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:	2026/70/91709/E
Site Address:	18-20, Corporation Street/, 17, Foundry Street, Dewsbury, WF13 1QL
Description:	Variation of condition 2 (plans) on previous permission 2022/91006 for alterations to building including new entrance, installation of lift core and staircase and new internal openings and change of use for flexible uses falling within use class E a, c, d, g(i) (Listed Building) (within a Conservation Area)
Recommending Officer:	Jillian Rann

DECISION – S73 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.

Nicholas Hirst

AUTHORISED OFFICER

Date: 20-Oct-2026

Application: 2026/91709

Site: 18-20, Corporation Street/, 17, Foundry Street, Dewsbury, WF13 1QL

Proposal: Variation of condition 2 (plans) on previous permission 2022/91006 for alterations to building including new entrance, installation of lift core and staircase and new internal openings and change of use for flexible uses falling within use class E a, c, d, g(i) (Listed Building) (within a Conservation Area)

Site Description

The application relates to 18-20 Corporation Street and 17 Foundry Street, in Dewsbury town centre, and within the Dewsbury Town Centre Conservation Area.

18-20 Corporation Street is a grade II listed building, dating from the late 19th century. 17 Foundry Street is attached to the building, and is assumed to be listed due to its association with 18-20 Corporation Street at the date of its listing in 1977. The site adjoins a separate grade II listed building, 'The Arcade' (which comprises the properties at 23-25 Market Place, 1-22 The Arcade and 14-16 Corporation Street, Dewsbury, according to the list description).

Following a period of vacancy, planning permission was granted for 18-20 Corporation Street & 17 Foundry Street in June 2022 for:

> *"Alterations to building including new entrance, installation of lift core and staircase and new internal openings and change of use for flexible uses falling within use class E a, c, d, g(i)"* (application reference: 2022/91006, hereafter referred to as 'the original planning permission').

An accompanying application for Listed Building Consent for associated *"alterations to building including new entrance, installation of lift core and staircase and new internal openings"* was approved in June 2022 (application reference: 2022/91007, hereafter referred to as 'the original Listed Building Consent').

Description of Proposal

This application seeks to vary Condition 2 (plans) on the original planning permission (2022/91006) via Section 73 of the Town and Country Planning Act 1990 (as amended).

The proposed variation relates to proposed amendments to the approved plans for the development. A number of amendments are proposed to the previously approved scheme. The proposed amendments are set out in full in

a Schedule of Amendments table which has been submitted as part of the application, and include:

- An increase in the extent of an area of flat roof which was originally approved to provide increased headroom for a new staircase – the submitted details advise that *"the profile of the existing pitched roof and the timber purlins beneath the common rafter extend further into the proposed stair area than previously known"* and that *"the extent of the previously proposed roof would not provide sufficient headroom at the head of the new stair".* Therefore, it is now proposed to slightly increase the extent of that area of flat roof, compared with the extent which was originally approved, in order to provide sufficient headroom for the new staircase;
- Creation of a lobby between the staircase and units 34/35.
- Replacement of some additional elements of existing building fabric which were previously proposed to be retained (where historic fabric has been found to be damaged for example), including some sash windows;
- Omission of a store room which was previously approved on the second floor;
- Removal (rather than retention) of specified areas of existing floor coverings – the submitted details state that this is on the basis that those floor coverings were found to be Asbestos-Containing Materials (ACMs);
- Minor change to the alignment of the splayed door opening to Unit 33, due to a structural column location clashing with the previously approved splayed door opening.

The wording of condition 2 is as follows:

> *"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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP13, LP18, LP24 and LP35 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework."*

The wording of condition 2 is proposed to remain the same, but the plans and specifications schedule referred to therein is proposed to be amended to refer to revised versions of some of the plans/documents, to allow for the proposed amendments to the previously approved development.

<u>Accompanying Section 19 application</u>

A separate 'Section 19' application to vary condition 2 (plans) on the original Listed Building Consent has also been submitted, and is currently under separate consideration (application: 2026/91710).

Relevant Planning History

Application Site

The following planning history relating to the application site is most directly relevant to the current Section 73 application:

2022/91006 – Alterations to building including new entrance, installation of lift core and staircase and new internal openings and change of use for flexible uses falling within use class E a, c, d, g(i). Approved 10/06/2022.

