

7. Representations

No representations have been received.

8. 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, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2026/91668

Officer Recommendation: APPROVE

Conditions

1. The development hereby permitted shall be begun by 24th April 2027.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
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 Policies LP1, LP2, LP3, LP4, LP7, LP13, LP20, LP21, LP22, LP24, LP25, LP27, LP28, LP30, LP31, LP51 & LP52 of the Kirklees Local Plan, Principles 1, 2, 3, 4, 5, 6, 7, 8 & 15 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 3, 4, 5, 7,8, 12,14,15,16,17, 18 and 19 of the National Planning Policy Framework
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 8 of the National Planning Policy Framework.

4. Before the development is brought into use, details of waste storage, bin presentation points and access arrangements for the collection of wastes from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before the development is brought into use and shall be so retained thereafter.

Reason: To ensure a suitable access and layout in the interests of highway safety to accord with policies LP21 and LP22 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

5. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy and implementation timetable:

- Remediation Strategy Implementation Timetable, 2023/62/92597/W and,
- Remediation Statement by JNP Group, dated December 2025, ref: B25657A-JNPXX-XX-RP-G-0001-P01

Submitted to the Local Planning Authority and approved by letter dated 1st May 2026 under application reference 2026/90053.

In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment, Phase 1 Geo-environmental Report authored by JNP Group Consulting Engineers dated April 2024 (ref: B25657-JNP-XX-XX-RP-G-1001 P01) or the Phase II Intrusive Site Investigation Report Phase II Geo-environmental Report authored by JNP Group Consulting Engineers dated July 2024 (ref: B25657-JNP-XX-XX-RP-G-1002 P04) and Detailed Commentary on the Sampling Methodology and Explanation of Deviations statement authored by JNP Group Consulting Engineers dated June 2025 approved under application reference number 2025/90335 on 16th June 2026. 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 be carried out in accordance with the Remediation Strategy approved by this condition.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of Chapter 17 of the National Planning Policy Framework.

6. 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 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.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Policy P2 of Chapter 17 of the National Planning Policy Framework.

7. The development hereby permitted shall not take place at any time except between the hours of 09:00 to 17:30 Monday to Saturday and 10:00 to 16:00 Sunday and Bank Holidays.

Reason: To ensure that the proposed use(s) does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 14 and 19 of the National Planning Policy Framework.

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

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

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

NOTE: No construction related noise shall 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 Public Holidays.

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 the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Byway HUD/56/10

Public Byway HUD/56/10 is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. Public rights of way is based at Civic Centre 1, Huddersfield HD1 2NF and the email address is publicrightsofway@kirklees.gov.uk

NOTE: Flooding Kirklees records indicate that flooding up to 300mm deep is likely on the land surrounding the development during a 1:100 year rainfall event. The LLFA recommends that a Flood Evacuation Plan is produced and displayed on the Health and Safety Notice Board within the building, indicating safe escape route/s for staff and visitors to a place of safety in the event of a flood warning. It is noted that the FRA contains a small scale plan noted as Figure 14 (although referred to in the plan title as Figure 8), however a more detailed larger scale plan should be produced and displayed with the Evacuation Plan.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-12385694v1	-	01.09.23
Existing Site Plan	A1000	-	08.09.23
Existing Plan	A1001	-	08.09.2023
Existing Elevations	A1200	-	08.09.2023
Proposed Site Plan	A2000	-	08.09.2023
Proposed Plan	A2001	-	08.09.2023
Proposed Elevations	A2200	-	12.09.2023
Design and Access Statement	-	P2	20.11.2023
Flood Risk Assessment	KRS.0756.001.R.001	-	17.10.2023

Plan Type	Reference	Version	Date Received
Climate Change Statement	-	-	12.09.2023
Main Town Centre Use Sequential Test	-	02	01.03.2024
Phase 1 Geo-environmental Report authored by JNP Group Consulting Engineers dated April 2024	B25657-JNP-XX-XX-RP-G-1001	P01	07.02.2025
Phase II Geo-environmental Report authored by JNP Group Consulting Engineers dated July 2024	B25657-JNP-XX-XX-RP-G-1002	P04	07.02.2025
Detailed Commentary on the Sampling Methodology and Explanation of Deviations statement authored by JNP Group Consulting Engineers dated June 2025	-	-	07.02.2025
Remediation Statement by JNP Group, dated December 2025	B25657A-JNPXX-XX-RP-G-0001	P01	08.01.2026
2023/62/92597/W Remediation Strategy Implementation Timetable	-	-	08.01.2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. There were no amendments or negotiations required.

