

Public Document Pack



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Wednesday 15 October 2025

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 23 October 2025**.

(A coach will depart the Town Hall, at 10:30 a.m. to undertake site visits. The consideration of planning applications will commence at 1.00 pm. in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "S Lawton".

Samantha Lawton

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Susan Lee-Richards
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Mark Thompson

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

D Bellamy
D Hall
J Taylor
C Holt

Green

K Allison
A Cooper

Labour

M Ahmed
S Ullah
B Addy
M Crook
J Rylah
A Sewell
H McCarthy
E Firth

Liberal

Democrat
PA Davies
J Lawson
A Munro
A Marchington
A Smith
C Burke
D Longstaff
A Robinson

Community

Alliance
A Zaman
A Anwar

Kirklees

**Community
Independents**
A Arshad
JD Lawson

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive apologies for absence from those Members who are unable to attend the meeting and details of substitutions and for whom they are attending.

2: Minutes of the Previous Meeting

1 - 6

To approve the minutes of the meeting of the Committee held on 31st July 2025.

3: Declaration of Interests and Lobbying

7 - 8

Members will be asked to say if there are any items on the agenda in which they have any disclosable pecuniary interests, any other interests, or been lobbied, which may prevent them from participating in any discussion of the items or participating in any vote upon the items.

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

6: Deputations/Petitions

The Committee will receive any petitions and/or deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, members of the public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

7: Planning Applications

9 - 10

The Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak **by 5.00pm (for phone requests) or 11:59pm (for email requests) on Monday 20th October 2025.**

To register, please email governance.planning@kirklees.gov.uk or phone the Governance Team on 01484 221000.

8: Site Visit - Planning Application 2025/91279

Variation of Condition 2 (plans) on previous permission 2020/91746 for the erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens at land off Kenmore Drive, Cleckheaton.

Contact: Louise Bearcroft, Planning Services

Ward affected: Cleckheaton

Estimated time of arrival on-site: 11:00 a.m.

9: Planning Application - Application No: 2025/91279

11 - 34

Variation of Condition 2 (plans) on previous permission 2020/91746 for the erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens at land off Kenmore Drive, Cleckheaton.

Contact: Louise Bearcroft, Planning Services

Ward affected: Cleckheaton

10: Pre-Application Report - Planning Application 2024/20252

35 - 56

Demolition and mixed-use development at New Mills, Brougham Road, Marsden.

Contact: Victor Grayson, Planning Services

Ward affected: Colne Valley

Planning Update

An update, providing further information on applications on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

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Contact Officer: Sheila Dykes

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 31st July 2025

Present: Councillor James Homewood (Chair)
Councillor Bill Armer
Councillor Andrew Pinnock
Councillor Cathy Scott
Councillor Mohan Sokhal
Councillor Mark Thompson

Apologies: Councillor Susan Lee-Richards

- 10 Membership of the Committee**
Councillor Cathy Scott attended for Councillor Paul Moore and apologies were received from Councillor Susan Lee-Richards.
- 11 Minutes of the Previous Meeting**
RESOLVED –
That the minutes of the meeting of the Committee held on 26th June 2025 be approved as a correct record.
- 12 Declaration of Interests and Lobbying**
No declarations of interest or lobbying were received.
- 13 Admission of the Public**
All items were considered in public session.
- 14 Public Question Time**
No questions were asked.
- 15 Deputations/Petitions**
No deputations or petitions were received.
- 16 Site Visit - Planning Application 2024/91853**
Site visit undertaken.
- 17 Site Visit - Planning Application 2024/92105**
Site visit undertaken.
- 18 Site Visit - Planning Application 2025/90577**
Site visit undertaken.

19 Planning Application - Application No. 2025/90577

The Committee considered Application 2025/90577 to vary Conditions 4, 5 and 7 (landscaping) on previous permission 2013/90204 for the erection of 42 dwellings, formation of associated site access, and drainage and landscaping works at land off Cowrakes Road, Lindley, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Jon Beeson (on behalf of the applicant).

RESOLVED –

That authority to refuse the application be delegated to the Head of Planning and Development for the following reason:

The deletion of the previously approved pedestrian connection would result in the development and the surrounding neighbourhood being insufficiently permeable, walkable and connected and active travel and the use of sustainable modes of transport would not be sufficiently enabled or encouraged contrary to Policy LP24dii of the Local Plan and Chapters 8 and 9 of the National Planning Policy Framework.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Homewood, Pinnock, Scott, Sokhal and Thompson (5 votes)

Against: Councillor Armer (1 vote)

20 Planning Application - Application No: 2024/91853

The Committee considered Application 2024/91853 for the erection of 21 dwellings with garages, formation of adoptable road, private road and parking spaces, and new car park and beer garden for the Liberal Club at Birkenshaw Liberal Club, 10 Croft Street, Birkenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Joe Flanagan (agent) and Paul Frain (applicant).

RESOLVED –

(1) That approval of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to:

(a) complete the list of conditions including those contained within the report, as set out below, and subject to the amendment of Condition 11* to require an updated Construction Management Plan to include provisions to ensure operation of the Liberal Club is maintained during construction, including in respect of deliveries, bin emptying and customer parking:

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Materials for walls and retaining structures shall comprise of Marshall's Cromwell reconstituted pitched face stone.
4. Surfacing and drainage of approved vehicle parking areas.
5. Visibility splays to be provided.

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6. Means of access to and from the site shall be in accordance with the preliminary access design(s) show on plan ref: PRGN-2318-HGM-DR-CH-0001C.
7. Management of waste.
8. Highway condition survey.
9. Relocation of bus stop.
10. Development undertaken in accordance with Noise Impact Assessment.
- 11.* Development in accordance with Construction Management Statement.
12. Submission of a remediation strategy.
13. Implementation of remediation strategy.
14. Submission of Verification Report.
15. Electric Vehicle Charging Points.
16. Construction Environment Management Plan (Biodiversity).
17. Submission of a Landscape Management and Maintenance Plan (LMMP).
18. Details of cycle storage for all dwellings.
19. Provision of pedestrian connection.
20. Removal of permitted development rights for outbuildings and extensions on all dwellings.
21. Detailed design scheme for foul surface water and land drainage.
22. Roofing materials – prior to their use.
23. Development in accordance with Preliminary Ecological Appraisal.
24. Development in accordance with Arboricultural Impact Assessment.
25. Development in accordance with Arboricultural Method Statement and Tree Protection Plan.
26. Unexpected tree works.
27. No obstruction over or within 3 metres of the public water main.
28. Submission of a scheme detailing the location and cross-sectional information and construction/design details for all new retaining walls/building retaining walls adjacent to the existing/proposed adoptable highway.
29. Submission of a scheme detailing the location and cross-sectional information and construction/design details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading.

(b) secure a Section 106 agreement to cover the following matters:

1. Affordable Housing – 3 x First Homes (14% provision).
2. Public Open Space – Off-site contribution to local Public Open Space of £57,615.35.
3. Highways – £10,000 towards funding waiting restrictions at the site access onto Old Lane.
4. Management and Maintenance – Management and maintenance of drainage features in perpetuity (unless adopted by the statutory undertaker), informal Public Open space on site in perpetuity and Biodiversity Net Gain measures for a minimum of 30 years.

Strategic Planning Committee - 31 July 2025

- (2) That, in the circumstances where the Section 106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; and if so, the Head of Planning and Development be authorised to determine the application and impose appropriate reasons for refusal under delegated powers.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Homewood, Pinnock, Scott, Sokhal and Thompson (6 votes)

Against: 0 votes.

21

Planning Application - Application No.2024/92105

The Committee considered Application 2024/92105 for alterations to convert former offices to 21 apartments (Listed Building within a Conservation Area) at Wesley House, Huddersfield Road, Birstall, Batley.

Under the provisions of Council Procedure Rule 37, the Committee received a representation from Phil Bakes (on behalf of the applicant).

RESOLVED -

That determination of the application and the issuing of the decision notice be delegated to the Head of Planning and Development in order to assess the bat survey, with regard to the roof and potential habitat value, and re-consult with Kirklees Council Ecology Team. Further to which:

- (i) If no bats, or bat roosts are found, or Kirklees Ecology conclude that suitable conditions may be imposed to mitigate anticipated impacts, approve the application subject to conditions, including those set out in the report, as set out below:
1. Three years to commence development.
 2. Development to be carried out in accordance with the approved plans and specifications.
 3. Roof lights to be conservation type, flush with the roof slope.
 4. Pointing and mortar to be in keeping with existing.
 5. If any additional ventilation is required, prior consent needed from the Local Planning Authority.
 6. Any existing original features shall be retained and protected.
 7. Obscure glazing to side elevation opening.
 8. Waste storage shall be appropriately located.
 9. Ecological mitigation (subject to bat survey outcome),

together with an additional condition in respect of a Construction Management Plan, to include specific provisions to protect the existing gravestones within the site.

Strategic Planning Committee - 31 July 2025

- (ii) if bats are found and are inhabiting / roosting in a manner that would preclude the development so as to form a strong reason for refusal, determine the application on that basis.

A recorded vote was taken, in accordance with Council Procedure Rule 42(5), as set out below:

For: Councillors Armer, Homewood, Pinnock, Sokhal and Thompson (5 votes)

Against: Councillor Scott (1 vote)

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<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th December 2023 the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 (as amended) stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS, launched on 6th March 2014, require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning Committee have been made in accordance with the above requirements.

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a supplemental S106 (Deed of Variation) agreement to link to the previous S106 which secured the following contributions:

1. The establishment of a management company for the management and maintenance of the on-site area of Public Open Space and an Inspection Fee of £250
2. Secure the residential units as 100% affordable housing; 61 for affordable rent and 19 shared ownership.
3. Travel Plan monitoring fee of £15,000

In the circumstances where the supplemental S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This Section 73 (S73) application seeks to vary the approved plans for an extra care housing development (reference 2020/91746). The application granted approval for the erection of 80 apartments with associated communal facilities and landscaped gardens. The amendments sought are to install four air source heat pumps within a new external enclosure, an external plant area and a sub-station. The proposed siting of the compounds and sub-station also necessitates a revision to the siting and size of the approved bin store.
- 1.2 The application is reported to Strategic Planning Committee at the request of Councillor Pinnock.

"I have had a look at the application, and would ask that, if you are minded to approve it, it be decided by committee. I am not completely satisfied that the noise from the heat pumps will not cause a nuisance to neighbours (and possibly to the new residents)"

The Chair of Strategic Planning Committee has confirmed that Councillor Pinnock's request is valid having regard to the Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is 1.68 hectares in size and lies to the north west of Cleckheaton town Centre. The surrounding area is predominately residential and the site is bordered by neighbouring residential properties to all boundaries, including a residential nursing home.
- 2.2 The site slopes from approximately 120mAOD in the south west corner, to approximately 103mAOD in the north east corner. Construction works are underway for the erection of an extra care residential development providing 80 apartments (1 and 2 bedroom) with central communal facilities and landscaped gardens, pursuant to planning application ref 2020/91746. The building has been substantially completed on site.
- 2.3 The whole of the site within the red line boundary comprises a housing allocation in the Kirklees Local Plan; ref HS101.

