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:	2026/70/91758/E
Site Address:	1-22, The Arcade, 14 & 16, Corporation Street, 23 & 25, Market Place, Dewsbury, WF13 1QG
Description:	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 (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.

Nick Hirst

AUTHORISED OFFICER

Date: 19-Oct-2026

Application: 2026/91758

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

Proposal: 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 (Listed Building within a Conservation Area)

Site Description

The application relates to 'The Arcade', a shopping arcade dating from 1899, in Dewsbury town centre. 'The Arcade' is a grade II listed building which comprises the properties at 23-25 Market Place, 1-22 The Arcade and 14-16 Corporation Street, Dewsbury, according to the list description.

As well as being within Dewsbury town centre as defined in the Kirklees Local Plan, the site is also within the Dewsbury Town Centre Conservation Area, and there are numerous other listed buildings nearby.

Following a period of closure, planning permission was granted for The Arcade in March 2022 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"* (application reference: 2021/93190, hereafter referred to as 'the original planning permission').

An accompanying application for Listed Building Consent for associated internal and external alterations was approved in March 2022 (application reference: 2021/93191, hereafter referred to as 'the original Listed Building Consent').

A 'Section 73' application to vary condition 2 (plans) of the original planning permission was approved in June 2023 (application reference: 2023/91134, hereafter referred to as 'the 2023 S73 permission').

A 'Section 19' application to vary condition 2 (plans) of the original Listed Building Consent was approved in June 2023 (application reference: 2023/91135, hereafter referred to as 'the 2023 S19 Listed Building Consent').

Description of Proposal

This application is a further application to vary conditions on the 2023 S73 permission, via Section 73 of the Town and Country Planning Act 1990 (as amended).

The proposed variations include further amendments to the previously approved plans.

The current application also seeks to vary the wording of several conditions on the 2023 S73 permission to refer to approved details (rather than requiring details to be submitted and approved), where details required by those conditions have now been submitted and approved, and also seeks the approval of relevant details pursuant to other conditions on the 2023 S73 permission.

The following conditions on the 2023 S73 permission are proposed to be varied:

Condition 2 (plans)

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:

- Replacement of some elements of existing building fabric which were previously proposed to be retained (where historic fabric has been found to be damaged for example);
- Amendments to some aspects of the proposed internal layout (including changes relating to fire safety for example);
- Removal of later additions which were previously proposed for retention, including storage deck above unit 30, modern rooftop walkway, modern splayed window boxes, modern cement-based render (to be replaced with traditional lime-based render);
- Reduction in the number of proposed new rooflights
- Installation of "*additional steel principal rafters to carry the roof load and relieve the existing cast iron trusses of their existing load. Cast iron trusses to remain in location and be resupported from the new steel rafters."*

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 various aspects of the previously approved development.

Condition 14 (construction traffic access)

The current wording of condition 14 is:

"Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the times of use of the access to the site, the numbers and size of vehicles expected to access the site, the routing of construction traffic to and from the site, construction worker and delivery parking facilities, the location of materials storage and site facilities and the location of any barriered outdoor compounds. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
***Reason:** As to ensure construction traffic does not cause harm to highway safety, and to ensure the safe use of the site at all time, in accordance with Kirklees Local Plan Policies LP21 and LP24 and chapters 9 and 12 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure construction management arrangements are devised and agreed at a suitable stage."*

An application for the approval of details pursuant to condition 14 was approved in April 2024 (application reference: 2024/90504). The current application seeks to vary the wording of condition 14 to make it a 'compliance condition', requiring the works to be carried out in accordance with the details thereby approved. The following revised wording is proposed:

"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 15 (details of gates and fanlights)

The current wording of condition 15 is:

"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.
Reason: *To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework.*"

Details have been submitted for approval as part of the current application which seek to address the requirements of condition 15, and it is proposed that the wording of condition 15 is varied to require the works to be carried out in accordance with those submitted details. The following revised wording is proposed:

"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 of relevant submitted details]*".*

Condition 16 (hanging signage within the arcade)

The current wording of condition 16 is:

"Prior to their installation, details (specification and plans) of the hanging signage within the arcade 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.
Reason: *To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

An application for the approval of details pursuant to condition 16 was approved in September 2024 (application 2024/92386). The current application seeks to vary the wording of condition 16 to make it a 'compliance condition', requiring the works to be carried out in accordance with the details thereby approved. The following revised wording is proposed:

"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 (colour scheme of the central arcade roof)

The current wording of condition 17 is:

"Prior to installation, details (specification and plans) of the colour scheme of the central arcade roof including metalwork and joinery 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.
Reason: *To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

An application for the approval of details pursuant to condition 17 was approved in September 2024 (application 2024/92386). The current application seeks to vary the wording of condition 17 to make it a 'compliance condition', requiring the works to be carried out in accordance with the details thereby approved. The following revised wording is proposed:

"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 19 (M&E installations and fittings)

The current wording of condition 19 is:

"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.
Reason: *To ensure that no damage occurs to important historic detailing, including decorative floor and wall finishes, to ensure external architectural details and the character and significance of the building are maintained, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

Details have been submitted for approval as part of the current application which seek to address the requirements of condition 19, and it is proposed that the wording of condition 19 is varied to require the works to be carried out in accordance with those submitted details. The following revised wording is proposed:

"The M&E installations and fittings shall be implemented and retained thereafter in full accordance with the approved details contained in [list of relevant submitted details]*."*

Condition 20 (proposed roof edge protection and perimeter details)

The current wording of condition 20 is:

"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.
Reason: *To demonstrate that the visual impact has been kept to a minimum and no damage will be caused to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

Details have been submitted for approval as part of the current application which seek to address the requirements of condition 20, and it is proposed that the wording of condition 20 is varied to require the works to be carried out in accordance with those submitted details. The following revised wording is proposed:

"The proposed roof edge protection and perimeter details shall be implemented and retained thereafter in full accordance with the approved details contained in [list of relevant submitted details]*."*

Condition 21 (trickle vent details for the sash windows)

The current wording of condition 21 is:

"Prior to their installation, details (specification and plans) of the trickle vent details for the sash windows 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.
Reason: *To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

An application for the approval of details pursuant to condition 21 was approved in September 2024 (application 2024/92386). The current application seeks to vary the wording of condition 21 to make it a 'compliance condition', requiring the works to be carried out in accordance with the details thereby approved. The following revised wording is proposed:

"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 22 (decorative historic floor finish on second floor to be conserved and retained)

The current wording of condition 22 is:

"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.
***Reason:** To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and chapters 12 and 16 of the National Planning Policy Framework."*

Details have been submitted for approval as part of the current application which seek to address the requirements of condition 22, and it is proposed that the wording of condition 22 is varied to require the works to be carried out in accordance with those submitted details. The following revised wording is proposed:

"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)."*

Condition 23 (archaeological recording)

The current wording of condition 23 is:

"No groundworks / excavations shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological recording. This recording shall only cover areas where groundworks or excavations are required. The written scheme of investigation shall be submitted to and approved in writing by the Local Planning Authority prior to commencement. The recording must then be carried out by an appropriately qualified and experienced archaeological consultant or organisation in complete accordance with the approve scheme of investigation.
***Reason:** To record and advance understanding of significance of heritage assets and to make adequate provision for excavation and recording before or during development in accordance with paragraph 205 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.*
This pre-commencement condition is necessary to ensure archaeological recording is agreed at a suitable stage."

