

23-07-2026

**Kirklees Council
Development Management
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR**

BDP.

Dear Sir / Madam

Section 73 Application for the Variation of Condition 2 (and Conditions 14, 15, 16, 17, 19, 20, 21, 22 and 23) of Full Planning Permission 2023/91134

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

1-22 The Arcade / 14 & 16 Corporation Street / 23 & 25 Market Place, Dewsbury WF13 1QG

BDP is instructed by our client, Kirklees Council, to submit a S73 application to seek the variation of condition 2 (and conditions 14, 15, 16, 17, 19, 20, 21, 22, and 23) of full planning permission 2023/91134.

Concurrently to this S73 application, a S19 application has been submitted to seek the variation of condition 2 (and conditions 3, 4, 5, 7, 8, 9, and 10) of Listed Building Consent 2023/91135.

S73 Submission and Fee

This Covering Letter is accompanied by:

- Application Form, duly signed and dated
- Ground Floor Removals Plan (1705 BDP AD 00 PL A 20002 T02)
- First Floor Removals Plan (1705 BDP AD 01 PL A 20002 T02)
- Second Floor Removals Plan (1705 BDP AD 02 PL A 20002 T02)
- Third Floor Removals Plan (1705 BDP AD 03 PL A 20002 T02)
- Site Plan as Proposed (1705 BDP AD SL PL Z 00003 T02)
- Ground Floor GA Plan as Proposed (1705 BDP AD 00 PL A 20001 T02)
- First Floor GA Plan as Proposed (1705 BDP AD 01 PL A 20001 T02)
- Second Floor GA Plan as Proposed (1705 BDP AD 02 PL A 20001 T02)
- Third Floor GA Plan as Proposed (1705 BDP AD 03 PL A 20001 T02)
- Roof GA Plan as Proposed (1705 BDP AD RF PL A 27001 P02)
- Section AA proposed (1705 BDP AD XX SE A 20001 T02)
- Section BB proposed (1705 BDP AD XX SE A 20002 T02)
- North Elevation (1705 BDP AD XX EL A 20001 T02)
- West Elevation (1705 BDP AD XX EL A 20004 T02)
- East Elevation (1705 BDP AD XX EL A 20003 T02)
- Summary of Amendments
- Units 8 and 11 Internal Gates (GA24102-DR-C-0101 P02)
- Corporation Street Entrance (GA24102-DR-T-0200 P05)
- Market Place Entrance (GA24102-DR-T-0202 P12)
- Lighting Schedule
- Electric Panel Heaters Specification

- Over Door Heaters Specification
- Level 00 Proposed Electrical Distribution Systems (1705-MR-AD-00-PL-E-61001 C01)
- Level 01 Proposed Electrical Distribution Systems (1705-MR-AD-01-PL-E-61001 C01)
- Level 02 Proposed Electrical Distribution Systems (1705-MR-AD-02-PL-E-61001 C01)
- Level 03 Proposed Electrical Distribution Systems (1705-MR-AD-03-PL-E-61001 C01)
- Level 00 Proposed Lighting Systems (1705-MR-AD-00-PL-E-63001 C02)
- Level 01 Proposed Lighting Systems (1705-MR-AD-01-PL-E-63001 C02)
- Level 02 Proposed Lighting Systems (1705-MR-AD-02-PL-E-63001 C02)
- Level 03 Proposed Lighting Systems (1705-MR-AD-03-PL-E-63001 C02)
- Level 00 Heating and Cooling Systems (CT308 M01A)
- Level 01 Heating and Cooling Systems (CT308 M02A)
- Level 02 Heating and Cooling Systems (CT308 M03A)
- Level 03 Heating and Cooling Systems (CT308 M04A)
- Mansafe Setting Out (014852-GA-01 P02)
- Ladder 01 Setting Out (014852-GA-02 P02)
- Ladder 02 Setting Out (014852-GA-03 P02)
- Historic Floor Finish Installation (SK-074)

The S73 fee of £2,076 (Major development application) is to be paid directly to the LPA by our client.