3.0 PROPOSAL

- 3.1 The original permission was for the erection of 80 extra care apartments with associated communal facilities and landscaped gardens. Works have commenced.
- 3.2 Under this Section 73 (S73) application, the applicant proposes the variation of the drawings approved under condition 2 of the planning permission ref 2020/91746 (dated 25 January 2022) which states:

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: *For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord Policies LP1, LP2, LP7, LP11, LP20, LP21, LP22, LP24, LP27, LP28, LP30, LP38, LP52 and LP63 of the Kirklees Local Plan as well as Chapters 2, 5, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.*

The wording of the condition is not sought to be changed, although the associated plans table would be updated to amended plans.

- 3.3 The proposed amendments are to introduce air source heat pumps within an enclosure, an external plant area, a sub-station and revisions to the bin store location and size. The amendments are as follows:

Air Source Heat Pumps and Plant Room

- 3.4 The proposal is for four air source heat pumps to be sited to the south of the extra care residential building within the communal garden area, adjacent to an area of raised planting beds. The air source heat pumps would be contained within a new enclosure. The enclosure would have a concrete base measuring 6.1 metres wide, 4.5 metres deep and the walls would be constructed of feathered edge timber boards, with a maximum height of 3 metres. The design incorporates maintenance access doors and a pergola style roof covering. A proposed plant room would adjoin the air source heat pump compound and measure 5.4 metres wide, 3.1 metres deep and 3 metres in height. It would be of brick construction with a single ply flat roof, with Louvre doors on the front (northern) elevation.

Sub-Station

- 3.5 The proposed sub-station would be sited to the south of the extra care residential building adjacent to the car parking area. It would be of brick construction with a hipped roof, and measure 4 metres in width and depth and 4.3 metres in height with doors on the front (northern) elevation.

Bin Store

- 3.6 The proposed siting of the sub-station necessitates a revision to the siting and size of the approved bin store. The bin store would be located further to the west adjacent to the area of off-street parking. The capacity of the store has been reduced from 22 11ltr bins to 16 11ltr bins. The bin store would be of timber construction with a maximum height of 2.6 metres and would have a pergola style roof.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Application site

2020/62/91746/E – Erection of extra care development comprising 80 apartments with associated communal facilities and landscaped gardens – Conditional Full permission.

2022/44/93722/E - Discharge of conditions 5 (Construction Management Plan), 8 (CEMP Biodiversity), 9 (BEMP), 10 (drainage), 11 (flood routing) and 13 (temporary drainage) of previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Discharge of conditions approved.

2023/44/90995/E - Discharge condition 18 (Phase II Intrusive Site Investigation Report) on previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Discharge of conditions approved.

2023/44/93605/E Discharge of condition 25 (PROW) of previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Discharge of conditions approved.

2023/44/93606/E Discharge of condition 6 (landscaping) of previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Discharge of Conditions Approved

2024/44/91104/E Discharge of condition 3 (materials) of previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Discharge of Conditions Approved.

2024/NMA/92159/E Non material amendment to previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens. Approved.

2025/NMA/90594/E Non material amendment to previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens - Refused

2025/44/91528/E Discharge of details reserved by conditions 16 (ventilation) on previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens - Pending a decision

2025/44/91529/E Discharge of details reserved by conditions 8 (CEMP), 10 (drainage strategy), 12 (drainage maintenance), 23 (evc), and 24 (external lighting,) on previous permission 2020/91746 for erection of extra care development providing 80 apartments with associated communal facilities and landscaped gardens – Pending a decision

4.2 Surrounding area

None relevant to the proposal.

5.0 **HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 During the course of the application officers have negotiated with the applicant to secure:

- A revised scheme to locate the air source heat pump compound further away from the southern boundary and neighbouring property.
- Details of screening/landscaping adjacent the proposed new air source heat pump compound and the site boundary.
- Further details on how the bin store collection will operate.
- Further explanation of the reasons for discounting alternative locations within the site.
- A rebuttal from the applicant's acoustic consultation on the objections raised by third parties.
- A rebuttal from the applicant in response to tree T19.

6.0 **PLANNING POLICY**

6.1 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).

Kirklees Local Plan (2019)

6.2 The site is unallocated in the Kirklees Local Plan. The following Local Plan policies are considered relevant to the proposal:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place Shaping
- **LP3** – Location of new development
- **LP4** – Providing Infrastructure
- **LP7** – Efficient and effective use of land and buildings
- **LP9** – Supporting skilled and flexible communities and workforce

- **LP11** – Housing Mix and Affordable Housing
- **LP20** – Sustainable Travel
- **LP21** – Highways and Access
- **LP22** – Parking
- **LP23** – Core Walking and Cycling Network
- **LP24** – Design
- **LP26** – Renewable and Low Carbon Energy
- **LP27** – Flood Risk
- **LP28** – Drainage
- **LP30** – Biodiversity and Geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP38** – Minerals Safeguarding
- **LP47** – Healthy, active and safe lifestyles
- **LP48** – Community facilities and services
- **LP51** – Protection and Improvement of Local Air Quality
- **LP53** – Contaminated and unstable land
- **LP52** – Protection and improvement of environmental quality
- **LP63** – New Open Space
- **LP65** – Housing Allocations

Supplementary Planning Guidance / Documents

6.3 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council:

Supplementary Planning Documents

- Affordable Housing and Housing Mix SPD (2023)
- Highways Design Guide SPD (2019)

Guidance documents

- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)

National Planning Guidance

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

6.5 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. The following are the most relevant sections of the NPPF to the application

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making

- **Chapter 5** – Delivering a sufficient supply of homes
- **Chapter 8** – Promoting healthy and safe communities
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 12** – Achieving well-designed places
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment
- **Chapter 16** – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application was initially advertised via site notices and a press notice with the final publicity expiring 10th July 2025.

7.2 As a result of the above publicity, four representations were received. Full comments are available to view on the Council's website, although in the interests of clarity one objection has been subsequently updated with a request that the previous comments be superseded. A summary of the concerns raised is as follows:

- The proposal represents a significant and harmful departure introducing multiple sources of mechanical noise, vibration and environmental nuisance directly adjacent to a single existing home.
- Concern the introduction of major mechanical elements proposal bypasses the scrutiny they would have received had they been included in the original application.
- The shift from amenity space to industrial mechanical plant represents a fundamental change in character and intent.
- The developer previously attempted to introduce this infrastructure via a non-material amendment which was refused.
- The Noise Report acknowledges a +10Sb excess over background levels at NRS1 during nighttime hours and continues to apply penalties for tonal (+2dB) and intermittent (+3dB) noise characteristics. This brings the total predicted impact to +15dB placing it within the Significant Observed Adverse Effect Level (SOAEL) as defined by National Planning Policy. This level of noise is understood to cause severe disruption to sleep and quality of life, and national precedent confirms where SOAEL is breached, development must not proceed without clear and enforceable mitigation.
- Lack of detailed specifications and no evidence of acoustic properties of the wall or roof materials
- Flawed Operational assumptions; the modelling assumes continuous uniform operation on all four ASHP units and does not account for real-world operations.
- Concern mitigation measures are unforeseeable
- The acoustic kit specification does not constitute a detailed engineering specification.
- Planting does not have an acoustic function.
- The report fails to address the combined noise of the ASHP, substation and commercial kitchen extraction system.
- No vibration modelling has been provided.
- The report models a compound with masonry walls and acoustic roof, the drawings depict a timber enclosure.

- The site lies on a sloped and acoustically exposed topography.
- The effectiveness of anti-vibration pads for the sub-station cannot be confirmed without a study.
- The plans are inconsistent.
- Tree T19 was felled without permission and is still shown on the plans. This likely served as a visual and acoustic buffer.
- Concern there is no fire safety plan or ventilation strategy for the sub-station.
- Large refuse containers present a risk of attracting vermin.
- The construction phase has caused ongoing impacts.
- Reasonable alternatives have been rejected on flawed grounds and properties developer logistics over amenity protection.
- The developer has not liaised with residents.
- There is not long-term operation or maintenance strategy.
- Query how the developers did not know an air source heat pump and sub-station were needed at the time of the original application and whether sufficient scrutiny will be applied to the assessment.
- The substation and air source heat pumps will generate additional noise and vibrations and disrupt the lives of residents.
- There has been no consultation from the developer with residents and residents have limited time to object and may be unaware of the proposals.
- Object based on the noise this will generate for existing residents.
- Look forward to the scaffolding coming down to access the footpath from Kenmore Drive to Milton Terrace.
- Object to opening a public right of way on to Milton terrace due to dogs fouling the streets and people using the access late at night.

Amended Plans Publicity

7.3 Amended Plans have been received which have reduced the dimensions of the air source heat pump compound, and re-sited it further away from neighbouring property. A reduction in scale of development would not necessitate further publicity, however amended plan neighbour letters have been sent to all interested parties who made comments on the original proposal. The amended plans publicity expired 28th August 2025.

7.4 As a result of the amended plans publicity one representation has been received. For clarity the objector requested that the representation be considered as an update to their previous representation. Full comments are available to view on the Council's website and a summary of the concerns raised is as follows:

- The new submissions reinforce many of the original concerns and contradicts national and local planning policy and fails to demonstrate that harm to residential property will be avoided.
- The drawings do not bind the precise enclosure height, internal linings, door/roof construction, plant models or internal clearances on which the acoustic results depend, so compliance is not enforceable.
- Concern about flawed operational assumptions
- There is no robust cumulative model of ASHPs + substation + kitchen extraction/other plan.
- There is a failure to assess vibration.
- There is no procedure for servicing, and door opening is an unmanaged acoustic vulnerability

- The updated report offers no justification for adopting a design that brings the ASHPs closer to neighbouring property.
- The way the neighbouring property has been constructed allows for transmitting low-frequency vibration.
- Nova Rev 003 does not explicitly assess low-frequency content from the ASHP units.
- The worst case for the receiver points is not represented.
- The model does not assess peak scenarios.
- A condition that says "Build as per the report" is enforceable.
- The scheme leans heavily on screening/acoustic fencing without evidencing real-world maintained performance.
- Sub-station - there is no vibration/low frequency study and a secured specification, performance remains speculative.
- Tree T19 was felled removing a visual/acoustic buffer
- The revised proposals increase the visual prominence.
- The screen/fencing do not mitigate visual dominance, rather they create an overbearing presence to the neighbouring garden and bedroom. The proposal results in an unacceptable loss of amenity.
- Lack of a fire strategy for the external plant.
- Concern about façade reflections and low-frequency build up.
- The neighbouring property operates a professional music and media studio and maintains non-standard working and sleeping patterns.
- The placement of all disruptive and potentially hazardous systems in a single cluster adjacent to one existing home is unreasonable and the compound impact has not been meaningfully assessed.
- None of this critical infrastructure was accounted for in the original approved plans, the justifications for rejecting alternative sites rely heavily on assumptions, rather than clear planning grounds or proven environmental constraints.
- There is no guarantee that any mitigation measures, visual or acoustic will perform as intended when operational.