2022/91007 – Listed Building Consent for alterations to building including new entrance, installation of lift core and staircase and new internal openings. Approved 10/06/2022.

2026/91710 – Variation of condition 2 (plans) on previous permission 2022/91007 for Listed Building Consent for alterations to building including new entrance, installation of lift core and staircase and new internal openings. Pending consideration.

Other planning history relating to the application site includes other applications for planning permission for changes of use, applications for Listed Building Consent for alterations, and applications for advertisement consent for signage.

Surrounding Area

The following applications relate to the adjacent buildings which together constitute the grade II listed building, 'The Arcade'. These include applications in relation to works which the proposed development on the current application site is related to, including the provision of a lift on the current application sit which would provide access to parts of the adjoining development at The Arcade:

Full site

2021/93190 – Alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment ('the original planning permission'). Approved 04/03/2022.

2021/93191 – Listed Building Consent for internal and external alterations ('the original Listed Building Consent'). Approved 04/03/2022.

2023/91134 – Variation of condition 2 (plans) of previous permission 2021/93190 for alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment ('the 2023 S73 permission'). Approved 23/06/2023.

2023/91135 – Variation of condition 2 (plans) of previous Listed Building Consent 2021/93191 for internal and external alterations ('the 2023 S19 Listed Building Consent'). Approved 23/06/2023.

2024/90504 – Discharge of condition 14 (access) of previous permission 2023/91134 for variation of condition 2 (plans) of previous permission 2021/93190 for alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment. Approved 10/04/2024.

2024/90165 – Discharge of condition 23 (archaeological recording) of previous permission 2023/91134 for variation condition 2 (plans) of previous permission 2021/93190 for alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment. Approved 07/03/2024.

2024/92384 – Discharge of details reserved by conditions 4 (signage), 5 (colour scheme), 9 (trickle vent details) on previous permission 2023/91135 for variation condition 2 (plans) on previous Listed Building Consent 2021/93191 for internal and external alterations. Approved 27/09/2024.

2024/92386 – Discharge details reserved by conditions 16 (signage), 17 (colour scheme) and 21 (trickle vent details) of previous permission 2023/91134 for variation condition 2 (plans) on previous permission 2021/93190 for alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment. Approved 19/09/2024.

2026/91758 – Variation of Conditions 2 (plans), 14 (construction traffic access), 15 (gates and fanlights), 16 (hanging signage), 17 (roof colour scheme), 19 (M&E details), 20 (roof edge protection), 21 (trickle vents), 22 (historic floor finish on 2nd floor) and 23 (archaeological recording) of previous permission 2023/91134 for Variation of condition 2 (plans) of previous permission 2021/93190 for alterations to the building and material change of use of units to flexible uses falling within Use Classes E (a), (b), (c), (d), (g(i)), (g(iii)), public house/wine bar/drinking establishment. Pending consideration.

2026/91760 – Variation of Conditions 2 (plans), 3 (gates and fanlights), 4 (hanging signage), 5 (roof colour scheme), 7 (M&E details), 8 (roof edge protection), 9 (trickle vents) and 10 (historic floor finish on 2nd floor) of previous Listed Building Consent 2023/91135 for Variation of condition 2 (plans) of previous Listed Building Consent 2021/93191 for internal and external alterations. Pending consideration.

Unit 24 (within The Arcade site)

The following applications relate to one of the units within The Arcade, Unit 24:

2026/91544 – Alterations to convert to opticians. Approved 07/08/2026.

2026/91616 – Listed Building Consent for alterations to convert to opticians. Approved 07/08/2026.

Buildings at the northern end of The Arcade (within The Arcade site)

The following applications relate to the buildings at the northern end of The Arcade:

2025/90996 – Listed Building Consent for installation of 22 no. solar photovoltaic (PV) panels within the rear roof pitch of the northern entrance buildings to Dewsbury Arcade. Approved 16/06/2025.

2025/91566 – Installation of 22 no. solar photovoltaic (PV) panels. Approved 31/07/2025.

Other applications

Other planning history relating to the site includes older applications for planning permission and Listed Building Consent, including in relation to shop fronts, lighting, security grilles to the ends of The Arcade, and repainting.

History of Negotiations

None.