An application for the approval of details pursuant to condition 23 was approved in March 2024 (application 2024/90165). The current application seeks to vary the wording of condition 23 to make it a 'compliance condition', requiring the works to be carried out in accordance with the details thereby approved. The following revised wording is proposed:

"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."

Accompanying Section 19 application

A separate application to vary conditions on the 2023 S19 Listed Building Consent has also been submitted, and is currently under separate consideration (application 2026/91760).

Relevant Planning History

Application Site

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

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.

2026/91760 – 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 current application 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 current application 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.

Surrounding Area

The following applications relate to the adjacent building at 18-20 Corporation Street/ 17 Foundry Street, including in relation to works which are associated

with the works at The Arcade to which this application relates, including the provision of a lift for access to parts of The Arcade development.

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.

2026/91709 – 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). Pending consideration.

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 that neighbouring building includes other applications for planning permission for changes of use, applications for Listed Building Consent for alterations, and applications for advertisement consent for signage.

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 Local Plan Policies Map. However, it is located within the Primary Shopping Area within Dewsbury Town Centre, the shop fronts within The Arcade itself, and those facing Corporation Street to the north are within a Secondary Shopping Frontage and the shop fronts facing Market Place to the south are within a Primary Shopping Frontage within the town centre.

The Arcade (incorporating 23-25 Market Place, 1-22 The Arcade and 14-16 Corporation Street) is a grade II listed building. The site is 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 and the 2023 S73 were approved, a revised NPPF has been published, on 17/08/2026. The revised 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
- **F5** – The sequential test
- **F6** – Development in areas at risk of flooding from rivers or the sea
- **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

> *"It is regrettable that the delay in starting work on this significant part of Dewsbury town centre's heritage has resulted in additional deterioration of the building. The proposals to remedy this, however, appear proportionate and well thought-through, and we do not have concerns about the approaches outlined in the applications. We look forward to seeing the arcade brought back into use in the near future.*
>
> ***Recommendation***
>
> *Historic England recommends that your Council should approve these applications, which would secure the conservation of The Arcade,*

Dewsbury, unless it finds that other considerations would outweigh this benefit."

K.C. Conservation and Design

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

Note that Conditions 14, 16, 17, 21 and 23 have been discharged previously.

Note details that have been submitted for approval in relation to Condition 15, 19, 20 and 22. No objection to the variation of Conditions 15, 19, 20 and 22.

Conclusion:

"Conservation and Design consider the submitted details to be acceptable and sufficient to allow the variation of the conditions outlined above.

The proposed amendments will in some cases result in a positive effect on the significance of the listed building, where additional harm has been identified this is at a minimal or low level and has been accompanied by a clear and convincing justification 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 Services

"We note that the applicant's covering letter states that Condition 23 (Archaeological Recording) was discharged under application 2024/90165.

Having reviewed the application 2024/90165 only part-discharged Condition 23 in respect of the Written Scheme of Investigation (WSI) methodology. The Council's formal decision letter dated 07/03/2024 explicitly reminded the applicant that Condition 23 remains outstanding until the watching brief fieldwork, post-investigation reporting, and archive deposition are completed.

As this new application will issue a new planning permission, Condition 23 must be carried forward to ensure the final report and archive are secured. We recommend the following condition wording:

Condition:

The programme of archaeological recording shall be implemented in complete accordance with the Written Scheme of Investigation (WSI) approved under application 2024/90165. The development shall not be brought into beneficial use until the post-investigation assessment, final report, and museum archive deposition set out in the approved WSI have been completed and approved in writing by the Local Planning Authority.
Reason: To record and advance understanding of the significance of heritage assets in accordance with Paragraph 205 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

Provided this condition is attached to the new decision notice, WYAAS has no objection to the proposed variations."

West Yorkshire Police

No objection.

Public Representations

Final publicity date expired: 04/09/2026

The application has been advertised as a major development, affecting listed buildings (including settings of listed buildings) and within a conservation area, via site notices, posted 06/08/2026 and a press notice, published 13/08/2026. This is in line with the Council's adopted Statement of Community Involvement.

In total, 1 public representation was received in response to the proposal, and is in support of the proposal. The following comments have been provided:

"Fully support these extra items re restoration and re-opening of The Arcade. Will make the building more accessible whilst respecting its architecture. A much-needed piece in the jigsaw puzzle of improving Dewsbury town centre. Congratulations to The Arcade group and Kirklees Council for this project."

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 this case, as well as the original planning permission, there has also been a previous Section 73 approval (the 2023 S73 permission). At present therefore, the applicant could therefore implement the original planning permission or the 2023 S73 permission.

In assessing this Section 73 application, those previously granted planning permissions are 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 previous approvals. This has been considered in the assessment of relevant matters below, taking into account the previously granted permissions and that the principle of the proposed development has been accepted through the granting of those previous permissions.

Proposed variation of Condition 2 (plans)

Principle of development

The principle of the development and the proposed uses on the site has 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, and subject to previously imposed conditions restricting some of the approved uses only to certain units. No amendments are sought to those conditions which thus restrict the uses as part of this Section 73 application, and those conditions would be imposed again as part of the decision if this Section 73 application was approved.

The proposed changes relate to minor changes to some aspects of the internal layout and other minor revisions compared with the previously approved scheme, including the removal of some areas of existing fabric which were previously proposed to be retained.

Therefore, as no changes are proposed to the mix of uses, or to the conditions restricting some uses to certain units only, the principle of the proposed development is still considered to be acceptable, and consistent with relevant 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.

Therefore, the assessment of the proposed changes is based on the potential implications of those changes with regard to other relevant material planning considerations, including heritage impacts. These considerations are assessed below.

Heritage impacts – Including impacts on the grade II listed building, 'The Arcade', 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'.

Many of the proposed amendments to the plans relate to minor changes to the internal layout of the building, or to the extent of existing fabric which is proposed to retained and/or replaced, compared with the previously approved scheme.

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 works would result in additional harm to the listed building due to the loss of some additional historic fabric (as specifically set out in the submitted Schedule of Amendments) compared with the previously approved scheme. This includes:

- the proposed replacement of some additional areas of existing timber floor structures;
- the removal of an existing floor hatch to Unit 30 which was previously proposed to be retained;
- the replacement (rather than retention) of a number of additional sash windows (in addition to some which had previously been approved for replacement),;

- the replacement (rather than retention) of some ceiling areas and some areas of walling which were previously proposed to be retained and repaired.

In each of these instances, justification for the proposed changes has been provided in the submitted details, including with reference to matters including the identification of further areas of rot, or structural issues.