Further Amended Plans Publicity

- 7.5 A rebuttal written by the applicant to the original objections has been received which includes input from their noise consultant, Nova Acoustics. As a result, neighbour letters were sent to all interested parties who made comments on the original proposal. The amended plans publicity expired 2nd October 2025.
- 7.6 In response to this publicity one further representation has been received. Full comments are available to view on the Council's website and a summary of the concerns raised is as follows:
- The rebuttal does not address the fundamental deficiencies already identified, nor does it provide necessary evidence to make the proposal policy compliant.
 - The applicant's acoustic consultant continues to reply solely on manufacturer data, asserting that the substation and ASHP array will have a negligible combined impact. No on-site survey data has been produced to validate the claimed background level of 42 Db LA90 nor has any measurement been taken to characterise the exceptionally low ambient sound environment of Kenmore Drive.
 - The rebuttal admits that data below 50 Hz are unavailable. This confirms the absence of low-frequency analysis, despite this being essential where tonal components and structure-borne transmission are likely.

- The claim on an internal level of 24 dB assumes both a partially open window and a uniform frequency spectrum. This is not credible given the reflective geometry and proximity of the equipment compound.
- The revised statements do not constitute a complaint BS 4142 assessment, nor do they satisfy NPPF 185(b) which requires that new development be demonstrated through evidence to be appropriate for its location.
- The rebuttal dismisses the possibility of vibration transmission, claiming it is “speculative”. However, no vibration modelling, data, or attenuation specification has been provided. Given the known pile-supported slab foundation and subfloor cavity beneath adjacent dwellings, this absence of evidence is unacceptable. It also ignores the Environmental Health Service’s own caveat in response to WK202516971, which stated that the lack of vibration assessment left an evidence gap. Under LP52 and NPPF185 (a) the applicant bears the burden of demonstrating that the development will not cause material harm to health or amenity. That test has not been met.
- No final cumulative noise model including the substation, ASHPs and kitchen extract has been provided. The Council should not determine the application until that combined data is publicly available and independently reviewed.
- The developer rejects Mitigation Option 1 (relocation) based on “maintenance and access” grounds, rather than acoustic or planning considerations. These are operational conveniences, not constraints that can override residential amenity.
- The statement that a fully roofed compound would likely a 4m structure confirms the design is over-constrained and acoustically comprised.
- There is no Arboricultural evidence regarding the removal of Tree T19 and this constitutes a brief of the approved landscaping condition.
- The rebuttal asserts that no batteries or inverters are present, yet simultaneously notes that the mechanical and electrical drawings “will need revising”. Until those drawings are issued and verified the Council cannot rely on these assurances.

8.0 CONSULTATION RESPONSES

K.C Waste Collection Authority – No objections

K.C Environmental Health – The following are the full comments received from K.C. Environmental Health, from their consultation responses dated 11/06/2025 and 02/10/2025.

The comments dated 11/06/2025 are the initial comments from K.C Environmental Health, based on the original submission. The 02/10/2025 are re-consultation comments, following receipt of a detailed noise and vibration-based objection from a local resident, plus a rebuttal from the applicant.

Comments received 11/06/2025

The applicant has submitted a Noise Impact Assessment authored by Nova Acoustics dated 28 March 2025 Ref NP-011418-2 Rev003. It makes reference to condition 17 which states –

17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS4142:2014+A1:2019.

Reason: To ensure the proposed development does not cause harmful noise pollution within any noise sensitive location or near the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.

Para 1.2 states the proposal is for the installation of 4no. ASHP units (model ref: CAHVR450YA-HPB) within an external ground level plant compound to south of the new residential block along with a Minera 800kVA substation to be installed to serve the residential site. Due to the units being for residential use, it is assumed they could run 24-hours a day, seven days a week. The ASHP units will be installed within a plant compound, however, any designs are speculative at this stage. Figure 1 shows the proposed development and the two layout options and a design is shown for the masonry substation. The report identifies the nearest noise sensitive receptors (NSRs) as a two-storey detached dwelling off Vine Ave approximately 15m from the centre of the proposed ASHP compound (NSR1), a two-story detached dwelling approximately 55m east of the proposed AHSP compound (NSR2) and an end-terrace dwelling approximately 73m west of the compound (NSR3).

Noise monitoring was conducted between the 22nd and the 25th of November 2024 from a single monitoring position as shown in figure 2. The dominant sources were distant road traffic noise emissions from the M62 along with sporadic road traffic noise emissions from the local road network. Figures 3 and 4 show the daytime and night time background noise levels and comment is made that due to a closure of the motorway during part of the monitoring period, the sound levels fell to unusually low levels. The report cross references the data from the previously submitted report in 2020 and it was found that the background sound climate has remained largely the same and with the equivalent background sound levels. This is accepted.

A BS4142 Noise Impact Assessment has been conducted on a worst case scenario basis with a small correction due to the sound pressure levels spectrum provided by the ASHP manufacturer not equating to the stated global A-weighted level. After applying corrections for tonality and intermittency, table 3 shows a +12dB exceedance equating to a significant adverse impact at NSR1 at night time. As such mitigation is required.

Section 4 recommends the mitigation measures giving three options as shown in para 4.1. All three options result in a specific sound level of 35dBA to 37dBA. However the 'worst-case' BS4142 noise impact assessment for option 2 is shown in table 5 which results in no exceedance equating to a low impact to NSR1.

Consideration has been given to low frequency emissions from the electrical substation and table 4 shows no exceedances at NSR1.

The findings of the submitted report are accepted based upon the implementation of one of the three options as described in para 4.1. Any change to these may result in the requirements of the condition being breached. Recommended Conditions This is a compliance condition and must be retained for the duration of the development

Comments Received 02/10/2025

An objection has been received raising a number of specific concerns with the submitted Noise Impact Assessment authored by Nova Acoustics dated 28 March 2025 Ref NP-011418-2 Rev003 along with other matters not within our remit. In response, the applicant has provided a rebuttal and we only make reference to those within our remit.

Apex Acoustics have reviewed the objector's letter and addressed the respective points numbered I to VII in their response dated 11 September 2025. The author caveats the Noise Impact Assessment's findings as a 'worst case' scenario ensuring it errs on the side of protecting residential amenity.

We accept Nova's reasoning and justification in line with accepted guidance and best practice and recommend the Planning Officer accept and condition the offer to return and conduct a further BS4142 assessment in order to ensure all assumptions are validated and any further refinements can be made (if deemed necessary). This would be in line with condition number 17 of the 2020/91746 permission which is repeated below for reference.

17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS4142:2014+A1:2019.

***Reason:** To ensure the proposed development does not cause harmful noise pollution within any noise sensitive location or near the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.*

In our comments dated 11 June 2025, we referred to the three options for mitigation and we stated any one of those would be acceptable. The submitted document states option 2 has been chosen and we recommend the Planning Officer secure this via condition. Option 2 is repeated below for reference -

- Retain the proposed ASHP compound location*
- Fit the Ambient Acoustics 'CAHV-R450YA-HPB Bolt-On Acoustic Kit' to all ASHP units*
- Increase the height of the compound walls to 2.6m.*

9.0 MAIN ISSUES

- Principle of development
- Residential amenity
- Visual amenity
- Waste Collection
- Other Matters
- Planning obligations
- Representations

10.0 APPRAISAL

- 10.1 This application is made under S73 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, S73 enables the varying of a condition’s wording. The effect of a granted S73 application is the issuing of a fresh planning permission. Therefore, all previously imposed conditions should be retained if they remain relevant. Conversely, the time limit for development to commence cannot be extended through a S73. When considering a S73 application, the previously granted planning permission (2020/91746), which must carry significant material weight. This will be considered, where necessary, throughout this assessment.
- 10.2 However, consideration must first be given to whether any material changes in circumstances have taken place. This includes the policy and local context. In terms of local context, there have been no changes in the environment (including built and natural) which would impact on the assessment of the application. In light of the above, consideration must be given to the specific changes proposed and their interaction with adopted planning policy. In terms of policy, the original application 2020/91746 was assessed against the Local Plan (2019), which remains the development plan and therefore the assessment criteria will be consistent. It should be noted that, at the time of writing, the council is unable to demonstrate a 5-year housing land supply, which is a material change in circumstances. However, given the nature of the amendments now proposed, the housing land supply in Kirklees is not considered to be a key consideration of relevance to this Section 73 assessment. Beyond this, the NPPF has had several revisions since the original application was assessed, however none of the changes are considered directly pertinent to the current proposal.
- 10.3 In this instance, the principle of residential development on this site has already been established by planning application 2020/91746, to which this application relates. More specifically, the number of apartments would not change. Therefore, the proposal remains an effective and efficient use of the housing allocation, as required by Local Plan policies LP7 and LP11.

Assessment of variation to condition 2 (plans table)

Impact on Residential Amenity

- 10.4 Kirklees Local Plan Policy LP24 states that:

“...proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary’.

- 10.5 Officers note significant concern has been raised in the representations received regarding the impact arising from potential noise and vibration impacts of the proposed air source heat pumps and sub-station on neighbouring properties. Officers note the specific concerns raised by the owners/occupiers of neighbouring property 4 Coach House Paddocks, Vine Avenue, which is sited adjacent to the southern boundary of the application site. The concerns include that the proposal represents a significant and harmful departure introducing mechanical noise, vibration and environmental nuisance. Concerns have also been raised regarding the robustness of the submitted noise report in respect of its conclusions. All the concerns raised are summarised in the representations section above whilst a full copy of the comments is available to view on the Council's website.
- 10.6 A Noise Impact Assessment has been submitted and assessed by K.C Environmental Health. The report references condition 17 of the original planning permission (2020/91746) which is a compliance condition regarding noise from mechanical services and external plant). The wording of condition 17 is included below, for reference:
- 17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS4142:2014+A1:2019.*
- Reason:** *To ensure the proposed development does not cause harmful noise pollution within any noise sensitive location or near the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and chapters 12 and 15 of the National Planning Policy Framework.*
- 10.7. K.C Environmental Health note paragraph 1.2 of the report states the proposal is for the installation of 4no. ASHP units (model ref: CAHV-R450YA-HPB) within an external ground level plant compound to south of the new residential block along with a Minera 800kVA substation to be installed to serve the residential site. Due to the units being for residential use, it is assumed they could run 24-hours a day, seven days a week. The ASHP units will be installed within a plant compound.
- 10.8 The report identifies the nearest noise sensitive receptors (NSRs) as a two-storey detached dwelling off Vine Ave approximately 15m from the centre of the proposed ASHP compound (NSR1 4 Coach house Paddocks, Vine Avenue), a two-story detached dwelling approximately 55m east of the proposed AHSP compound (NSR2 12 Milton Terrace) and an end-terrace dwelling approximately 73m west of the compound (NSR3 14 Kenmore Drive).
- 10.9 Noise monitoring was conducted, and the dominant sources were distant road traffic noise emissions from the M62 along with sporadic road traffic noise emissions from the local road network. Figures 3 and 4 of the report show the daytime and night time background noise levels. The report comments that due to a closure of the motorway during part of the monitoring period, the sound levels fell to unusually low levels. The report cross references the data from the previously submitted report in 2020 and it was found that the background sound climate has remained largely the same and with the equivalent background sound levels. K.C Environmental Health accept this position.