Planning Policy

Kirklees Local Plan (KLP)

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 27th February 2019).

The site is unallocated on the LP Policies Map. However, it is located within the Primary Shopping Area within Dewsbury Town Centre, its shop front facing Foundry Street is within a Primary Shopping Frontage and its shop front facing Corporation Street is within a Secondary Shopping Frontage.

18-20 Corporation Street is a grade II listed building, dating from the late 19th century. 17 Foundry Street is attached to the building, and is assumed to be listed due to its association with 18-20 Corporation Street at the date of its listing in 1977. The site is also within Dewsbury Town Centre Conservation Area and is close to other listed buildings.

The following 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
- **LP14** – Shopping frontages
- **LP16** – Food and drink uses and the evening economy
- **LP18** – Dewsbury Town Centre
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP25** – Advertisements and shop fronts
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP48** – Community facilities and services
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

Neighbourhood Planning

The site does not fall within a Neighbourhood Plan Area.

Supplementary Planning Documents (SPDs) and other guidance documents

The following SPDs and guidance documents are relevant:

SPDs

- Highways Design Guide SPD (2019)

Other guidance

- Dewsbury Town Centre Strategic Development Framework 2018
- Dewsbury Blueprint
- Planning Applications Climate Change Guidance (2021)

Relevant legislation

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of

preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in the exercise of planning functions, with respect to any buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

National Policies and Guidance

National planning policy and guidance is set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), together with Circulars, Ministerial Statements and associated technical guidance.

Since the original planning permission was approved, a revised NPPF has been published, on 17/08/2026. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposals. National decision-making policies (NDMPs) in the NPPF which are relevant in this case are:

- **DM1** – Preparing development proposals
- **DM3** – Determining development proposals
- **DM6** – Use of planning conditions and obligations
- **DM7** – Relationship with other regulatory regimes
- **S3** – Presumption in favour of sustainable development
- **S4** – Principle of development within settlements
- **CC2** – Mitigation of climate change
- **CC3** – Adaptation to climate change
- **E2** – Meeting the need for business land and premises
- **TC2** – Development in town centres
- **M6** – Safeguarding mineral resources and infrastructure through decision-making
- **L2** – Making effective use of land
- **DP3** – Key principles for well-designed places
- **DP4** – The design process
- **TR3** – Locating development in sustainable locations
- **TR4** – Street design, access and parking
- **TR6** – Assessing transport impacts
- **HC4** – Proposals for new and improved community facilities, public service infrastructure and development providing public health benefits
- **P2** – Ground conditions
- **P3** – Living conditions and pollution
- **P5** – Maintaining public safety and security
- **F4** – Assessing flood risk for decision-making
- **F7** – Ensuring development is safe from flooding
- **F8** – Sustainable drainage systems and watercourses
- **N2** – Improving the natural environment

- **HE4** – Securing the conservation of heritage assets
- **HE5** – Assessing effects on heritage assets
- **HE6** – Proposals affecting designated heritage assets
- **HE9** – Conservation areas
- **HE10** – Loss or removal of heritage assets

Climate change

The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On 12/11/2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Consultation Responses

Historic England

> *"In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers."*

K.C. Conservation and Design

Comments provided regarding each of the proposed amendments, as set out within the Summary of Amendments document received as part of the application. [These comments are discussed in more detail in the assessment section below].

Conclusion:

> *"The proposed amendments will result in minimal to low levels of additional harm to the significance of the listed building. Where additional harm has been identified this has been accompanied by a clear and convincing justification for why this additional harm is required. It is therefore considered that the proposed amendments are in accordance with Section 66 and 72 of the Planning (Listed Building & Conservation*

Areas) Act (1990), Chapter 20 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan."

National Amenity Societies

No comments received to date.

West Yorkshire Archaeology Advisory Service

"The proposals relate to variations of approved plans for alterations, installation of a lift core/staircase, and change of use within the existing building. Having reviewed the submitted details and previous planning history, WYAAS has no comments or objections to make on archaeological grounds, and no archaeological conditions are recommended."

West Yorkshire Police (Designing Out Crime Officer)

No objection.