In each of those cases where the Conservation Area has identified additional harm, they have advised that level of additional 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 and/or dry rot in some cases, the condition of the material in some instances, and structural and/or safety issues which have been identified in some cases). They have concluded that *"where additional harm has been identified this is at a minimal or low level and has been accompanied by a clear and convincing justification why this additional harm is required".*

In other regards, the Conservation Officer has identified that some of the proposed amendments would result in *"No additional harm".* This includes:

- Minor changes to the positions of new partitions and/or openings;
- Replacement of some modern additions/works;
- Dismantling and rebuilding 2 existing chimneys which have been found to be *"in a poor condition"* – the submitted information states that the works now proposed would be to *"Carefully dismantle and rebuild the chimneys straight and plumb, reusing the existing stone wherever possible and supplementing with new to match"*;
- Replacement of plaster arches beneath either end of the glazed roof to the central arcade, following further assessment of their condition;
- Amendments to proposals for the gutter and rainwater pipe to the rear elevation of the Market Place building, compared with previously approved scheme;
- Amendments to some aspects of the proposals for the glazed roof structure to the Central Arcade, including to *"Install additional steel principal rafters to carry the roof load and relieve the existing cast iron trusses of their existing load. Cast iron trusses to remain in location and be resupported from the new steel rafters."*

The Conservation Officer has advised that other aspects of the proposed amendments would reduce the level of harm, or have a positive effect, compared with the previously approved scheme. This includes:

- Removal of a timber joisted storage deck above Unit 30, *"to return the space to its original configuration. Omit the ladder and access hatch previously proposed"*;
- Omission of a new door opening previously approved in Unit 29;
- Reduction in the number of rooflights proposed to the first floor units in the Central Arcade;

- Removal of modern, covered rooftop walkway from part of the existing roof, *"and continue the form of the original slate roof covering over this area of the roof"*;
- Removal of modern splayed window boxes in parts of Central Arcade and *"redecorate the original panelling to the same specification as is already proposed for the sash windows"*;
- Careful removal of existing render (found to be modern and cement-based on inspection) and replacement with traditional lime-based render;
- Repair and retention of further historic sash windows which *"were found encapsulated between the blockwork and internal linings"* to the rear of Unit 26.

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

> *"Conservation and Design consider the submitted details to be acceptable and sufficient to allow the variation of the conditions outlined above.*
>
> *The proposed amendments will in some cases result in a positive effect on the significance of the listed building, where additional harm has been identified this is at a minimal or low level and has been accompanied by a clear and convincing justification 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 has made the following comments regarding the application, and have recommended that the Council approves the application:

> *"It is regrettable that the delay in starting work on this significant part of Dewsbury town centre's heritage has resulted in additional deterioration of the building. The proposals to remedy this, however, appear proportionate and well thought-through, and we do not have concerns about the approaches outlined in the applications. We look forward to seeing the arcade brought back into use in the near future."*

In the light of the relatively minor changes now proposed, and taking into account Historic England's comments and 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 result in less harm, or additional benefits, compared with the previously approved scheme, 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, the public benefits of bringing the building back into use to provide new retail, commercial and community uses, including social, environmental and economic benefits as part of the regeneration of Dewsbury Town Centre, are considered to outweigh the harm identified in this instance.

It is considered that the proposed amendments would therefore be acceptable, including with regard to their impacts on the grade II listed building, 'The Arcade', 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 heritage assets, including conservation areas and other designated heritage assets.

Residential amenity

The proposed changes to the plans do not include any changes to the permitted uses. Nor are any changes proposed to the previously imposed conditions which restrict some uses to certain units only, restrict opening hours and control noise levels for events, which were imposed in the interests of residential amenity. The proposed changes relate to minor revisions to aspects of the internal layout and relating to the retention and/or replacement of elements of the existing building fabric. The proposed changes are not considered to have any additional implications for residential amenity, compared with the previously approved scheme.

Therefore, subject to the re-imposition of other relevant conditions, including those described above and others which still require further details to be submitted (including on matters relating to odour extraction equipment and external lighting) with regard to matters relating to residential amenity, the proposals are considered acceptable in this regard, including with reference to Local Plan Policies LP24 and LP52, and NDMP P3 of in 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 aspects of the internal layouts of the units. Subject to previous relevant conditions (including as amended, subject to further assessment where applicable below), it is considered that the proposed changes would not have additional implications for highways or accessibility, compared with the previously approved scheme, including with reference to relevant NDMPs in the revised NPPF, including TR3, TR4 and TR6.

Crime prevention

The West Yorkshire Police Designing Out Crime Officer has been consulted regarding the application, and has confirmed that West Yorkshire Police has no objection to the proposals. Therefore, 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

Part of the site is within Flood Zone 2, and part of the southern part of the site is in Flood Zone 3. The proposals have previously been considered acceptable in principle previously with regard to flood risk and drainage matters, including in the context that the site was (at the time of the original permission) reported as being in Flood Zones 2 and 3a. No changes are now proposed to the permitted uses on the site. The amendments now proposed relate to matters of detail, rather than to the proposed uses or the drainage proposals, and therefore it is considered that the proposed amendments would not have additional implications with regard to flood risk or drainage matters, compared with the previously 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 specifically 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 previous 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 previous permission, it is considered that the proposed development would not have any further implications with regard to contaminated lad 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 NPPF with regard to contaminated land.

Given the minor scale and nature of the proposed changes, and as no changes are proposed to the permitted uses compared with the previous permission, it is considered that the changes would not result in further implications regarding air quality, compared with the previous permission. Therefore, it is considered that the proposals would not conflict with Local Plan Policy LP51 or with 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

For the reasons given, it is considered that the proposed amendments to the scheme, as shown on the plans and explained in the documents submitted with this application, are acceptable, including with regard to heritage impacts, and would not have adverse implications for other relevant material planning considerations compared with the previously 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 include those revised plans and documents and omit previous/superseded versions as applicable.

Proposed variation of Condition 14 (construction traffic access)

Details have previously been submitted to, and approved by, the local planning authority (LPA) pursuant to condition 14, under Discharge of Conditions application reference: 2024/90504.

The current application seeks to vary the wording of condition 14 to make it a 'compliance condition', requiring the works to be carried out in accordance with those previously approved details.

The proposed variation would be clear and precise in terms of setting out the relevant details, consistent with those approved under the previous Discharge of Conditions application, and would still allow the LPA to retain control over the works by requiring the works to be carried out in accordance with those approved details.

Accordingly, the following revised wording for condition 14 has been agreed with the applicant and is recommended:

> *"All construction arrangements for the development shall be carried out in complete accordance with the following details, approved under Discharge of Condition application 2024/90504, throughout the period of construction:*
>
> - *Covering Letter ref DS/P3001705/DS*
> - *Construction Approach and Delivery Plan – Dewsbury Market 2024*
>
> ***Reason:** To ensure construction traffic does not cause harm to highway safety, and to ensure the safe use of the site at all times, in accordance with Kirklees Local Plan Policies LP21 and LP24 and National Decision-Making Policies TR3 and TR6 of the National Planning Policy Framework."*

Proposed variation of Condition 15 (details of gates and fanlights)

Condition 15 requires the submission of specified details for the approval of the LPA. The current application seeks the approval of relevant details pursuant to the requirements of condition 15, and seeks to vary condition 15 to require the works to be carried out in accordance with those details.

In that regard, the following details have been submitted by the applicant as part of this application:

- Units 8 & 11 Internal Gates General Arrangement drawing number: 24102-DR-C-0101 Rev P02;
- General Arrangement Corporation Street Entrance drawing number: 24102-DR-T-0200 Rev P05;
- General Arrangement Market Place Entrance drawing number: 24102-DR-T-0202 Rev P12.

The Conservation Officer has noted the submission of those details listed above, and has provided the following comment:

> *"The necessary information has therefore been provided to assess the impact upon the character and significance of the listed building and the details are found to be satisfactory. The conservation and design team have no objection to the variation of Condition 15."*

The West Yorkshire Police Designing Out Crime Officer has also been consulted on the application, and has advised that West Yorkshire Police have no objection to the proposals.

The submitted details include details of the design of the proposed gates, together with details of their fixings, and their colour (RAL 7013). Details have also been provided with regard to the design of the fanlight to the Corporation Street entrance. The fanlight to the Market Street entrance is a bespoke stained glass panel. Details of the specific design of the stained glass panel have not been submitted. However, the drawings include references to glazing in the fanlight, and it is considered that sufficient information has been received for the purposes of the requirements of condition 15. Therefore, and having regard to the Conservation Officer's comments as quoted above, it is considered that the submitted details are acceptable with reference to the details required by condition 15.