10.10 K.C Environmental Health note a BS4142 Noise Impact Assessment has been conducted on a worst case scenario basis with a small correction due to the sound pressure levels spectrum provided by the ASHP manufacturer not equating to the stated global A-weighted level. After applying corrections for tonality and intermittency, table 3 shows a +12dB exceedance equating to a significant adverse impact at NSR1 at night time. As such mitigation is required.

10.11 Section 4 recommends the mitigation measures giving three options as shown in para 4.1. The options are as follows:

Option 1:

- Relocate the ASHP compound to at least 30m from any NSR.
- Increase the height of the compound walls to 2.2m.
- Line the internal faces of the compound walls with a Class C absorption panel (e.g., iKoustic Noisestop Essential Barrier).

Option 2:

- Retain the proposed ASHP compound location
- Fit the Ambient Acoustics 'CAHV-R450YA-HPB Bolt-On Acoustic Kit' to all ASHP units.
- Increase the height of the compound walls to 2.6m.

Option 3:

- Retain the proposed ASHP compound location.
- Fit the Ambient Acoustics 'CAHV-R450YA-HPB Bolt-On Acoustic Kit' to all ASHP units.
- Increase the height of the compound walls to 2.4m.
- Line the internal faces of the compound walls with a Class C absorption panel (e.g., iKoustic Noisestop Essential Barrier).

10.12 The applicant proposes option 2. This follows the applicant's own review of four possible alternative locations (so as to explore option one) to site the air source heat pump compound and sub-station within the application site. Officers requested a further detailed explanation for the reasons why alternative sites were discounted. A summary of the locations which were considered by the applicant and the reasons why the applicant discounted them is detailed below:

Location 1 – North of the extra care residential building, within the private communal gardens

- Restricted access for maintenance, and restricted access for any plant replacement – both vehicle and pedestrian. Duty of regular maintenance all items of plant require a dedicated service plan. Equipment ranges in weight up to 360kg so access needs significant consideration.
- Varying levels and planting would be impacted
- Physically obtrusive from the adjacent area of Public Open Space

Location 2 – West of the extra care residential building, within the private communal gardens

- Restricted access for maintenance, and restricted access for any plant replacement – both vehicle and pedestrian.
- Security Risk – close to the same level public footpath
- Negative to aesthetics
- Impact on adjacent property which has a deck balcony

Location 3 – *Void under the Ground Floor Slab of the extra care residential building*

- Insufficient height above the ASHP and available Louvre to provide the necessary airflow
- Insufficient space to create an internal plant room and the existing piles for the building would require extensive reinforcement.

Location 4 (Proposed) *To the south of the extra care residential building within the private communal gardens*

- Chosen as the most practical and workable location in terms of access, maintenance and security.
- Due to the considerations for access and maintenance it is preferable to allow for vehicular access for mechanical loading of equipment and plant via the flat level surface.
- Sub-station - legally bound to provide in front of the substation, vehicular access at all times, a flat and unhindered surface 1.8 meters in depth and the full width of the substation.

10.13 Officers note the comments in the representations received, that alternatives have been rejected on flawed grounds with developer logistics promoted over amenity protection. Officers consider however that the issues raised regarding access, maintenance and security risk are reasonable considerations to ensure the equipment can be adequately accessed for maintenance and that it doesn't pose a security risk in respect to the adjacent area of Public Open Space and Public Rights of Way. This assessment is based on the four options shown on the document submitted with the application. Nonetheless the impacts of the applicants chosen location must be scrutinised, including any potential impacts on the nearest neighbouring property, 4 Coach House Paddocks which is a two storey property located on a private gated development to the south of the site, and whose side elevation fronts onto the development site.

10.14 K.C Environmental Health note all three options result in a specific sound level of 35dBA to 37dBA. However, the 'worst-case' BS4142 noise impact assessment for option 2 is shown in table 5 which results in no exceedance equating to a low impact to NSR1. Consideration has been given to low frequency emissions from the electrical substation and table 4 shows no exceedances at 4 Coachhouse Paddocks, Vine Avenue. K.C Environmental health note the findings of the submitted report are accepted based upon the implementation of one of the three options as described in para 4.1.

10.15 Notwithstanding the supportive conclusions above, officers secured amended plans to reduce the dimensions of the air source heat pump enclosure and thereby site it further away from the boundary with the neighbouring property. Additional landscaping has also been secured, to over attractive visual screening. As a result of the publicity of this amended plans a new objection

was received. The objection raises detailed technical matters to which officers requested a full written rebuttal from the applicant's acoustic consultant. They have reviewed the objector's letter and addressed the respective points numbered I to VII in their response. The author caveats the Noise Impact Assessment's findings as a 'worst case' scenario ensuring it errs on the side of protecting residential amenity.

- 10.16 The applicant's rebuttal has been assessed by K.C Environmental Health. In summary, they accept Nova's reasoning and justification in line with accepted guidance and best practice. They recommend officers accept and condition the offer to return and conduct a further BS4142 assessment in order to ensure all assumptions are validated and any further refinements can be made (if deemed necessary). This would be in line with condition number 17 of the 2020/91746 permission that requires all combined noise from fixed mechanical services and external plant and equipment does not exceed background sound level at any time. For ease of reference, the wording of condition 17 is as follows:

17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

Reason: *To ensure the proposed development does not cause harmful noise pollution within any noise sensitive locations within or near to the site, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

For the avoidance of doubt, it is recommended that condition 17 be repeated as worded above.

- 10.17 K.C Environmental Health also refer to their previous comments to the three options for mitigation and state any one of those would be acceptable. The submitted document states option 2 has been chosen and it is recommended this be secured via condition. Accordingly, the new conditions proposed are:

26. The hereby approved development shall be undertaken in accordance with the 'option 2' mitigation options as detailed on page 13 of the Noise Impact Assessment referenced NP-011418-2 by Nova Acoustics. This shall include fitting the Ambient Acoustics 'CAHV-R450YA-HPB Bolt-On Acoustic Kit' to all ASHP units and using 2.6m height compound walls. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, it shall be so retained.

Reason: *In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

27. Prior to the hereby approved development being brought into use, but after the works required by condition 26 having been undertaken, a Noise Impact and Mitigation Validation Report, to be undertaken in accordance with BS4142, shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall demonstrate whether that the mitigation measures implemented via condition 26 have been successful. In the scenario where they have not, a further noise mitigation strategy shall be detailed for approval. Thereafter, if required, the approved further noise mitigation shall be implemented prior to the approved development being brought into use.

Reason: *In the interest of mitigating potential noise pollution, in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.*

- 10.18 In conclusion officers note the comments made in the representations which include concerns about the technical merits of the Noise Report and its conclusions. Officers however support the recommendations from K.C Environmental Health that the findings are accepted based upon the implementation of one of the three mitigation options and that the proposal would not result in an undue detrimental harm to the neighbouring property in respect of noise, vibration and nuisance.

Other Impacts

- 10.19 In respect of other impacts on residential amenity, a sectional drawing was requested to show the relationship of the compound and plant area to the neighbouring property, 4 Coach House Paddocks. The submitted section demonstrates that the air source heat pump compound and plant area will sit below ground level of the neighbouring property, and the continuation of the retaining wall will allow for a mitigative planting scheme to be provided between the compound and the boundary of the site, as additional planting to the approved landscaping scheme. The additional landscaping includes a tall native shrub mix to provide a level of greater screening, as well as an additional tree to mitigate for the loss of T19 (proposed to be retained in the original application but subsequently felled). This is recommended to be secured via the following condition wording:

28. Prior to the hereby approved development being brought into use, the Tall Native Mix Planting and three proposed Heavy Standard Trees, as shown on plan ref. CLK-BBA-XX-ZZ-DR-90-SK016 rev. P05 and further detailed on the plan R/2336/1 rev. K shall be planted.

Thereafter the landscaping shall be managed and maintained, for a minimum of five years, in accordance with the wider strategy approved pursuant to condition 6. Any trees or plants removed, dying, being damaged or becoming diseased within that period shall be replaced in the next planting season with others of similar size and species to those originally required to be planted unless the council gives written consent to any variation.

Reason: *In the interest of visual and residential amenity, in accordance with Policy LP24 of the Kirklees Local Plan.*

By virtue of the layout, topography, and above condition, it is considered there would be no detrimental overbearing impact on the neighbouring property from the proposed compounds, taking into account the difference in land levels, and the proposals would not lead to a detrimental loss of outlook for the occupiers of this neighbouring property.

Impact on visual amenity

- 10.20 The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.21 Kirklees Local Plan Policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity. Policy LP24 states that proposals should promote good design by ensuring: “a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

10.22 Principle 2 of the Kirklees Housebuilders Design Guide SPD states that:

“New residential development proposals will be expected to respect and enhance the local character of the area by:

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”*

The changes proposed have been outlined below:

Air Source Heat Pumps and Plant Room

10.23 The air source heat pumps would be contained within a new enclosure. The proposed design includes walls constructed of feathered edge timber boards with a pergola style roof covering. The design is lightweight and functional and is not considered there would be undue detrimental harm to visual amenity. The proposed siting of the compound would result in the loss of some of the raised planting beds shown on the original site plan, however residents would still have access to an area for planting, albeit slightly reduced in size. The proposed plant room would adjoin the timber structure and would be of brick construction with a single ply flat roof. This is a heavier design, yet functional for the purpose it will serve and it is not considered there would be any undue harm to visual amenity.

Sub-Station

10.24 The proposed sub-station would be sited to the south of the extra care residential building adjacent to the car parking area. It would be of brick construction with a hipped roof, and measure 4 metres in length and width, and 4.3 metres in height with doors on the front (northern) elevation. Again, this is a heavier design, yet functional for the purpose it will serve, and it is not considered there would be any undue harm to visual amenity.

Bin Store

10.25 The bin store would be of timber construction with a maximum height of 2.6 metres and would have a pergola style roof. Again, the design is lightweight and functional and is not considered there would be any undue harm to visual amenity.