Public Representations

Final publicity date expired: 28/08/2026

The application has been advertised as affecting listed buildings (including settings of listed buildings) and within a conservation area, via site notice, posted 06/08/2026 and a press notice, published 30/07/2026. This is in line with the Council's adopted Statement of Community Involvement

No public representations have been received to date.

The Ward Members for the area were also notified of the application. No comments have been received from Ward Members to date.

Assessment

The application is made under Section 73 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, Section 73 enables the varying of a condition's wording. However, it cannot be used to vary the time limit for implementation or the description of development.

The effect of an approved Section 73 application is the issuing of a new, stand-alone planning permission, separate from the original planning permission (which remains in its unaltered stated and which may still be implemented). The applicant would then have the option of implementing either permission. Consequently, if approved, a Section 73 decision notice would need to list all conditions which remain relevant from the original permission.

In assessing this Section 73 application, that previously granted planning permission is therefore a material consideration as a 'fallback' position.

Changes to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. In this case, the publication of the updated NPPF in August 2026 represents a material change to national planning policy since the original permission was granted. This has been considered in the assessment of relevant matters below, taking into account the previously granted permission and that the principle of the proposed development has been accepted through the granting of that previous permission.

Proposed variation of Condition 2 (plans)

Principle of development

The principle of the development and the proposed uses on the site have already been accepted by the Council, including with reference to the site's location within the town centre and the presence of Primary and Secondary Shopping Frontages within the site. No amendments are proposed to the permitted uses.

The proposed changes relate to minor changes to the internal layout of the building, the replacement (rather than retention) of some further elements of historic fabric including some sash windows, a minor amendment to one of the ground floor doorways and the enlargement of the proposed area of flat roof above a new staircase, compared with the previously approved scheme.

Therefore, as no changes are proposed to the approved uses, the principle of the proposed development is still considered to be acceptable, and consistent with Local Plan Policies including LP13, LP14 and LP18, as well as with NDMP TC2 of the revised NPPF, which states that in considering proposals for development in town centres, substantial weight should be given to the benefits of supporting the overall vitality and viability of the centre.

The potential implications of the proposed amendments with regard to other relevant material planning considerations, including heritage impacts, are assessed below.

Heritage impacts – Including impacts on the grade II listed building, 18 and 20 Corporation Street, on the settings of other listed buildings in the vicinity of the site, and on the character and appearance of Dewsbury Town Centre Conservation Area

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in the exercise of planning functions, with respect to any buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

This application relates to the planning permission for the development. Therefore, for the purposes of this application, the proposed amendments have been assessed insofar as they relate to 'development' for which planning permission is required. A separate 'Section 19' application has been submitted for amendments to the previous Listed Building Consent, and all aspects of the proposed changes, including changes relating to the removal of additional historic fabric from the interior of the listed building, will be considered as part of that separate application with regard to their impacts on the listed building and other heritage assets.

The Conservation Officer has advised that some of the proposed amendments would result in additional harm to the listed building due to the loss of some additional historic fabric compared with the previously approved scheme. This includes:

- The loss of some additional sash windows;
- Removal of some additional areas of existing floor coverings; and
- Replacement of some ceilings and wall finishes.

In each of those instances, justification for the proposed changes has been provided in the submitted details, including with reference to the identification of further areas of rot in the windows, the presence of Asbestos-Containing Material in the floor coverings and the condition of the ceilings and wall finishes.

In each case where the Conservation Officer has identified additional harm, they have advised that the level of harm would be 'low' or 'minimal', and has noted that the harm is justified, and the reasons why they consider that to be the case, including with reference to the presence of wet/dry rot in the windows, Asbestos-Containing Materials in the floor coverings, and the condition of the ceilings and wall finishes which was not suitable for repair. They have concluded that *"where additional harm has been identified this has been accompanied by a clear and convincing justification for why this additional harm is required."*

The Conservation Officer has identified that the other proposed amendments would result in *"No additional harm".* This includes:

- Creation of new lobby between the staircase and Units 34/35;
- Increase in the extent of the flat roof area above the new staircase;
- Omission of the store room on the second floor; and
- Minor changes to the alignment of the splayed door opening to Unit 33.