It is therefore recommended that condition 15 is varied to require the works to be carried out in accordance with the submitted details, thus clearly and precisely specifying the approved details and allowing the LPA to retain control over the carrying out of the works.

Accordingly, the following revised wording for condition 15 has been agreed with the applicant and is recommended:

> *"The decorative gates and fanlights to each end of the arcade, and the central stairway gates, shall be installed in complete accordance with the*

following details, including with regard to their design, colour and fixing methods:

- *Units 8 & 11 Internal Gates General Arrangement drawing number: 24102-DR-C-0101 Rev P02;*
- *General Arrangement Corporation Street Entrance drawing number: 24102-DR-T-0200 Rev P05;*
- *General Arrangement Market Place Entrance drawing number: 24102-DR-T-0202 Rev P12.*

The development shall thereafter be retained in accordance with those details hereby approved.
***Reason:** To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."*

Proposed variation of Condition 16 (hanging signage within the arcade)

Details have previously been submitted to, and approved by, the LPA pursuant to condition 16, under Discharge of Conditions application reference: 2024/92386.

The current application seeks to vary the wording of condition 16 to make it a 'compliance condition', requiring the works to be carried out in accordance with those previously approved details.

The proposed variation would be clear and precise in terms of setting out the relevant details, consistent with those approved under the previous Discharge of Conditions application, and would still allow the LPA to retain control over the works by requiring the works to be carried out in accordance with those approved details.

Accordingly, the following revised wording for condition 16 has been agreed with the applicant and is recommended:

"The hanging signage within the arcade shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386:

- *Hanging Signage drawing number: 1705-BDP-AD-00-DT-A-20005 Rev C01.*

The hanging signage within the arcade shall thereafter be retained in accordance with the details hereby approved.
***Reason:** To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making*

Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."

Proposed variation of Condition 17 (colour scheme of the central arcade roof)

Details have previously been submitted to, and approved by, the LPA pursuant to condition 17, under Discharge of Conditions application reference: 2024/92386.

The current application seeks to vary the wording of condition 17 to make it a 'compliance condition', requiring the works to be carried out in accordance with those previously approved details.

The proposed variation would be clear and precise in terms of setting out the relevant details, consistent with those approved under the previous Discharge of Conditions application, and would still allow the LPA to retain control over the works by requiring the works to be carried out in accordance with those approved details.

Accordingly, the following revised wording for condition 17 has been agreed with the applicant and is recommended:

"The colour scheme of the central arcade roof, including metalwork and joinery, shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386:

- *Roof Truss Colour Scheme drawing number: 1705-BDP-AD-RF-DT-A-27001 Rev C01.*

The colour scheme of the central arcade roof, including metalwork and joinery, shall thereafter be retained in accordance with the details hereby approved.
***Reason:** To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."*

Proposed variation of Condition 19 (M&E installations and fittings)

Condition 19 requires the submission of specified details for the approval of the LPA. The current application seeks the approval of relevant details pursuant to the requirements of condition 19, and seeks to vary condition 19 to require the works to be carried out in accordance with those details.

In that regard, the following details have been submitted by the applicant as part of this application:

- Dewsbury Arcade – Lighting Schedule document number: 1705-BDP-AD-XX-SH-E-00001 Rev C01, dated 28/03/2024;

- Electric Panel Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;
- Over Door Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;
- Level 00 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-00-PL-E-61001 Rev C01;
- Level 01 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-01-PL-E-61001 Rev C01;
- Level 02 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-02-PL-E-61001 Rev C01;
- Level 03 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-03-PL-E-61001 Rev C01;
- Level 00 Proposed Lighting Systems drawing number: 1705-M&R-AD-00-PL-E-63001 Rev C02;
- Level 01 Proposed Lighting Systems drawing number: 1705-M&R-AD-01-PL-E-63001 Rev C02;
- Level 02 Proposed Lighting Systems drawing number: 1705-M&R-AD-02-PL-E-63001 Rev C02;
- Level 03 Proposed Lighting Systems drawing number: 1705-M&R-AD-03-PL-E-63001 Rev C02;
- Level 00 Heating & Cooling Systems drawing number: CT308-M01 Rev A;
- Level 01 Heating & Cooling Systems drawing number: CT308-M02 Rev A;
- Level 02 Heating & Cooling Systems drawing number: CT308-M03 Rev A;
- Level 03 Heating & Cooling Systems drawing number: CT308-M04 Rev A.

The Conservation Officer has noted the submission of those details listed above, and has provided the following comment:

> *"The necessary information has therefore been provided to assess the impact upon the character and significance of the listed building and the details are found to be satisfactory. The conservation and design team have no objection to the variation of Condition 19."*

The submitted details include information regarding electrical, lighting and heating systems for the building and, having regard to the Conservation Officer's comments as quoted above, it is considered that the submitted details are acceptable with reference to the details required by condition 19.

However, the submitted details indicate that some areas/Units are subject to 'tenant fit-out', and it is understood that further installations may be proposed once tenants are identified for the units. Therefore, whilst the submitted details are considered sufficient and acceptable in terms of the works that are proposed at this stage, it is recommended that the re-wording of the condition also includes a requirement for details of any further M&E installations or

fittings to be first submitted to and approved by the LPA before any such further installations or fittings are implemented.

It is therefore recommended that condition 19 is varied to require the works to be carried out in accordance with the submitted details, thus clearly and precisely specifying the approved details and allowing the LPA to retain control over the carrying out of the works, whilst also preventing any further such installations until details have been submitted to and approved by the LPA.

Accordingly, the following revised wording for condition 19 has been agreed with the applicant and is recommended:

> *"The M&E installations and fittings for the development shall be implemented in full accordance with the following details:*
>
> - *Dewsbury Arcade – Lighting Schedule document number: 1705-BDP-AD XX-SH-E-00001 Rev C01, dated 28/03/2024;*
> - *Electric Panel Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;*
> - *Over Door Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;*
> - *Level 00 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-00-PL-E-61001 Rev C01;*
> - *Level 01 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-01-PL-E-61001 Rev C01;*
> - *Level 02 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-02-PL-E-61001 Rev C01;*
> - *Level 03 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-03-PL-E-61001 Rev C01;*
> - *Level 00 Proposed Lighting Systems drawing number: 1705-M&R-AD-00-PL-E-63001 Rev C02;*
> - *Level 01 Proposed Lighting Systems drawing number: 1705-M&R-AD-01-PL-E-63001 Rev C02;*
> - *Level 02 Proposed Lighting Systems drawing number: 1705-M&R-AD-02-PL-E-63001 Rev C02;*
> - *Level 03 Proposed Lighting Systems drawing number: 1705-M&R-AD-03-PL-E-63001 Rev C02;*
> - *Level 00 Heating & Cooling Systems drawing number: CT308-M01 Rev A;*
> - *Level 01 Heating & Cooling Systems drawing number: CT308-M02 Rev A;*
> - *Level 02 Heating & Cooling Systems drawing number: CT308-M03 Rev A;*
> - *Level 03 Heating & Cooling Systems drawing number: CT308-M04 Rev A.*
>
> *The M&E installations and fittings shall thereafter be retained in accordance with the details hereby approved.*

No further M&E installations or fittings shall be installed (including service ducts, risers, radiators and lighting), other than those shown on the drawings hereby approved, unless and until details of those installations and/or fittings (specifications and plans) have first been submitted to and approved in writing by the local planning authority. The development shall then be implemented in full accordance with the details thereby approved, and retained as such thereafter.
Reason: *To ensure that no damage occurs to important historic detailing, including decorative floor and wall finishes, to ensure external architectural details and the character and significance of the building are maintained, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.*

For the avoidance of doubt, the submitted details listed above have only been assessed with regard to heritage impacts, having regard to the reason given for the imposition of the condition on the previous permission decision notice. The details have not been assessed with regard to other relevant requirements, including any matters which are covered under the Building Regulations or Environmental Health legislation, and an informative note is recommended as part of the decision advising the applicant of the potential requirement for separate approvals under other relevant regulatory regimes.