10.26 In conclusion, it is considered the proposed ASHP compound, plant room, sub-station and bin store would not have a detrimental impact on visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

Waste Collection Matters

- 10.27 The proposed siting of the compounds and sub-station necessitates a revision to the siting and size of the approved bin store. The bin store would be located further to the west adjacent to the area of off-street parking. The capacity of the store has been reduced from 22 1ltr bins to 16 1ltr bins.
- 10.28 The anticipated waste generated by the residents per week would be 9,330ltr. Due to alternating residual waste and recycling waste collections the storage needed would be 18,660 litres per fortnight which equates to 16 x 1,100ltr bins or 28 x 660ltr bins. The Waste Collection Authority raises no objection to the reduction in number of bins to be provided.
- 10.29 The Waste Collection Authority raised some queries regarding the proposal which included:
- Concern the bin store is crowded, and who would be responsible for moving full bins to ensure empty bins are available to be used.
 - Query who would be responsible for pulling the containers out on collection day and returning them.
 - Query regarding provision of storage for food waste, as part of the UK's new Simpler Recycling legislation introduced on 1st April 2025.
 - Details regarding any storage of clinical waste generated at the site.
- 10.30 The applicant has submitted correspondence to satisfy the concerns of the Waste Collection Authority. Waste will be housed with the external bin store in 1,100 litre containers, however the applicant intends to revisit the strategy to utilise smaller bins so that 50% can be internal and 50% external allowing full bins to be swapped for empty ones by staff. In the event of a failed waste collection, internal wastes can be located fully within the external compound. The bins will be pulled out by staff on collection day, although due to the reduced number of bins and smaller sizes they expect this to be possible by the waste collection team. In respect of food waste, the applicant has confirmed 1 no. of the recycling bins can be changed to a food waste at such time that Kirklees may offer a food waste collection service. No storage of clinical waste is required, however if this changes a collection service can be arranged. In conclusion the Waste Collection Authority have confirmed these matters are acceptable to them to adequately address waste collection issues.

Other matters

- 10.31 The variation is not considered to impact upon any other material planning considerations such as landscaping, ecology, public rights of way, crime and safety, land contamination etc. which remain as previously assessed within the parent application (ref 2020/91746).

Previous conditions and obligations

- 10.32 As this is an application under Section 73 of Town and Country Planning Act 1990 (TCPA 1990), an approval would in effect result in the issuing of a new permission. Planning Practice Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under Section 73 should set out all the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect. Application 2020/91746 was granted with 25 conditions. The following is an assessment of the previously imposed conditions:

- 10.33 Condition 1 (time limit) is to be removed, as the development has commenced, and therefore it no longer serves a purpose.
- 10.34 Condition 2 has sought to be amended, which is recommended to be approved. While the condition wording would stay the same, the plans table would be updated to reflect the change.
- 10.35 All other conditions are to be retained, as they continue to serve a purpose. While some of these has been discharged via a separate Discharge of Condition applications (see section 4.0 for planning history), in the interest of consistency and expediency the conditions are to be repeated as originally imposed alongside a note relating to the previously submitted information, via DOC application, remaining relevant.
- 10.36 As noted in paragraph 10.17 and 10.19 three new conditions have been recommended.
- 10.37 The original application required the following contributions to make the development acceptable:
- Securing the development as affordable housing: 61 affordable rent and 19 shared ownership.
 - Details of Management and Maintenance of Public Open Space and an inspection fee of £250.
 - Travel Plan Monitoring fee of £15,000

The need for these remains unchanged. Given that a S73 approval would result in a 'new' decision, it is recommended that these provisions be re-secured via a Deed of Variation to the original Section 106 agreement. Once drafted, the S106 would be published online for a period of time, for review by third parties.

Representations

- 10.38 As a result of the above original publicity, five representations have been received. In so far as the comments raised have not been addressed above:

- Concern the proposal bypasses the scrutiny of the original application.

Officer Comment: The application would constitute a new planning permission and is subject to the same scrutiny as the original application.

- Planting does not have an acoustic function.

Officer Comment: The planting would serve as a visual screen to the proposed development and is not intended to have an acoustic function. K.C Environmental Health's review of the Noise Report has confirmed the proposal is acceptable subject to mitigation outlined in the report.

- Tree T19 was felled without permission and is still shown on the plans. This likely served as a visual and acoustic buffer.

Officer Comment: Whilst the loss of a tree is undesirable, no trees on the site are subject to a Tree Preservation Order (TPO). The updated landscaping scheme shows an additional tree to mitigate for the loss of T19.

- Concern there is no fire safety plan or ventilation strategy for the sub-station.

Officer Comment: This matter is covered by separate legislation.

- Large refuse containers present a risk of attracting vermin.

Officer Comment: This matter is pest control and covered by separate legislation.

- The construction phase has caused ongoing impacts.

Officer Comment: This is noted but it is not a reason to refuse the application. A Construction Management Plan was secured on the original application and a condition will be imposed for compliance.

- There is no long-term operation or maintenance strategy.

Officer Comment: This will be the responsibility of the developer who has considered this in the alternative locations assessment and details are not required to make the application acceptable.

- There has been no consultation from the developer with residents and residents have limited time to object and may be unaware of the proposals.

Officer Comment: This is noted, however officers have undertaken statutory publicity comprising of site notices and a press notice.

- Look forward to the scaffolding coming down to access the footpath from Kenmore Drive to Milton Terrace.

Officer Comment: This is noted.

- Object to opening a public right of way on to Milton terrace due to dogs fouling the streets and people using the access late at night.

Officer Comment: This is noted, however dog fouling incidents on adjacent streets is not a material planning consideration. In respect of access to the public routes through the northern part of the site, this application does not impact on the approved Public Rights of Way or Crime Prevention matters considered as part of the original application.

11.0 CONCLUSION

11.1 This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of condition 2 as indicated. The proposed changes are considered acceptable in respect of residential amenity and visual amenity, as well as the operation of waste collection from the site.

11.2 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered

that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval subject to conditions and planning obligations to be secured via a supplemental Section 106 agreement.

11.3 As this is a Section 73 application, all conditions not fully discharged on the original planning permission will be repeated/adapted as required. There are two current discharge of condition applications pending a decision, which also seek to re-discharge some of the approved conditions. As such the list below is likely to be subject to change, and any required amendments will be reported to Members in the update.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

Conditions from previous application

1. Omit. Condition to be marked [deleted] to avoid affecting subsequent condition numbering, for ease of review.
2. Development shall be carried out in complete accordance with the plans and specifications schedule. With updated plans table to reflect recommended approval.
3. Details of all facing and roofing materials
4. The proposed car park shall be laid out surfaced, marked out into bays and drained.
5. Construction Management Plan (CMP).
6. Detailed Scheme of hard and soft landscaping.
7. Replacement Landscaping within five years.
8. Construction Environmental Management Plan (CEMP: Biodiversity).
9. Biodiversity Enhancement & Management Plan (BEMP)
10. Details of foul, surface water and land drainage.
11. Details of Assessment of the effects of 1 in 100- year storm events
12. Details of the operation, maintenance and management of the surface water drainage infrastructure
13. Details of scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip)
14. Site to be developed with separate systems of drainage for foul and surface water on and off site.
15. All works that form part of the sound attenuation scheme shall be completed and retained thereafter.

16. Details of a Ventilation Scheme

17. The combined noise from any fixed mechanical services and external plant and equipment at the development shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.

18. Phase II Intrusive Site Investigation Report

19. Remediation Strategy

20. Revised Remediation Strategy

21. Validation Report -

22. Reporting of unexpected contamination

23. Electric Vehicle Charging Points

24. External Lighting

25. Design and construction specifications of the proposed Public Rights of Way (PROW)

New/additional Conditions

26. All works that form part of the Option 2 mitigation identified in the Noise Report shall be completed and retained thereafter.

- Retain the proposed ASHP compound location
- Fit the Ambient Acoustics 'CAHV-R450YA-HPB Bolt-On Acoustic Kit' to all ASHP units
- Increase the height of the compound walls to 2.6m.

27. Validation report for the assumptions on the Noise Report (a further BS4142 assessment)

28. Condition to deliver the proposed mitigative planting scheme to screen the air source heat pump compound and plant compound.

Background Papers

Application and history files.

Application file:

[Planning application details | Kirklees Council](#)

Original Planning Application File (2020/91746):

[Planning application details | Kirklees Council](#)

Certificate of Ownership

Certificate A signed.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 23-Oct-2025

Subject: Pre-application 2024/20252 for demolition and mixed use development at New Mills, Brougham Road, Marsden, HD7 6AZ