Overall, having commented on each of the specific proposed amendments, the Conservation Officer has concluded that:

> *"The proposed amendments will result in minimal to low levels of additional harm to the significance of the listed building. Where additional harm has been identified this has been accompanied by a clear and convincing justification for why this additional harm is required. It is therefore considered that the proposed amendments are in accordance with Section 66 and 72 of the Planning (Listed Building & Conservation Areas) Act (1990), Chapter 20 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan."*

Historic England have been consulted and have confirmed that they are not offering advice in this case.

West Yorkshire Archaeology Advisory Services have advised that they have no comments or objections to make on archaeological grounds, and that no archaeological conditions are recommended.

The National Amenities Societies have been consulted. No comments have been received from any of them to date.

In the light of the relatively minor changes now proposed, and taking into account the Conservation Officer's specific comments regarding the 'low' or 'minimal' extent of additional harm and the justification for that harm, and that other aspects of the proposals would not create any additional harm, and the Conservation Officer's overall conclusions as quoted above, it is considered that the proposed amendments would be acceptable. The additional harm is noted. However, justification has been provided for that harm, it would be at a 'low' or 'minimal' level, and the public benefits of the development, in bringing the building back into use to provide new commercial uses, including social, environmental and economic benefits as part of the wider regeneration of Dewsbury Town Centre, are considered to outweigh that harm identified in this instance.

It is considered that the proposed amendments are therefore acceptable, including with regard to their impacts on the grade II listed building, 18 and 20 Corporation Street, the settings of other nearby listed buildings and the character and appearance of the Dewsbury Town Centre Conservation Area.

It is therefore considered that the proposed changes would not conflict with Local Plan Policies LP24 or LP35, or with NDMPs HE4, HE5, HE6 or HE9 of the revised NPPF with regard to impacts on designated heritage assets, including conservation areas.

Residential amenity

No changes are proposed to the previously approved uses. The proposed changes relate to minor changes to an approved doorway, the replacement of some existing sash windows, a slight increase in the flat roofed area above

the new staircase, and internal changes. Given the minor nature of the changes, it is considered that there would be no significant additional implications for residential amenity, compared with the previously approved scheme.

Therefore, subject to the re-imposition of a condition from the original permission restricting noise levels from fixed mechanical services and external plant and equipment, the proposals are considered acceptable in this regard, including with reference to Local Plan Policies LP24 and LP52, and NDMP P3 of the revised NPPF with regard to living conditions and pollution.

Highways and access

The proposed changes to the plans do not include any changes to the permitted uses but relate to minor amendments to some of the proposed works to the building. It is therefore considered that the proposed changes would not have additional implications for highway safety, compared with the originally approved scheme.

The proposed changes would include amendments to the splay of the ground floor entrance to Unit 33, to make it slightly narrower than originally approved. However, on the basis of the submitted drawings, the width of the actual entrance door opening into Unit 33 would not be any narrower than was originally approved. Therefore, it is considered that this would not have additional implications for the accessibility of this unit, compared with the originally approved scheme.

It is therefore considered that the proposed changes would not conflict with Local Plan Polices including LP20 and LP21, or with relevant NDMPs in the revised NPPF, including TR3, TR4 and TR6.

Crime prevention

The West Yorkshire Police Designing Out Crime Officer (DOCO) has been consulted regarding the application and has confirmed that West Yorkshire Police has no objection to the proposals. They have provided some advice about specific aspects of the proposals, which has been drawn to the applicant's attention. As the DOCO has advised that West Yorkshire Police has no objection to the proposals, it is considered that the proposed amendments would be acceptable in terms of crime prevention matters. It is therefore considered that the proposed amendments would not conflict with Local Plan Policy LP24, or with NDMPs DP3 or P5 of the NPPF in that regard.

Flood risk and drainage

The report for the original permission referred to the site as being within Flood Zone 3a. However, the most up-to-date flood maps, on the gov.uk website, now show the site as being within Flood Zone 1. As this indicates that the site is at lower risk of flooding than was indicated at the time of the original application, and as the original application was concluded to be acceptable

even on the basis of the site being identified as being in Flood Zone 3a at that time, and given the minor nature of the proposed changes, it is considered that the proposed amendments would not have additional implications with regard to flood risk or drainage matters compared with the originally approved scheme. Therefore, it is considered that the proposed amendments would not have further implications with regard to Local Plan Policies LP27 and LP28 or NDMPs F4, F7 or F8, compared with the previously approved scheme.