Background / Planning History

In the table below:

- The Arcade = 1-22 The Arcade / 14 & 16 Corporation Street / 23 & 25 Market Place, Dewsbury, WF13 1QG
- Moneypenny's = 18-20 Corporation Street / 17 Foundry Street, Dewsbury, WF13 1QL

Reference	Address	Proposal	Decision (Date)
2021/93190 (Full)	The Arcade	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 (04.03.2022)
2021/93191 (LBC)	The Arcade	Internal and external alterations	Approved (04.03.2022)
2022/91006 (Full)	Moneypenny's	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 (LBC)	Moneypenny's	Alterations to building including new entrance, installation of lift core and staircase and new internal openings	Approved (10.06.2022)
2023/91134 (Full)	The Arcade	S73: 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 (23.06.2023)
2023/91135 (LBC)	The Arcade	S19: Variation of condition 2 (plans) of previous Listed Building Consent 2021/93191 for internal and external alterations	Approved (23.06.2023)

Discharge of conditions (DOC) applications for the Arcade:

Reference	Proposal	Decision (Date)
2024/90165 (Full)	Discharge of condition 23 (archaeological recording) of 2023/91134 (Full)	Discharged (07.03.2024)
2024/90504 (Full)	Discharge of condition 14 (access) of 2023/91134 (Full)	Discharged (10.04.2024)
2024/92386 (Full)	Discharge of conditions 16 (signage), 17 (colour scheme) and 21 (trickle vent details) of 2023/91134 (Full)	Discharged (19.09.2024)
2024/92384 (LBC)	Discharge conditions 4 (signage), 5 (colour scheme), 9 (trickle vent details) of 2023/91135 (LBC)	Discharged (27.09.2024)

Amendments

This S73 application submission is accompanied by a *Summary of Amendments* document, which both describes and illustrates the amendments sought and the plans affected.

The table below, lists all of the approved plans, then highlights those for which this S73 seeks an amendment:

Approved Plan Title	Approved Plan Reference	Proposed Plan Reference
Site Location Plan	1705 BDP AD SL PL Z 00001 P02	No change
Site Plan as Existing	1705 BDP AD SL PL Z 00002 P02	No change
Existing Basement Plan	1705 BDP AD B1 PL Z 00001 P01	No change
Existing Ground Floor Plan	1705 BDP AD 00 PL Z 00001 P03	No change
Existing First Floor Plan	1705 BDP AD 01 PL Z 00001 P03	No change
Existing Second Floor Plan	1705 BDP AD 02 PL Z 00001 P03	No change
Existing Third Floor Plan	1705 BDP AD 03 PL Z 00001 P03	No change
Existing Roof Plan	1705 BDP AD RF PL Z 00001 P01	No change
Ground Floor Removals Plan	1705 BDP AD 00 PL A 20002 T01	1705 BDP AD 00 PL A 20002 T02
First Floor Removals Plan	1705 BDP AD 01 PL A 20002 T01	1705 BDP AD 01 PL A 20002 T02
Second Floor Removals Plan	1705 BDP AD 02 PL A 20002 T01	1705 BDP AD 02 PL A 20002 T02
Third Floor Removals Plan	1705 BDP AD 03 PL A 20002 T01	1705 BDP AD 03 PL A 20002 T02
Site Plan as Proposed	1705 BDP AD SL PL Z 00003 T01	1705 BDP AD SL PL Z 00003 T02
Ground Floor GA Plan as Proposed	1705 BDP AD 00 PL A 20001 T01	1705 BDP AD 00 PL A 20001 T02
First Floor GA Plan as Proposed	1705 BDP AD 01 PL A 20001 T01	1705 BDP AD 01 PL A 20001 T02
Second Floor GA Plan as Proposed	1705 BDP AD 02 PL A 20001 T01	1705 BDP AD 02 PL A 20001 T02
Third Floor GA Plan as Proposed	1705 BDP AD 03 PL A 20001 T01	1705 BDP AD 03 PL A 20001 T02
Roof GA Plan as Proposed	1705 BDP AD RF PL A 20005 P01	1705 BDP AD RF PL A 27001 P02
Section AA proposed	1705 BDP AD XX SE A 20001 P01	1705 BDP AD XX SE A 20001 T02
Section BB proposed	1705 BDP AD XX SE A 20002 P01	1705 BDP AD XX SE A 20002 T02