Proposed variation of Condition 20 (proposed roof edge protection and perimeter details)

Condition 20 requires the submission of specified details for the approval of the LPA. The current application seeks the approval of relevant details pursuant to the requirements of condition 20, and seeks to vary condition 20 to require the works to be carried out in accordance with those details.

In that regard, the following details have been submitted by the applicant as part of this application:

- Mansafe Setting Out drawing number: 014852-GA-01- Rev P02;
- Ladder 01 Setting Out drawing number: 014852-GA-02- Rev P02;
- Ladder 02 Setting Out drawing number: 014852-GA-03- Rev P02.

The Conservation Officer has noted the submission of those details listed above, and has provided the following comment:

"The necessary information has therefore been provided to assess the impact upon the character and significance of the listed building and the details are found to be satisfactory. The conservation and design team have no objection to the variation of Condition 20."

The submitted details include information regarding the proposed roof access ladders, and fall-protection measures. Having regard to the Conservation

Officer's comments as quoted above, it is considered that the submitted details are acceptable with reference to the details required by condition 20.

It is therefore recommended that condition 20 is varied to require the works to be carried out in accordance with the submitted details, thus clearly and precisely specifying the approved details and allowing the LPA to retain control over the carrying out of the works.

Accordingly, the following revised wording for condition 20 has been agreed with the applicant and is recommended:

> *"The roof edge protection and perimeter details shall be implemented in full accordance with the following details:*
>
> - *Mansafe Setting Out drawing number: 014852-GA-01- Rev P02*
> - *Ladder 01 Setting Out drawing number: 014852-GA-02- Rev P02*
> - *Ladder 02 Setting Out drawing number: 014852-GA-03- Rev P02*
>
> *The roof edge protection and perimeter details shall thereafter be retained in accordance with the details hereby approved.*
> ***Reason:** To demonstrate that the visual impact has been kept to a minimum and no damage will be caused to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."*

<u>Proposed variation of Condition 21 (trickle vent details for the sash windows)</u>

Details have previously been submitted to, and approved by, the LPA pursuant to condition 21, under Discharge of Conditions application reference: 2024/92386.

The current application seeks to vary the wording of condition 21 to make it a 'compliance condition', requiring the works to be carried out in accordance with those previously approved details.

The proposed variation would be clear and precise in terms of setting out the relevant details, consistent with those approved under the previous Discharge of Conditions application, and would still allow the LPA to retain control over the works by requiring the works to be carried out in accordance with those approved details.

Accordingly, the following revised wording for condition 21 has been agreed with the applicant and is recommended:

> *"The trickle vents for the sash windows shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386.*

- *Window Trickle Vents drawing number: 1705-BDP-AD-XX-DT-A-31104 Rev C01.*

The trickle vents for the sash windows shall thereafter be retained in accordance with the details hereby approved.
Reason: *To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."*

Proposed variation of Condition 22 (decorative historic floor finish on second floor to be conserved and retained)

Condition 22 requires the submission of specified details for the approval of the LPA. The current application seeks the approval of relevant details pursuant to the requirements of condition 22 and seeks to vary condition 22 to require the works to be carried out in accordance with those details.

In that regard, the following details have been submitted by the applicant as part of this application:

- Historic Floor Finish Installation drawing number: SK-074
- Covering letter from BDP, reference: DS\P3001705, dated 23-07-2026, stating that *"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)."*

The Conservation Officer has noted the submission of those details listed above, and has provided the following comment:

"The necessary information has therefore been provided to assess the impact upon the character and significance of the listed building and the details are found to be satisfactory. The conservation and design team have no objection to the variation of Condition 22."

The submitted details include confirmation that a section of the decorative historic floor finish is proposed to be retained and displayed in a frame, close to its original location, and details of the cleaning proposal and the proposals for the display frame. In the light of the submitted information, and having regard to the Conservation Officer's comments as quoted above, it is considered that the submitted details are acceptable with reference to the details required by condition 22.

It is therefore recommended that condition 22 is varied to require the works to be carried out in accordance with the submitted details, thus clearly and precisely specifying the approved details and allowing the LPA to retain control over the carrying out of the works.

Accordingly, the following revised wording for condition 22 has been agreed with the applicant and is recommended:

> *"The decorative historic floor finish on the second floor shall be conserved, retained and displayed in accordance with the following details:*
>
> - *Historic Floor Finish Installation drawing number: SK-074*
> - *Covering letter from BDP, reference: DS\P3001705, dated 23-07-2026, stating that "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)."*
>
> *The decorative historic floor finish on the second floor shall thereafter be conserved, retained and displayed in accordance with the details hereby approved.*
> ***Reason:** To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework."*

Proposed variation of Condition 23 (archaeological recording)

Details have previously been submitted to, and approved by, the LPA pursuant to condition 23, under Discharge of Conditions application reference 2024/90165.

The current application seeks to vary the wording of condition 23 to make it a 'compliance condition', requiring the works to be carried out in accordance with those previously approved details.

With regard to condition 23, West Yorkshire Archaeology Advisory Service (WYAAS) has provided the following comments:

> *"We note that the applicant's covering letter states that Condition 23 (Archaeological Recording) was discharged under application 2024/90165. Having reviewed the application 2024/90165 only part-discharged Condition 23 in respect of the Written Scheme of Investigation (WSI) methodology. The Council's formal decision letter dated 07/03/2024 explicitly reminded the applicant that Condition 23 remains outstanding until the watching brief fieldwork, post investigation reporting, and archive deposition are completed.*
> *As this new application will issue a new planning permission, Condition 23 must be carried forward to ensure the final report and archive are secured."*

WYAAS' comments go on to recommend a revised condition wording, as follows,

"The programme of archaeological recording shall be implemented in complete accordance with the Written Scheme of Investigation (WSI) approved under application 2024/90165. The development shall not be brought into beneficial use until the post-investigation assessment, final report, and museum archive deposition set out in the approved WSI have been completed and approved in writing by the Local Planning Authority."

WYAAS has advised that it has no objection to the proposed variations, provided that this condition is attached to the new decision notice.

However, the compliance requirements of the condition which has been suggested by WYAAS go beyond those which were in condition 23 of the original permission (and the 2023 S73 permission) and which were re-stated on the decision for Discharge of Conditions application 2024/90165 approving the Written Scheme of Investigation (WSI), which state only that:

"The recording must then be carried out by an appropriately qualified and experienced archaeological consultant or organisation in complete accordance with the approve scheme of investigation."

There was no specific requirement, in the original condition 23, for the post-investigation assessment, final report and museum archive deposition to be approved in writing by the LPA, nor did the original condition 23 specify a timescale for the completion of the assessment and report and the museum archive deposition.

No changes are proposed to the approved WSI as part of this application, and there has been no material change in circumstances which would justify a change to the compliance requirements for condition 23 within the scope of this Section 73 application.