Ecology and biodiversity

The original planning permission was granted prior to the introduction of mandatory 10% BNG. Therefore, this Section 73 application is exempt from 10% BNG considerations.

The original permission was not subject to any conditions relating to ecological matters. On that basis and given the minor scale and nature of the proposed amendments, it is considered that the proposed changes would not have additional implications for ecology or biodiversity, compared with the originally approved scheme. Therefore, the proposals would not conflict with Local Plan Policy LP30 or with NDMP N2 of the revised NPPF with regard to those matters.

Other matters

The original permission was subject to a condition covering the possibility of unexpected contamination. Given the nature of the proposed changes, and their minor scale, and as no changes are proposed to the permitted uses compared with the original permission, it is considered that the proposed development would not have any further implications with regard to contaminated land compared with the previously approved scheme, subject to the re-imposition of that previous condition. On that basis, it is therefore considered that the proposed changes would not conflict with Local Plan Policy LP53 or with NDMP P2 of the revised NPPF with regard to contaminated land.

Given the scale and nature of the proposed changes, it is considered that they would not result in further implications with regard to air quality compared with the original permission. Therefore, the proposals would not conflict with Local Plan Policy LP51 or NDMP P3 of the NPPF with regard to air quality matters.

The site is not within a High Risk Coal Area, but is within a Low Risk Coal Area. Therefore, an informative note drawing the developer's attention to the potential for coal mining features to be present, is recommended as part of the decision.

Conclusion – Condition 2 (plans)

For the reasons given, it is considered that the proposed amendments to the scheme are acceptable, including with regard to the impacts on heritage assets, and would not have adverse implications for other relevant material

planning considerations, compared with the originally approved scheme. Therefore, whilst the wording of condition 2 would not change, it is recommended that the Plans and Specifications schedule referred to in condition 2 is revised accordingly, to refer to the revised plans and documents and omit previous/superseded versions as applicable.

Previous conditions and planning obligations

As this is a 'Section 73' application, it would result in a new, stand-alone planning permission if approved. Therefore, and in accordance with guidance in the PPG, for clarity the decision notice should set out all conditions relevant to the new permission (including as varied via this application) and restate all of the conditions which were imposed on the original permission which remain relevant and applicable.

The original permission was approved with four conditions. One of those has been considered above. Those remaining are considered as follows:

- Condition 1 – Imposed a time limit for commencement. As the development has commenced, it is recommended that this condition is removed, as it is no longer necessary. However, subsequent conditions should not be renumbered, for clarity and the avoidance of confusion when referring to the conditions of respective permissions.

- Condition 3 – This condition relates to restrictions on noise from fixed mechanical services and external plant and equipment, in the interests of residential amenity. It is considered that this condition remains necessary, and it is recommended that it is re-imposed.

- Condition 4 – This condition covers unexpected contamination, or the presence of coal not previously identified, being encountered during development. It is considered that this condition remains necessary, in the interests of the safe development of the site, and it is recommended that it is re-imposed.

As the NPPF has been updated since the previous permission, the reasons for all conditions are to be updated to reflect this and, specifically, to refer to relevant National Decision-Making Policies in the revised NPPF as applicable.

The previous permission which this application seeks to 'vary' was not subject to a Section 106 agreement. Therefore, no Section 106 Deed of Variation is required in connection with this Section 73 application.

Conclusion

NDMP S3 of the NPPF sets out the presumption in favour of sustainable development. In that context, NDMP S3 states that this means Policy S4 of the NPPF should be applied when considering development proposals within settlements, and that in all locations development proposals that accord with

both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay.

NDMP S4 of the NPPF states that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

In this case, some additional harm to the grade II listed building, 18 and 20 Corporation Street, has been identified. However, for the reasons set out above and having regard to NDMPs HE4, HE5, HE6 and HE9 of the NPPF, that additional harm is considered to be at a low or minimal level, and it is considered that clear and convincing justification for that harm has been provided, and that the harm identified would be outweighed by the public benefits of the scheme.

In the light of that conclusion, and as the amendments now proposed are not considered to give rise to adverse effects in other regards compared with the originally approved scheme, for the reasons set out above, it is considered that the benefits would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in the NPPF.