PRE-APPLICANT

Matthew Sheppard (Sheppard Planning)
on behalf of the Crowther family

DATE VALID

n/a

TARGET DATE

n/a

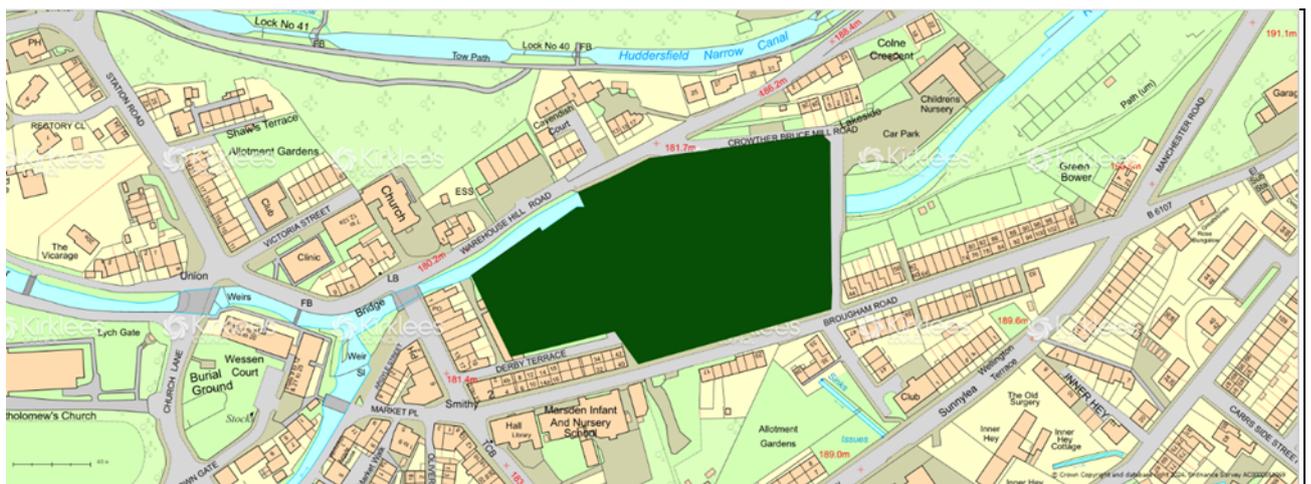
EXTENSION EXPIRY DATE

n/a

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Colne Valley

Ward Councillors consulted: Yes

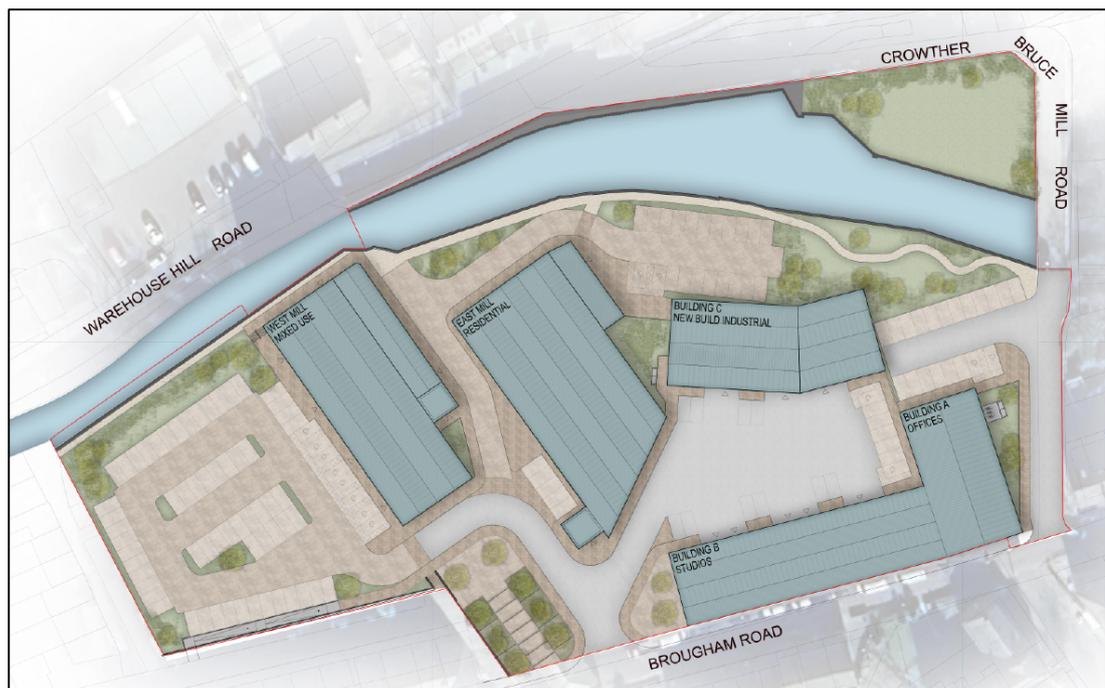
Public or private: Public

RECOMMENDATION

Members to note the contents of this pre-application report for information.

1.0 INTRODUCTION

- 1.1 This report updates Members of the Strategic Planning Committee regarding a potential large scale major development, for which a hybrid planning application is likely to be submitted in the near future.
- 1.2 The emerging proposals were previously brought to the Strategic Planning Committee on 20/06/2024. The site, its context and the relevant planning policy and guidance landscape have not significantly changed during the intervening period. The site remains allocated for mixed use development (ref MXS11) in the Local Plan.
- 1.3 Discussions between the pre-applicant team and officers have continued regarding the proposals. Further site investigation, design work, and financial viability assessment has been carried by the pre-applicant team. A revised preferred option is now being progressed, illustrated below:



1.4 In brief, this preferred option now comprises:

- Retention of the eastern mill and tower (buildings 1 and A);
- Retention of the northern part of the western mill and tower (buildings 20 and B);
- Retention of most of the two buildings fronting Brougham Road (buildings 3 and 4);
- Demolition of other buildings (including building 7);
- De-culverting of the river and removal of the river bridge;
- Erection of new employment-use building (between building 3 and the river);
- Provision of car parking;
- Provision of new public realm; and
- Weatherproofing of retained mill buildings for future mixed use conversion.

1.5 The pre-applicant team would like to present the revised preferred option to Members at the Strategic Planning Committee meeting of 23/10/2025.

1.6 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the proposals, and discussions between officers and the pre-applicant team. This report does not include a full assessment of the proposals or formal recommendations for determination of the forthcoming application. Discussion relating to this report would not predetermine the forthcoming application and would not create concerns regarding a potential challenge to a subsequent decision on the forthcoming application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS

2.1 The site is approximately 1.5 hectares in size, and is located in the valley bottom, close to the centre of Marsden. The site is bounded by Brougham Road, Warehouse Hill Road, Crowther Bruce Mill Road and Derby Terrace.

2.2 Almost all of the site is occupied by buildings, the majority of which are unoccupied. These include two tall mill buildings, and lower-rise buildings of one and two storeys.

2.3 The River Colne runs along part of the site's northern edge, and runs beneath buildings within the northeastern part of the site. A further, culverted watercourse runs beneath the site, close to its eastern edge. Much of the site is within Flood Zone 2, and parts are within Flood Zone 3.

2.4 There are significant differences in levels across the site.

2.5 There is limited greenery with the site. No trees within the site are TPO-protected. Bats and twites are known to be present in the area. The site is within the Impact Risk Zones of the Dark Peak and South Pennine Moors Sites of Special Scientific Interest, and is within the "Flood Plains" and "Built-up Areas" Biodiversity Opportunity Zones.

- 2.6 No buildings within the site are listed. The nearest listed buildings are the Grade II listed tenter posts to the north of the site (on the opposite side of Crowther Bruce Mill Road). The site is entirely within the Marsden Conservation Area.
- 2.7 Marsden District Centre (as designated in the Local Plan) includes adjacent buildings to the west.
- 2.8 Existing highways conditions surrounding the site are described at paragraph 9.23 of this committee report.
- 2.9 Page 28 of the initially-submitted Heritage Statement numbers the site's various buildings (with reference to their age), and this numbering is considered suitable for identifying them in this committee report:



- 1 – The eastern mill (aka the “3-bay” mill, or “building A”)
- 2 – Low-rise building, no street frontage
- 3 – 2-storey building fronting Brougham Road
- 4 – 2-/3-storey building at site’s southeast corner, fronting Brougham Road
- 5 and 6 – Low-rise weaving shed at west end of site, aka “building C”
- 7 – Southern part of the western mill (aka the “2-bay” mill, or “building B”), including the 4-storey wages office fronting Brougham Road
- 8 – Low-rise building behind building 3
- 9 – 2-storey building fronting eastern section of Crowther Bruce Mill Road
- 10 – Low-rise building
- 11 – Single-storey former engine house of building 20
- 12 – Low-rise building, no street frontage
- 13 – Low-rise building over river and fronting Warehouse Hill Road
- 14 – Building over river and fronting northern Warehouse Hill Road
- 15 – Low-rise building fronting northern section of Crowther Bruce Mill Road

- 16 – 2-storey building at site’s northeast corner
- 17 – Single-storey former engine house of building 1
- 18 – Low-rise building, no street frontage
- 19 – Low-rise building, no street frontage
- 20 – Northern part of the western mill (aka the “2-bay” mill, or “building B”)
- 21 – Low-rise infill, no street frontage
- 22 – Low-rise infill, no street frontage
- 23 – Low-rise infill, no street frontage
- 24 – Low-rise infill, no street frontage
- A – Tower to building 1
- B – Tower to building 20
- C – Bridges between buildings 1 and 20
- D – Bridges between buildings 1 and 20

2.10 The site is currently under-used, and potentially offers great opportunities to deliver much-needed housing and employment floorspace at a large, accessible, brownfield location. The future of retained heritage assets could be secured as part of a development here. Development at the site may also play a role in addressing Marsden’s existing problems, and the vitality and viability of the adjacent district centre could be enhanced.

3.0 PREVIOUS PROPOSALS

3.1 Various options for development of the site were presented to Members on 20/06/2024. These included different layouts, mixes of uses, and extents of demolition. The options included:

- Option 5, upon which DLUHC’s decision to award £5.6m of “levelling up” funding was based; and
- Option 6, which was the pre-applicant team’s preferred option as at 20/06/2024. This involved the demolition of building 7 (the southern part of the western mill) and its replacement with a new building, the demolition of building 1 (the eastern mill), the retention of most of buildings 3 and 4 (fronting Brougham Road), the demolition of other buildings, and the erection of lower-rise buildings, all to accommodate 3,077sqm of light industrial, 1,730sqm of retail, and 1,900sqm of office floorspace, as well as 21 flats. Vehicular access into the site was proposed from Brougham Road. A secondary vehicular access was shown from Crowther Bruce Mill Road. The River Colne would not have been de-culverted.

4.0 CURRENT PROPOSALS AND APPLICATION FORMAT

4.1 On 07/10/2025, the pre-applicant team provided the following detail regarding the uses now proposed:

- 1,901sqm of light industrial / workshop (E g ii) and iii) use);
- 747sqm of office (E g i) use);
- 60 residential units;
- 279sqm replacement Co-Op (E a) use);

- 93sqm cafe / restaurant (E b) use);
- 464sqm non-food retail (E a) use) or professional services (E c) use);
- 181sqm residents-only gym (E d) use); and
- 665sqm ancillary spaces (storage, cycle parking, bin stores etc).

4.2 132 parking spaces are shown across the site.

4.3 No footbridge is proposed over the River Colne.

4.4 A hybrid application (seeking full planning permission for some elements, and outline planning permission for others) is likely to be submitted. The mixed use conversion of buildings 1, 20, A and B is likely to comprise the outline element. The pre-applicant team intend to submit the application in November.

5.0 RELEVANT PLANNING HISTORY (including enforcement history)

5.1 2005/93716 – Planning permission granted 24/08/2006 for demolition of 3-bay mill, spinning shed and garage, erection of health care unit and conversion of 2-bay mill to lettable ground floor units for associated health care / office units / gym / restaurant and wine bar and 32 apartments on third and fourth floors with associated car parking. Not implemented. This application site included land to the south of Brougham Road to accommodate additional development parking. A related application for conservation area consent (2005/93717) was also approved on 24/08/2006.

6.0 PLANNING POLICY

6.1 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 27/02/2019).

Kirklees Local Plan (2019):

6.2 The Local Plan allocates the site for mixed use development (site allocation MXS11). It states the gross and net site area is 1.71 hectares, and sets out indicative capacities of 29 dwellings and 2,976sqm of employment floorspace.

6.3 Site allocation MXS11 identifies the following constraints relevant to the site:

- Part of the site is within flood zone 3
- Surface water issues
- Proximity to Special Protection Area / Special Area of Conservation
- Site is within/close to a Conservation Area
- Site is close to archaeological site
- Assessment required for presence of habitats that are important for off-site foraging by South Pennine Moors SPA qualifying bird species (i.e. functionally connected land)

6.4 Site allocation MXS11 also sets out the following site-specific considerations:

- The flood risk vulnerability of proposed uses will be considered and an exception test may still be required as part of a planning application as set out in national planning policy.
- Deculverting should be considered through this re-development but environmental benefits may be limited.
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas.
- The original buildings of New Mills shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24.

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP13 – Town centre uses
- LP16 – Food and drink uses and the evening economy
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP29 – Management of water bodies
- LP30 – Biodiversity and geodiversity
- LP31 – Green infrastructure network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP43 – Waste management hierarchy
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality

- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP67 – Mixed use allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

Supplementary Planning Documents

- Highway Design Guide SPD (2019)
- Open Space SPD (2021)
- Housebuilders Design Guide SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

Guidance documents

- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Climate Change Action Plan (2022)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Viability Guidance Note (2020)
- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Public Rights of Way Improvement Plan (2010)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Streets Principles (2017)

Marsden Masterplan

6.7 The council has approved the development of a masterplan for Marsden. The intention of the masterplan is to help make Marsden an even more inviting place to live, work and visit.