North Elevation	1705 BDP AD XX EL A 20001 P01	1705 BDP AD XX EL A 20001 T02
South Elevation	1705 BDP AD XX EL A 20002 P01	No change
West Elevation	1705 BDP AD XX EL A 20004 P01	1705 BDP AD XX EL A 20004 T02
East Elevation	1705 BDP AD XX EL A 20005 T01	1705 BDP AD XX EL A 20003 T02

Conditions Still Requiring Discharge

The following conditions attached to Full permission 2023/91134 still require discharge:

- 6: kitchen extract re-circulation systems
- 7: scheme to prevent fats, oils, and grease entering the drainage network
- 13: bin storage, bin presentation points, access for collection
- 15: decorative gates, fanlights, central stairway gates
- 18: ventilation louvres in the sash windows
- 19: M&E installations and fittings (service ducts / risers / radiators / lighting)
- 20: edge protection and perimeter details
- 22: decorative historic floor finish on the second floor

Conditions 6, 7, 13, and 18 are subject to the unit occupiers' specific requirements, so will be discharged when those details are known, potentially on a unit-by-unit basis.

For the remaining conditions above, to seek to avoid the necessity for a subsequent discharge of conditions application following the approval of this S73, this application submission contains the information which seeks to address conditions 15, 19, 20, and 22, as follows:

Condition 15:

Requires that:

Prior to their installation, details (specification and plans) of the proposed decorative gates and fanlights to each end of the arcade, along with details of the central stairway gates (to include the design, colour and fixing methods), shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be implemented in full accordance with the details approved and retained thereafter.

To seek to address condition 15, this S73 submission is accommodated by:

- Units 8 and 11 Internal Gates (GA24102-DR-C-0101 P02)
- Corporation Street Entrance (GA24102-DR-T-0200 P05)
- Market Place Entrance (GA24102-DR-T-0202 P12)

Assuming this information is acceptable, we request that this pre-installation condition be rewritten as a compliance condition on the S73 Decision Notice, suggestion as follows:

*The decorative gates and fanlights to each end of the Arcade, and the central stairway gates shall be implemented and retained thereafter in full accordance with the approved details contained in *list the plans above*.*

Condition 19:

Requires that:

Prior to their installation, details (specification and plans) of the M&E installations and fittings, including service ducts, risers, radiators and lighting, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be implemented in full accordance with the details approved and retained thereafter.

To seek to address condition 19, this S73 submission is accommodated by:

- Lighting Schedule
- Electric Panel Heaters Specification
- Over Door Heaters Specification

- Level 00 Proposed Electrical Distribution Systems (1705-MR-AD-00-PL-E-61001 C01)
- Level 01 Proposed Electrical Distribution Systems (1705-MR-AD-01-PL-E-61001 C01)
- Level 02 Proposed Electrical Distribution Systems (1705-MR-AD-02-PL-E-61001 C01)
- Level 03 Proposed Electrical Distribution Systems (1705-MR-AD-03-PL-E-61001 C01)
- Level 00 Proposed Lighting Systems (1705-MR-AD-00-PL-E-63001 C02)
- Level 01 Proposed Lighting Systems (1705-MR-AD-01-PL-E-63001 C02)
- Level 02 Proposed Lighting Systems (1705-MR-AD-02-PL-E-63001 C02)
- Level 03 Proposed Lighting Systems (1705-MR-AD-03-PL-E-63001 C02)
- Level 00 Heating and Cooling Systems (CT308 M01A)
- Level 01 Heating and Cooling Systems (CT308 M02A)
- Level 02 Heating and Cooling Systems (CT308 M03A)
- Level 03 Heating and Cooling Systems (CT308 M04A)

Assuming this information is acceptable, we request that this pre-installation condition be rewritten as a compliance condition on the S73 Decision Notice, suggestion as follows:

*The M&E installations and fittings shall be implemented and retained thereafter in full accordance with the approved details contained in *list the plans above*.*

Condition 20:

Requires that:

Prior to their installation, details (specification and plans) of the proposed roof edge protection and perimeter details, including materials, design, scale and fixing methods, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be implemented in full accordance with the details approved and retained thereafter.