It is considered that the proposed changes would not result in the quality of the development being materially diminished, compared with the originally approved scheme, and the proposals are therefore not considered to conflict with NDMP DP4 of the NPPF in that regard.

Accordingly, and as the proposals are considered to accord with the development plan and with relevant decision-making policies in the NPPF, for the reasons given, the presumption in favour of sustainable development indicates that the application should be approved.

Consequently, it is recommended that the application should be approved, subject to the conditions suggested below.

In that context, the wording of condition 2 is proposed to remain the same, but the plans and specifications schedule referred is amended to refer to the revised plans and supporting information submitted with this application.

Recommendation: Approve

Report dated: 19/10/2026

Application Number: 2026/91709
Decision Authorisation: Delegated Powers
Officer Recommendation: Approve

Conditions and Reasons

1. DELETED – 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 approved and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP13, LP18, LP24, LP35, LP52 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The combined noise from any fixed mechanical services and external plant and equipment) shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.
Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and National Decision-Making Policies LP3 and P3 of the National Planning Policy Framework.

4. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Groundworks in the affected area shall not recommence until either:

(a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority; or

(b) the Local Planning Authority has confirmed in writing that remediation measures are not required.

The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.
Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

NOTE: The developer is advised that separate approval is also likely to be required for the works under other legislative regimes, including Environmental Health legislation and the Building Regulations, including with regard to matters of fire safety. The approval of details as part of this planning permission does not imply compliance with other relevant regulations, including the Building Regulations, in those regards.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land, National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Noisy construction related activities shall not take place outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours, Saturdays
- With no noisy activities on Sundays or Public Holidays

NOTE: 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.

Plans and specifications schedule:

Plan Type	**Plan Reference**	**Version**	**Date Received**
Plans approved under Section 73 application reference: 2026/91709			
Site Plan as Proposed	1705-BDP-18-SL-PL-A-00003-	P03	23/06/2026
Elevations as Proposed	1705-BDP-18-ZZ-EL-A-00002-	P05	23/06/2026
Plans as Proposed	1705-BDP-18-ZZ-PL-A-00002-	P07	23/06/2026
Sections as Proposed	1705-BDP-18-ZZ-SE-A-00002-	P03	23/06/2026
Summary of Amendments	1705-BDP-AD-XX-RG-Z-00005 Dated: 18/06/2026	P02	23/06/2026
Plans approved under original permission reference: 2022/91006			
Location Plan	1705-BDP-18-SL-PL-A-00001	P02	23/03/2022

Site Plan as Existing	1705-BDP-18-SL-PL-A-00002	P02	23/03/2022
Elevations as Existing	1705-BDP-18-ZZ-EL-A-00001	P03	23/03/2022
Plans as Existing	1705-BDP-18-ZZ-PL-A-00001	P02	23/03/2022
Sections as Existing	1705-BDP-18-ZZ-SE-A-00001	P01	23/03/2022
Ventilation and Extract Statement – For Planning	1705-BDP-AD-ZZ-RG-M-57002	P01	23/03/2022
Structural Strategy Report: Moneypenny's, Dewsbury Arcade	1705-BDP-XX-XX-S-RG-0005	P01	29/03/2022
Structural Strategy Report – Appendix A: Structural Summary Sketchbook	Dated: March 2022		23/03/2022
Structural Strategy Report – Appendix B: Known defects	Dated: March 2022		23/03/2022
Structural Strategy Report – Appendix C: Intrusive Survey Scope	Dated: March 2022		23/03/2022
Structural Strategy Report – Appendix D: Ground Investigation Scope	Dated: March 2022		23/03/2022
Structural Strategy Report – Appendix E: Intrusive Structural Survey Report	Dated: March 2022		29/03/2022
Structural Strategy Report – Appendix F: Ground Investigation Report	Dated: March 2022		29/03/2022
Design and Access Statement	1705-BDP-18-XX-RG-Z-00003	P03	29/03/2022
Climate Change Statement	1705-BDP-18-XX-MS-Y-00001		23/03/2022
Bat Survey	1705-BDP-AD-XX-RG-Y-00001	02	23/03/2022
Planning Statement	P30001705 Dated: 22/03/2022		23/03/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

It has not been necessary to seek any further information from the applicant in this case, as the proposals were considered acceptable on the basis of the originally submitted information.