- 6.8 The development of the Marsden Masterplan has involved technical work and community engagement to identify a series of potential interventions and improvements that could be made across Marsden to support its future success.
- 6.9 The Marsden Masterplan has been developed in parallel with the proposals for the New Mills site to ensure appropriate integration and alignment occurs.
- 6.10 Although not yet a material planning consideration, the draft masterplan has been written, it is expected to be adopted by the end of 2025, and it will become an adopted “blueprint”, setting out a long-term aspirational vision for the growth of the village. The masterplan will ultimately help to shape and influence future investment, economic growth and housing in the local area.

Climate change

- 6.11 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.
- 6.12 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 will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Policies and Guidance

- 6.13 National planning policy and guidance is set out primarily the National Planning Policy Framework (NPPF), published in December 2024 and updated February 2025, and in online Planning Practice Guidance, first launched 06/03/2014, as well as in Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. NPPF chapters relevant to the proposals include:
- Chapter 2 – Achieving sustainable development
 - Chapter 4 – Decision-making
 - Chapter 5 – Delivering a sufficient supply of homes

- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

6.14 Other relevant national guidance and documents include:

- National Design Guide (2019, updated 2021)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Securing developer contributions for education (2019)

6.15 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 CONSULTATION

7.1 The pre-applicant team have engaged with the Marsden Community Trust, and two public consultation events were held (at Marsden Mechanics Hall on 19/06/2024 and a further event held on 11/12/2024). The pre-applicant team also set up a website regarding the emerging proposals (newmillsmarsden.co.uk), inviting comments.

7.2 Officers briefed ward Members on the emerging proposals on 02/04/2024.

7.3 The pre-applicant team intend to engage with the Marsden Community Trust, ward Members and Marsden Masterplan stakeholders prior to submitting a planning application.

7.4 Officers and teams within the council were consulted on earlier iterations of the proposed development, and their comments (where still relevant) are included in the commentary below. A full internal reconsultation has not yet taken place following the pre-applicant team's recent revisions to the proposals.

7.5 Consultation carried out at pre-application stage does not normally involve external consultees (other than the West Yorkshire Police Designing Out Crime Officer). However, representatives of Historic England attended a pre-application meeting held on 12/03/2024, and have been involved in subsequent discussions.

8.0 MAIN ISSUES INFLUENCING PROPOSALS

8.1 To date, discussions with the pre-applicant team have focussed on some of the key issues that will inform what can/can't be done at the site, which are considered to be:

- Land use, quanta and site allocation
- Economic impact
- Housing delivery
- Heritage
- Highways
- Drainage and flood risk
- Sustainability and climate change
- Building condition / structural considerations
- Biodiversity and trees
- Site stability and contamination
- Public consultation
- Demand
- Financial viability
- Other considerations

9.0 APPRAISAL

Land use, quanta and site allocation

9.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

9.2 Full weight can be given to site allocation MXS11, which allocates the site for mixed use development. Local Plan policy LP67 states that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

9.3 The table below compares the proposed development quanta (of the pre-applicant team's current preferred option) with the indicative expectations of site allocation MXS11.

Use	MXS11 indicative expectation	Current proposal
Residential	29 units	60 units
Employment	2,976sqm	1,901sqm light industrial / workshop 747sqm office 279sqm retail 93sqm cafe / restaurant 464sqm non-food retail or professional services 3,484sqm TOTAL

- 9.4 The site is within a wider mineral safeguarding area relating to sandstone. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs and economic development objectives, having regard to Local Plan delivery targets) for it. Other criteria of policy LP38 may also apply.

Economic impact

- 9.5 The job creation objective (to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs) of the Local Plan is noted, as is strategic objective 1 which confirms that the council will support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure. Objectives set out in the Leeds City Region Strategic Economic Plan and the Kirklees Economic Strategy are also noted.
- 9.6 Given the above objectives, a development at the site that included an employment element (light industrial, office and retail uses) would be expected to facilitate the creation of a high number of quality, skilled jobs and apprentices. Opportunities for local employment should be maximised. Supply chain and other knock-on benefits of increased economic activity at the site (during both the construction and operational phases) could potentially be significant.

Housing delivery

- 9.7 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years has fallen below the 75% pass threshold.
- 9.8 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making, this means:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed (NPPF Footnote 7); or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 9.9 The council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development, however this has to be balanced against any adverse impacts of granting permission for a proposal.
- 9.10 A mixed use development that included flats would contribute towards meeting identified needs, and this delivery would attract some weight in the balance of material planning considerations that would be relevant to a future planning application. A development that increased the likelihood of residential units being provided in the future (by retaining and weatherproofing convertible mill buildings, as is now proposed) could also be viewed positively.
- 9.11 Affordable housing would normally be required as part of a mixed use development involving the provision of more than 10 dwellings, however at this site the pre-applicant team may be able to demonstrate that Vacant Building Credit applies, which would mean no affordable housing would need to be provided. Should this be the case, and should affordable housing still be proposed, this could be viewed as an additional benefit that would weigh positively in the balance of planning considerations.

Heritage

- 9.12 No buildings within the site are listed. The nearest listed buildings are the Grade II listed tenter posts to the north of the site (on the opposite side of Crowther Bruce Mill Road). The Marsden Mechanics Institute (at the corner of Peel Street and Brougham Road) is also Grade II listed.
- 9.13 The site is entirely within the Marsden Conservation Area. Many of the buildings within the site are important non-designated heritage assets, and make a significant positive contribution to the character and appearance of the conservation area (which is a designated heritage asset), particularly in the case of buildings 1, 7 and 20 which are visible in longer views and provide settings to many surrounding buildings and feature in several streetscapes. Buildings 3, 4, 11, A, B, C and D are less prominent in wider views, but are also important positive contributors to the character and appearance of the conservation area.
- 9.14 Regarding this site (and the Bank Bottom Mills site), in her report of 30/01/2019 the Local Plan Inspector stated:

The mill buildings on these sites are identified in the Marsden Conservation Area Appraisal as focal buildings, and contribute to the distinct identity of Marsden. New Mills is located within the Marsden Conservation Area and Bank Bottom Mills is close to it. Accordingly, in order to protect the historic environment and character of the town, and accord with Policy PLP 35 in the Plan, the policies should be modified to seek the retention of the mill buildings.

9.15 Site allocation MXS11 states:

The original buildings of New Mills shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24.

9.16 Permission was previously granted for the demolition of building 1 and other buildings in 2006 (refs: 2005/93716 and 2005/93717). That permission was not implemented.

9.17 KC Conservation and Design have previously advised that the retention and inclusion of buildings 1, 7, 11 and 20 and their associated features (buildings A, B, C and D), along with buildings 3 and 4 to Brougham Road, should be the starting point for a team formulating a scheme for this site.

9.18 The pre-applicant team have previously submitted information regarding the historic interest of buildings 1, 3, 4, 7, 11, 20, A, B, C and D, and justification for the demolition of some of these buildings. However, in the current preferred option, the pre-applicant team propose the retention of buildings 1, 20, A and B, and most of buildings 3 and 4. Building 7 would be demolished, as would buildings C and D (the bridges between buildings 1 and 20).

9.19 The pre-applicant team have argued that the proposed extent of demolition is necessary to enable a viable and deliverable scheme to be brought forward. Officers' assessment of these proposals will continue when further information (including financial viability information) is provided at application stage. At this stage it appears likely that the development proposal to be brought forward for this site will involve a degree of harm in relation to heritage assets. This harm would need to be outweighed by public benefits. Regarding building 7, if demolition is justified, a replacement building of a suitably high quality would be expected, however if that also proves not to be feasible (for viability reasons, for example), a new area of high quality public realm should be provided at this part of the site.

9.20 Regarding the site's other buildings (namely, those other than buildings 1, 3, 4, 7, 11, 20, A, B, C and D), officers are likely to recommend that their demolition can be accepted (subject to further assessment of their importance, and – where relevant – of the new buildings that would replace them), as these are considered to be of less historic interest and/or make less of a contribution towards the character and appearance of the conservation area.

9.21 The positive aspects (in relation to heritage assets) of development at this site must also be given weight in the balance of planning considerations. Retention and re-use of at least some of the site's existing buildings appears to be possible. Demolition of some of the site's less important buildings may open up and enable new appreciation of (and access to) those buildings that are to be retained, particularly if new pedestrian routes through the site are created, and if new uses (open to visiting members of the public) are introduced within the retained buildings.

9.22 It must also be noted that no development proposals have been implemented at the site since woollen production ceased at the site over 20 years ago, despite a planning permission having been granted in 2006. During the years following the closure of the mills, the site's buildings have mostly been unused, and their condition has deteriorated.

Highways

9.23 The following existing highway conditions surrounding the site are noted:

- Peel Street / Brougham Road junction – Inadequate turning space for large vehicles, and very limited visibility, particularly for vehicles exiting Brougham Road and turning south onto Peel Street.
- Brougham Road – Heavily parked along the northern kerb along the site frontage and to the east of the site. Some parking also occurs to the east of the site along the southern edge of the carriageway, including parking in marked disabled/accessible bays. There is inadequate space for two vehicles to pass in a number of locations, and where double parking occurs the remaining single lane is narrow, which results in some drivers parking on footways. There are typical school drop off/pick-up parking issues associated with Marsden Infant and Nursery School.
- Existing site entrance (between buildings 3 and 7) – Gated, with a dropped kerb. Approximately 10m between buildings 3 and 7.
- Brougham Road / Crowther Bruce Mill Road junction – Approximately 10m between building 4 and curtilage of 44 Brougham Road. Limited visibility at the junction, which is restricted by parked cars/vans. There is a service area for the site adjacent to the junction (accessed from Crowther Bruce Mill Road), which may cause safety issues if used by larger vehicles (but currently appears to be used by vans only).
- Crowther Bruce Mill Road – Steep gradient in two sections, inadequate space for two vehicles to pass, limited visibility at northeast corner of the site, and a lack of pedestrian (or cycle) facilities.
- Crowther Bruce Mill Road / Warehouse Hill Road junction – Limited visibility for vehicles exiting Crowther Bruce Mill Road. Shuttered entrance to building 15.
- Warehouse Hill Road – Limited width in places. No vehicular access into the site. Lack of continuous pedestrian (or cycle) facilities.
- Derby Terrace – Limited width, and no turning head.
- Footways of the above-listed streets vary in width and quality. Some sections have no footways.

9.24 Further away from the site boundaries, there are known to be problems regarding parking in the centre of Marsden, and regarding refuse collection from Derby Terrace (where refuse collection vehicles are unable to turn, and residents therefore have to drag their bins to Brougham Road for collection). Where possible, development at the site should help to address these and other highway related issues.