In any event, it is noted that the approved WSI includes details of the timescales for the submission of the draft report, the submission of the completed report to the West Yorkshire Historic Environment Record (HER) and the registration of the report with OASIS (On-line Access to Index of Archaeological Investigations) and the deposition of the project archive with the receiving museum, Kirklees Museum. Therefore, in requiring the recording to be carried out in accordance with the approved WSI, it is considered that the compliance requirements of the original condition 23 satisfactorily secures the submission and deposition of the relevant items within an appropriate timescale, and accordingly, that it is not necessary to amend the compliance requirements at this stage.

It is therefore considered appropriate to vary condition 23 to refer to the details which have previously been approved under Discharge of Conditions application 2024/90165, but to retain the requirements for the archaeological recording to be carried out in accordance with those details, consistent with the requirements of the original condition. It is considered that varying the condition in that way would be clear and precise in terms of setting out the relevant details, consistent with those approved under the previous Discharge

of Conditions application, and would still allow the LPA to retain control over the works by requiring the recording to be carried out in accordance with those approved details.

Accordingly, the following revised wording for condition 23 has been agreed with the applicant and is recommended:

> *"The programme of archaeological recording for the development shall be carried out by an appropriately qualified and experienced archaeological consultant or organisation in complete accordance with the following details, approved under Discharge of Conditions application 2024/90165:*
>
> - *The Arcade, Dewsbury. Archaeological Watching Brief: Written Scheme of Investigation, Version 1.2, dated 19/02/2024.*
>
> ***Reason:** To record and advance understanding of significance of heritage assets and to make adequate provision for excavation and recording before or during development in accordance with National Decision-Making Policy HE10 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan."*

Other matters

There was a condition on the original permission (2021/93190) which required details of the Accessible WC shop front alterations to be submitted to and approved by the local planning authority. This condition was not included on the 2023 S73 permission (which this current application now seeks amendments to). However, it is understood that this is because the scheme was subsequently amended to omit the accessible WC from Unit 16, as accessible WC provision was instead provided elsewhere (in the adjacent building which was subsequently added onto the wider scheme). It is understood that the condition was therefore omitted from the 2023 S73 permission. Accordingly, no further details have been requested in this regard.

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 (in this case the 2023 S73 permission) which remain relevant and applicable.

The previous permission (the 2023 S73 permission) was approved with 23 conditions. Of those, 10 have 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.

- Conditions 3 and 4 – These conditions restrict some of the proposed uses to certain units, including for reasons relating to town centre vitality and viability, and residential amenity. No changes are proposed to these conditions, and it is recommended that they are re-imposed as originally worded, with the exception of amendments to the floor plan drawing references in Condition 3, which are to be updated to reflect the references of the revised floor plan drawings which have been submitted as part of this application.

- Conditions 5 and 12 – These conditions restrict opening hours and hours of construction, in the interests of residential amenity. These conditions remain necessary and it is recommended that they are re-imposed.

- Conditions 6 and 7 – These conditions relate to schemes relating to extraction systems and schemes to prevent fats, oils and grease entering the drainage network, with reference to any food cooking activities. These conditions remain necessary, and it is recommended that they are re-imposed.

- Conditions 8 and 9 – These conditions relate to restrictions on entertainment noise from the premises, and on noise from fixed mechanical services and plant and equipment, in the interests of residential amenity. It is considered that these conditions remain necessary and it is recommended that they are re-imposed.

- Condition 10 – This condition requires details of any external artificial lighting, other than that in the previously submitted Lighting Report, to be submitted and approved, and was imposed for reasons relating to residential amenity. No details have been submitted pursuant to condition 10 as part of this Section 73 application. It is considered that this condition remains necessary and it is recommended that it is re-imposed.

- Condition 11 – This condition covers the possibility of 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.

- Condition 13 – This condition requires details of bin storage areas and presentation points to be submitted and approved prior to their installation, and was imposed in the interests of residential amenity and highway safety. It is considered that this condition remains necessary and it is recommended that it is re-imposed.

- Condition 18 – This condition requires details of the ventilation louvres in the rear upper floor sash windows to be submitted and approved prior to their installation, and was imposed in the interests of design

and protecting the listed building. It is considered that this condition remains necessary and it is recommended that it is re-imposed.

As the NPPF has been updated since the previous permission, the reasons for all conditions, including those sought for variation as part of this application and those to be re-imposed as detailed above, are to be updated to reflect this, and to refer to relevant National Decision-Making Policies in the August 2026 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.

Representations

As noted above, one letter of support has been received regarding the application. The comments made are noted, including with regard to the benefits of the proposed development, and have been taken into account as part of the consideration of the application in that regard.

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, The Arcade, 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.

Recommendation: Approve

Report dated: 19/10/2026

Application Number: 2026/91758
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 permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP7, LP13, LP18, LP21, LP24, LP28, LP35, LP52 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. Notwithstanding the plans hereby approved, only units 1, 2, 23, 24, 25, 26, 27, 28, 29 and 30 as shown on the submitted proposed floor plans (drawing numbers: 1705-BDP-AD-00-PL-A-20001- Rev T02; 1705-BDP-AD-01-PL-A-20001- Rev T02; 1705-BDP-AD-02-PL-A-20001- Rev T02 and 1705-BDP-AD-03-PL-A-20001- Rev T02) shall benefit from the hereby approved public house/wine bar/drinking establishment (Sui Generis) use.
Reason: To ensure the vitality of the Dewsbury Town Centre by avoiding dominance of non-retail uses and to avoid material harm on neighbouring noise-sensitive premises as required by Local Plan policies LP13, LP18, LP24 and LP52 and National Decision-Making Policies TC2, DP3 and P3 of the National Planning Policy Framework.

4. Notwithstanding the plans hereby approved, the ground floor units shall not be occupied by uses falling within use Class E (G) iii (industrial process) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
Reason: In the interests of ensuring and retaining a strong retail core in the designated town centre and primary/secondary shop frontages and to accord with Local Plan policy LP13 and National Decision-Making Policy TC2 of the National Planning Policy Framework.

5. The use hereby permitted shall not be open to customers outside the hours of:

- Use Class E - 08:00 to 22:00 hrs every day
- Public house/wine bar/drinking establishment (Sui Generis) use - 10:00 to 00:00 hrs every day.

There shall be no deliveries to or dispatches from the premises outside these hours. No deliveries shall take place on Sundays or Bank Holidays.
Reason: To ensure that the proposed use(s) do(es) not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, and to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework.

6. Before food cooking commences details of the proposed kitchen extract re-circulation systems shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- Details of the amount and type of food that will be cooked;
- Details of the proposed methods of odour control;
- Details of the major components of the proposed re-circulation extract system;
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that will carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour nuisance or pollution within either a public area or at neighbouring premises, in the interest of amenity, and to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework.

7. Before food cooking commences details for a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish washing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first operation of the development and shall be retained throughout the lifetime of the development.

Reason: To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity and environmental wellbeing, and to accord with Policies LP24 and LP28 of the Kirklees Local Plan and National Decision-Making Policy P3 of the National Planning Policy Framework.