To seek to address condition 20, this S73 submission is accommodated by:

- Mansafe Setting Out (014852-GA-01 P02)
- Ladder 01 Setting Out (014852-GA-02 P02)
- Ladder 02 Setting Out (014852-GA-03 P02)

Assuming this information is acceptable, we request that this pre-installation condition be rewritten as a compliance condition on the S73 Decision Notice, suggestion as follows:

*The proposed roof edge protection and perimeter details shall be implemented and retained thereafter in full accordance with the approved details contained in *list the plans above*.*

Condition 22:

Requires that:

Prior to installation, details (specification and plans) of the decorative historic floor finish on the second floor to be conserved and retained, shall be submitted to and approved in writing by the Local Planning Authority.

The development shall then be implemented in full accordance with the details approved and retained thereafter.

To seek to address condition 22, this S73 submission is accommodated by a Historic Floor Finish Installation plan (reference SK-074).

The proposal is to retain and display a section of the decorative historic floor in a frame (as per the Historic Floor Finish Installation plan) close to its original location (in Unit 29).

Assuming this information is acceptable, we request that this condition be rewritten as a compliance condition on the S73 Decision Notice, suggestion as follows:

The decorative historic floor finish on the second floor shall be conserved and retained in full accordance with the approved details contained in the S73 (add reference) Covering Letter, and the Historic Floor Finish Installation plan (reference SK-074).

Conditions Already Discharged

As identified above, the following conditions attached to Full permission 2023/91134 have already been discharge:

- 23 (archaeological recording), discharged 07.03.2024 (2024/90165)
- 14 (access), discharged 10.04.2024 (2024/90504)
- 16 (signage), 17 (colour scheme) and 21 (trickle vent details), discharged 19.09.2024 (2024/92386)

As such (and for the avoidance of any doubt), we request that these conditions be rewritten as compliance conditions on the S73 Decision Notice, suggestions as follows:

Condition 14:

All construction arrangements throughout the period of construction shall be carried out in accordance with the Construction Approach and Delivery Plan document, and the Covering Letter (ref DS/P3001705/DS), discharged under application 2024/90504 on 10.04.2024.

Condition 16:

The hanging signage within the Arcade shall be implemented and retained thereafter in full accordance with Hanging Signage Details (1705-BDP-AD-00-DT-A-20005 C01), discharged under application 2024/92386 on 19.09.2024.

Condition 17:

The colour scheme of the central arcade roof shall be implemented and retained thereafter in full accordance with Roof Truss Colour Scheme Details (1705-BDP-AD-RF-DT-A-27001 C01), discharged under application 2024/92386 on 19.09.2024.

Condition 21:

The trickle vents for the sash windows shall be implemented and retained thereafter in full accordance with Window Trickle Vents Details (1705-BDP-AD-XX-DT-A-31104 C01), discharged under application 2024/92386 on 19.09.2024.

Condition 23:

The programme of archaeological recording shall be implemented in full accordance with the Written Scheme of Investigation for a Scheme of an Archaeological Watching Brief, discharged under application 2024/90165 on 07.03.2024.

I trust that the above and enclosed is helpful and provides sufficient detail to enable the validation, assessment and approval of this S73 application in a timely manner.

In the meantime, if any additional information or clarification is required, please contact David Staniland (Associate Town Planner, BDP) on 0161 828 2275.

Kind Regards

David Staniland
Associate Town Planner

BDP

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