8. Where entertainment events take place more than once per week or continue beyond 23:00 hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled so as to be inaudible inside the nearest residential premises, inaudibility being defined as:

- if the external LAeq, (1min) (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external LA90 (of the background with no music etc. noise) at the façade of the nearest residential premises, and
- if the external L10 (5min) (of the music etc. noise) at the façade of the nearest residential premises is not greater than the external L90 (of the background with no music etc. noise) in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place more than 30 times per year, not more than once in a single week and ends by 23:00 hrs, entertainment noise (e.g. noise from amplified and non-amplified music, singing and speech) at the premises shall be controlled such that:

- the external LAeq, (1min) (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external LA90 (of the background with no music etc. noise) by more than 5 dB at the façade of the nearest residential premises, and
- the external L10 (5min) (of the music etc. noise) at the façade of the nearest residential premises does not exceed the external L90 (of the background with no music etc. noise) by more than 5 dB in each 1/3rd octave band between 40Hz and 160Hz at the façade of the nearest residential premises.

Where entertainment events take place up to 30 times per year, suitable alternative external noise limits will be allowed based on the criteria set out in the 'Code of Practice on Environmental Noise Control at Concerts' (Noise Council, 1995).

Reason: To ensure the proposed development does not cause harmful noise pollution within neighbouring noise sensitive locations, in the interest of amenity, and to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework.

9. 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 when measured at the window of any residential noise sensitive receptor, whereby "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, and to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework.

10. Any external artificial lighting shall be installed in accordance with the design intent provided in the Lighting Report in the Appendix of the Design and Access Statement by BDP (ref: 1705-BDP-AD-XX-RG-Z-00003) (dated: 9th August 2021). Prior to their installation, details of any additional external artificial lighting, not provided within the Lighting Report, shall be submitted to and approved in writing by the LPA. The installed external artificial lighting shall be operated thereafter in accordance with the approved scheme.

Reason: To safeguard the amenities of the occupiers of nearby properties and to promote sustainable development in accordance with National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

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

12. Construction related activities shall not take place outside the hours of:

- 07:30 to 18:30 hrs Mondays to Fridays
- 08:00 to 13:00 hrs, Saturdays

With no noisy activities on Sundays or Public Holidays

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with National Decision-Making Policies DP3 and P3 of the National Planning Policy Framework and Policies LP24 and LP52 of the Local Plan.

13. Prior to their installation, details of suitable storage, bin presentation points and access for collection of wastes from the premises hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety and to meet the requirements set out in Kirklees Local Plan Policy LP24 part d(vi).

This pre-commencement condition is required as waste storage and collection arrangements may impact upon layout matters which may be difficult to resolve retrospectively.

14. All construction arrangements for the development shall be carried out in complete accordance with the following details, approved under Discharge of Condition application 2024/90504, throughout the period of construction:

- Covering Letter ref DS/P3001705/DS
- Construction Approach and Delivery Plan – Dewsbury Market 2024

Reason: To ensure construction traffic does not cause harm to highway safety, and to ensure the safe use of the site at all times, in accordance with Kirklees Local Plan Policies LP21 and LP24 and National Decision-Making Policies TR3 and TR6 of the National Planning Policy Framework.

15. The decorative gates and fanlights to each end of the arcade, and the central stairway gates, shall be installed in complete accordance with the following details, including with regard to their design, colour and fixing methods:

- Units 8 & 11 Internal Gates General Arrangement drawing number: 24102-DR-C-0101 Rev P02;
- General Arrangement Corporation Street Entrance drawing number: 24102-DR-T-0200 Rev P05;
- General Arrangement Market Place Entrance drawing number: 24102-DR-T-0202 Rev P12.

The development shall thereafter be retained in accordance with those details hereby approved.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

16. The hanging signage within the arcade shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386:

- Hanging Signage drawing number: 1705-BDP-AD-00-DT-A-20005 Rev C01.

The hanging signage within the arcade shall thereafter be retained in accordance with the details hereby approved.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

17. The colour scheme of the central arcade roof, including metalwork and joinery, shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386:

- Roof Truss Colour Scheme drawing number: 1705-BDP-AD-RF-DT-A-27001 Rev C01.

The colour scheme of the central arcade roof, including metalwork and joinery, shall thereafter be retained in accordance with the details hereby approved.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

18. Prior to their installation, details (specification and plans) of the ventilation louvres in the rear upper floor sash windows 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.

Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local

Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

19. The M&E installations and fittings for the development shall be implemented in full accordance with the following details:

- Dewsbury Arcade – Lighting Schedule document number: 1705-BDP-AD-XX-SH-E-00001 Rev C01, dated 28/03/2024;
- Electric Panel Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;
- Over Door Heaters specification (VWG Mechanical) Rev 01, dated 28/03/25;
- Level 00 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-00-PL-E-61001 Rev C01;
- Level 01 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-01-PL-E-61001 Rev C01;
- Level 02 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-02-PL-E-61001 Rev C01;
- Level 03 Proposed Electrical Distribution Systems drawing number: 1705-M&R-AD-03-PL-E-61001 Rev C01;
- Level 00 Proposed Lighting Systems drawing number: 1705-M&R-AD-00-PL-E-63001 Rev C02;
- Level 01 Proposed Lighting Systems drawing number: 1705-M&R-AD-01-PL-E-63001 Rev C02;
- Level 02 Proposed Lighting Systems drawing number: 1705-M&R-AD-02-PL-E-63001 Rev C02;
- Level 03 Proposed Lighting Systems drawing number: 1705-M&R-AD-03-PL-E-63001 Rev C02;
- Level 00 Heating & Cooling Systems drawing number: CT308-M01 Rev A;
- Level 01 Heating & Cooling Systems drawing number: CT308-M02 Rev A;
- Level 02 Heating & Cooling Systems drawing number: CT308-M03 Rev A;
- Level 03 Heating & Cooling Systems drawing number: CT308-M04 Rev A.

The M&E installations and fittings shall thereafter be retained in accordance with the details hereby approved.

No further M&E installations or fittings shall be installed (including service ducts, risers, radiators and lighting), other than those shown on the drawings hereby approved, unless and until details of those installations and/or fittings (specifications and plans) have first been submitted to and approved in writing by the local planning authority. The development shall then be implemented in full accordance with the details thereby approved, and retained as such thereafter.

Reason: To ensure that no damage occurs to important historic detailing, including decorative floor and wall finishes, to ensure external architectural details and the character and significance of the building are maintained, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National

Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

20. The roof edge protection and perimeter details shall be implemented in full accordance with the following details:

- Mansafe Setting Out drawing number: 014852-GA-01- Rev P02
- Ladder 01 Setting Out drawing number: 014852-GA-02- Rev P02
- Ladder 02 Setting Out drawing number: 014852-GA-03- Rev P02

The roof edge protection and perimeter details shall thereafter be retained in accordance with the details hereby approved.
Reason: To demonstrate that the visual impact has been kept to a minimum and no damage will be caused to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

21. The trickle vents for the sash windows shall be implemented in full accordance with the following details, approved under Discharge of Conditions application 2024/92386.

- Window Trickle Vents drawing number: 1705-BDP-AD-XX-DT-A-31104 Rev C01.

The trickle vents for the sash windows shall thereafter be retained in accordance with the details hereby approved.
Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

22. The decorative historic floor finish on the second floor shall be conserved, retained and displayed in accordance with the following details:

- Historic Floor Finish Installation drawing number: SK-074
- Covering letter from BDP, reference: DS\P3001705, dated 23-07-2026, stating that *"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)."*

The decorative historic floor finish on the second floor shall thereafter be conserved, retained and displayed in accordance with the details hereby approved.
Reason: To minimise damage to the historic fabric, to ensure a high standard of design that respects the heritage asset and to accord with Kirklees Local Plan Policies LP24 and LP35 and National Decision-Making Policies DP3, HE4, HE5, HE6 and HE9 of the National Planning Policy Framework.

23. The programme of archaeological recording for the development shall be carried out by an appropriately qualified and experienced archaeological consultant or organisation in complete accordance with the following details, approved under Discharge of Conditions application 2024/90165:

- The Arcade, Dewsbury. Archaeological Watching Brief: Written Scheme of Investigation, Version 1.2, dated 19/02/2024.

Reason: To record and advance understanding of significance of heritage assets and to make adequate provision for excavation and recording before or during development in accordance with National Decision-Making Policy HE10 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

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 by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2019. 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.

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.

NOTE: Detailed advice is available in “Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by EMAQ Sep 2018 which is an update of “Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems” by DEFRA 2005.

NOTE: It is recommended that prior to development commencing the applicant should contact the Food Safety Team of Environmental Services to arrange an advice visit to discuss food safety and hygiene requirements including an appropriate layout. The Food Safety team can be contacted on 01484 22100 (ask for food safety) or by email at food.safety@kirklees.gov.uk.

Plans and specifications schedule:

Plan Type	Plan Reference	Version	Date Received
Plans approved under Section 73 application reference: 2026/91758			

Site Plan as Proposed	1705-BDP-AD-SL-PL-Z-00003-	T02	26/06/2026
Ground Floor Removals Plan	1705-BDP-AD-00-PL-A-20002-	T02	26/06/2026
First Floor Removals Plan	1705-BDP-AD-01-PL-A-20002-	T02	26/06/2026
Second Floor Removals Plan	1705-BDP-AD-02-PL-A-20002-	T02	26/06/2026
Third Floor Removals Plan	1705-BDP-AD-03-PL-A-20002-	T02	26/06/2026
Ground Floor GA Plan as Proposed	1705-BDP-AD-00-PL-A-20001-	T02	26/06/2026
First Floor GA Plan as Proposed	1705-BDP-AD-01-PL-A-20001-	T02	26/06/2026
Second Floor GA Plan as Proposed	1705-BDP-AD-02-PL-A-20001-	T02	26/06/2026
Third Floor GA Plan as Proposed	1705-BDP-AD-03-PL-A-20001-	T02	26/06/2026
Roof GA Plan as Proposed	1705-BDP-AD-RF-PL-A-27001-	P02	26/06/2026
North Elevation	1705-BDP-AD-XX-EL-A-20001-	T02	26/06/2026
East Elevation	1705-BDP-AD-XX-EL-A-20003-	T02	26/06/2026
West Elevation	1705-BDP-AD-XX-EL-A-20004-	T02	26/06/2026
Section AA	1705-BDP-AD-XX-SE-A-20001-	T02	26/06/2026
Section BB	1705-BDP-AD-XX-SE-A-20002-	T02	26/06/2026
Units 8 & 11 Internal Gates General Arrangement	24102-DR-C-0101	P02	26/06/2026
General Arrangement Corporation Street Entrance	24102-DR-T-0200	P05	26/06/2026
General Arrangement Market Place Entrance	24102-DR-T-0202	P12	26/06/2026
Level 00 Proposed Electrical Distribution Systems	1705-M&R-AD-00-PL-E-61001	C01	26/06/2026
Level 01 Proposed Electrical Distribution Systems	1705-M&R-AD-01-PL-E-61001	C01	26/06/2026
Level 02 Proposed Electrical Distribution Systems	1705-M&R-AD-02-PL-E-61001	C01	26/06/2026
Level 03 Proposed	1705-M&R-AD-03-PL-E-	C01	26/06/2026

Electrical Distribution Systems	61001		
Level 00 Proposed Lighting Systems	1705-M&R-AD-00-PL-E-63001	C02	26/06/2026
Level 01 Proposed Lighting Systems	1705-M&R-AD-01-PL-E-63001	C02	26/06/2026
Level 02 Proposed Lighting Systems	1705-M&R-AD-02-PL-E-63001	C02	26/06/2026
Level 03 Proposed Lighting Systems	1705-M&R-AD-03-PL-E-63001	C02	26/06/2026
Level 00 Heating & Cooling Systems	CT308-M01	A	26/06/2026
Level 01 Heating & Cooling Systems	CT308-M02	A	26/06/2026
Level 02 Heating & Cooling Systems	CT308-M03	A	26/06/2026
Level 03 Heating & Cooling Systems	CT308-M04	A	26/06/2026
Mansafe Setting Out	014852-GA-01-	P02	26/06/2026
Ladder 01 Setting Out	014852-GA-02-	P02	26/06/2026
Ladder 02 Setting Out	014852-GA-03-	P02	26/06/2026
Historic Floor Finish Installation	SK-074		26/06/2026
Covering Letter	DS\P3001705 Dated:23/07/2026		24/07/2026
Design and Heritage Statement Addendum	1705-BDP-AD-XX-RG-Z-00006	P01	24/07/2026
Summary of Amendments	1705-BDP-AD-XX-RG-Z-00005	P01	09/07/2026
Dewsbury Arcade – Lighting Schedule	1705-BDP-AD-XX-SH-E-00001	C01	26/06/2026
Over Door Heaters Specification	Dated: 28/03/25	01	26/06/2026
Electric Panel Heaters Specification	Dated: 28/03/25	01	26/06/2026
Plans approved under original permission reference: 2021/93190 and previous Section 73 application reference: 2023/91134			
Site Location Plan	1705-BDP-AD-SL-PL-Z-00001	P02	11/08/2021
Site Plan as Existing	1705-BDP-AD-SL-PL-Z-00002	P02	11/08/2021
Existing Basement Plan	1705-BDP-AD-B1-PL-Z-00001	P01	11/08/2021
Existing Ground Floor Plan	1705-BDP-AD-00-PL-Z-00001	P03	11/08/2021
Existing First Floor Plan	1705-BDP-AD-01-PL-Z-00001	P03	11/08/2021
Existing Second Floor Plan	1705-BDP-AD-02-PL-Z-00001	P03	11/08/2021

Existing Third Floor Plan	1705-BDP-AD-03-PL-Z-00001	P03	11/08/2021
Existing Roof Plan	1705-BDP-AD-RF-PL-Z-00001	P01	11/08/2021
South Elevation	1705-BDP-AD-XX-EL-A-20002	P01	11/08/2021
Design and Access Statement	1705-BDP-AD-XX-RG-Z-00003	P01	11/08/2021
Bat Survey	1705-BDP-AD-XX-RG-Y-00001	02	11/08/2021
Ventilation and Extract Statement	1705-BDP-AD-ZZ-RG-M-57001	P01	11/08/2021
Mechanical and Electrical supporting drawings	Dated: July 2021		11/08/2021
Site Wide MEP Strategy – Overview	1705-BDP-AD-ZZ-RG-J-00002	P01	11/08/2021
Site Waste Management Statement	1705-BDP-AD-XX-SG-Z-00001	P01	11/08/2021
Part L2B Statement	1705-BDP-AD-XX-RG-J-08001	P01	11/08/2021
Climate Change Statement	1705-BDP-AD-XX-MS-Y-00001		11/08/2021
Flood Risk Assessment & Outline Drainage Strategy Report	1705-BDP-AD-XX-RG-C-0001	P01	12/08/2021
Environmental Noise Assessment Report	1705-BDP-AD-ZZ-XX-RG-U-00001	P02	12/08/2021
Structural Strategy Report	1705-BDP-AD-XX-S-RG-00002	P01	12/08/2021

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.