- 9.25 Given the existing highway conditions detailed above, the provision of access to a major development at the site would be challenging. Brougham Road and Crowther Bruce Mill Road cannot accommodate two-way traffic or HGVs. Of note, in connection with the proposals approved in 2006, Brougham Road was to be made one-way along its western section up to the development site access. To facilitate the one-way section, land to the south of Brougham Road (which does not form part of the current pre-application proposal site) was utilised to provide a turning head, as well as space for parking. Similar one-way proposals are likely to be required for this development, and are being investigated by the pre-applicant team.
- 9.26 Accessing the site from the north (via Town Gate, Church Lane, Station Road and Warehouse Hill Road) would be preferable in some respects, as it could provide a more suitable route for larger vehicles associated with the proposed development's light industrial element. However, this would necessitate the construction of a new road bridge over the River Colne (the cost of which the pre-applicant team had previously put at £1.75m, although this was not based on a fully costed and detailed engineering exercise) and may require the removal of some on-street parking spaces along the above route.
- 9.27 A comprehensive, evidence-based access strategy, including significant improvements/alterations to the local highway network, would be required in connection with a major development at the site. Depending on what is proposed at application stage, this could include a combination of the following (which is by no means an exhaustive list and requires further investigation and analysis):
- A two-way vehicle bridge to Warehouse Hill Road.
 - Improvements to Brougham Road, to address the existing parking issues, narrow width, and the very constrained nature and visibility issues at the Peel Street junction. This may include making Brougham Road one-way (eastbound) for the western section, similar to what was proposed for the previously approved redevelopment proposals at the site.
 - Improvements to Crowther Bruce Mill Road. The demolition of existing buildings that front this street creates opportunities to address existing highway issues, with improvements to footways, carriageway widths and visibility improvement being possible. An option to make the southeastern part of this street one-way (northbound) may also be possible, subject to improvements. The impact on highway structures along Crowther Bruce Mill Road associated with the demolition of the existing buildings requires careful consideration, and the demolition may necessitate provision of replacement features to protect highway users from the opened-up watercourse.
 - Wider traffic management measures and highway improvements to manage traffic within the centre of Marsden.
 - Other pedestrian/cycle accessibility improvements, including improvements to Warehouse Hill Road, to accommodate a pedestrian (and cycle) bridge connection (although this is not currently included by the pre-applicant team in the initial phase of the development).

- 9.28 Options previously considered by the pre-applicant team included the provision of pedestrian access through site between Warehouse Mill Road and Brougham Road, and an east-west route to the site's eastern edge. Such improvements to pedestrian access through this large site (and through Marsden) would be welcomed. It is again noted, however, that no footbridge (over the River Colne, enabling access to/from Warehouse Mill Road) is included in the latest proposals. This is unfortunate, and although the layout currently proposed does not preclude the provision of such a connection at a later date (for example, if/when residential conversion of the retained mill buildings is implemented), its future provision should be illustrated in drawings at application stage, unless it is demonstrated that the connection could not be provided.
- 9.29 A total of 132 parking spaces are currently illustrated. The number of parking spaces expected to serve the proposed development will be assessed by officers now that updated floorspace figures and dwelling numbers have been provided by the pre-applicant team. However, it is noted that the council does not have definitive parking standards, and other considerations (such as existing and future public transport facilities, and the walkability of Marsden) may justify lower parking provision in connection with major development at this site, as may the aesthetic impact of large areas of surface parking.
- 9.30 Ongoing work on the Marsden Masterplan is looking into local issues of traffic circulation and parking in the village.

Drainage and flood risk

- 9.31 Much of the site is within Flood Zone 2, and parts are within Flood Zone 3. There are, however, areas of lower flood risk (Flood Zone 1) within the site, where vulnerable uses and safe routes to lower risk areas could be provided. The proposed demolition is likely to change how surface water moves through (and drains from) the site. A detailed flood risk assessment and drainage strategy would be required at application stage, and a sequential test and an exception test may be necessary.
- 9.32 Both watercourses that flow through and beneath the site are classed as main rivers. In accordance with site allocation MXS11 and Local Plan policy LP27, de-culverting of the River Colne would normally be expected. In the latest proposals, the pre-applicant team now propose the de-culverting of this part of the River Colne, and this is welcomed. Further information regarding the related works to the river banks will need to be submitted.
- 9.33 It is accepted that de-culverting of the site's other watercourse (which runs from south to north, close to the site's eastern edge) would not be possible, as a building above it is to be retained, and surface parking is proposed in this area.
- 9.34 Soakaways are not regarded as a suitable method of surface water disposal in this location. At this brownfield site, major development would be required to improve (i.e., reduce) discharge rates in comparison with the current situation.

- 9.35 Other matters relating to flood risk and drainage would need to be addressed in the forthcoming application.

Sustainability and climate change

- 9.36 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions. At application stage, information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives would be expected. The forthcoming submission should also respond positively to the net zero carbon emission targets referred to earlier in this report.
- 9.37 Mixed use development at this site can be considered to be sustainable development, given the site's location within an already-developed area, its proximity to public transport and other facilities (within walking distance), and the opportunities for economic, social and environmental net gains (and for addressing climate change) that the site provides.
- 9.38 The proposed demolition of the site's existing buildings would involve a loss of embodied energy/carbon. The now-proposed retention of both buildings 1 and 20 is welcomed in relation to embodied energy/carbon, and retained buildings (carefully converted) could be made more energy-efficient. However, it is possible that even higher levels of energy efficiency could be achieved by the new accommodation that would replace the demolished buildings. The re-use of demolition material on site may also help to address embodied energy/carbon concerns.
- 9.39 Given the size of the site, the range of uses initially proposed, and the expectations of Local Plan policy LP26, the feasibility of an on-site energy centre should be explored.
- 9.40 Measures would be necessary to encourage the use of sustainable modes of transport. A development at this site which was entirely reliant on residents, staff and visitors travelling by private car is unlikely to be considered sustainable. Adequate provision for pedestrians, cyclists (including cycle lanes, where appropriate) should be demonstrated, and cycle storage and space for cyclists, electric vehicle charging points, a Travel Plan and other measures would be required.
- 9.41 Drainage and flood risk minimisation measures would need to account for climate change.
- #### Building condition / structural considerations
- 9.42 The pre-applicant team initially submitted a brief Structural Condition Technical Summary (which stated that surveys/investigations were yet to be carried out) and the matter of building condition was touched on in the covering letter of 16/02/2024.

- 9.43 The pre-applicant team subsequently stated that full structural and engineering surveys of the site's buildings (and the ground on which they sit) were not needed to demonstrate the lack of viability of the considered options, nor were they needed to identify the need for funding to address that shortfall.
- 9.44 This was noted, however information will need to be submitted to enable the council to ascertain whether the site's existing buildings can indeed be retained (or are beyond repair), and what the cost of any such retention would be. This information would be particularly necessary should the council's review of the relevant financial viability information arrive at different conclusions to the pre-applicant team's, and/or should the council attach limited weight to viability information. Ground condition surveys would certainly be required to ascertain whether any mitigation is needed prior to the construction of the proposed new buildings.

Biodiversity and trees

- 9.45 A tree survey is yet to be submitted, however it is noted that there are no TPO-protected trees on the site.
- 9.46 A Preliminary Ecological Appraisal and an Ecological Impact Assessment would be required at application stage.
- 9.47 The pre-applicant team's information regarding the site's existing biodiversity value will need to be updated in light of the proposals to de-culvert the River Colne, although it appears likely that that the site's above-ground value is limited by the extent of hard surfacing. Major developments are normally required to deliver a biodiversity net gain of 10%, however further information may need to be submitted to confirm whether this site would be exempt. Whether biodiversity net gain is required or not, faunal enhancements would need to be provided.

Site stability and contamination

- 9.48 Council-held records indicate that the site is potentially contaminated. Local Plan policy LP53 is relevant, and its requirements would need to be addressed in an application-stage Phase 1 contamination report.
- 9.49 The site is not within the Development (Low or High) Risk Areas defined by the Coal Authority.
- 9.50 Several millponds once existed within the site. The pre-applicant team will need to establish whether (and how) these were filled.

Public consultation

- 9.51 Proposals for the site should be informed by the views of local residents.
- 9.52 As noted above, the pre-applicant team held a public consultation event on 19/06/2024, prior to the Strategic Planning Committee meeting of 20/06/2024.

- 9.53 At application stage, the findings of the pre-applicant team's public consultation would need to be set out in a Statement of Community Involvement.

Demand

- 9.54 The pre-applicant team initially submitted a Demand Report, and further commentary was provided at the meeting held on 12/03/2024. The pre-applicant team previously stated that demand for flats in Marsden is unproven and likely to be low, and that it therefore could not be confirmed that the conversion of both the site's taller mill buildings (buildings 1, 7 and 20) would be viable.
- 9.55 Although the applicant now proposes the retention of both buildings 1 and 20 for future residential conversion of their upper storeys, the above matter will require further consideration, including in light of the public transport service improvements expected as result of the Transpennine Route Upgrade, and evidence gathered from developments such as the relatively-recent Station House Court scheme in Marsden.
- 9.56 The council may appoint an external consultant to review the pre-applicant's demand evidence (at the pre-applicant's expense).

Financially viability

- 9.57 The pre-applicant team have previously submitted financial viability information, which is currently not in the public domain.
- 9.58 The pre-applicant team have stated that – even taking into account the £5.6m of DLUHC funding that has been secured – the current proposals are unviable, and would require additional funding to bridge the gap.
- 9.59 The council may appoint an external consult to review the pre-applicant's viability evidence (at the pre-applicant's expense). In the meantime, it can at least be concluded at this stage that major development at this site (involving either minimal or extensive retention of the existing buildings) would require assistance in the form of external funding.
- 9.60 The viability of a development at the site may have implications regarding planning obligations, and is likely to inform phasing (i.e., what elements can be delivered in an early phase, and what may need to be enabled but postponed until viability improves).

Other considerations

Urban design matters

- 9.61 Once more is known regarding what existing buildings are to be regarded as "fixed", further consideration of design matters (including regarding heights, building lines, elevational treatments and materials) will be necessary.

Residential quality and amenity

- 9.62 Regarding the proposed residential conversion of the site's mill buildings, further detail may need to be submitted to inform consideration of the proposed unit sizes (with reference to the Nationally Described Space Standards), unit size mix (with reference to the council's Affordable Housing and Housing Mix SPD), outlook, aspect, privacy, natural light and compatibility with existing and proposed employment uses, including through consideration of matters such as noise and odour (considered further below).

Crime and anti-social behaviour

- 9.63 Measures to prevent crime and anti-social behaviour would need to be demonstrated at a future, more detailed design stage. The West Yorkshire Police Designing Out Crime Officer has previously advised that details of boundary treatments, lighting, security measures and garage/shed security would be required, and that the proposals should adhere to the principles of CPTED – Crime Prevention Through Environmental Design.

Environmental and public health

- 9.64 A Health Impact Assessment would be required at application stage. This would be assessed with regard to chapter 8 of the NPPF, Local Plan policy LP47 and the council's Joint Health and Wellbeing Strategy. Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with these planning policies.
- 9.65 Noise, air quality, odour and other matters relevant to environmental health will need to be addressed in the forthcoming planning application submission.
- 9.66 The site is not located within an Air Quality Management Area (AQMA), however due to the size of the development proposed, and having regard to the West Yorkshire Low Emission Strategy planning guidance, an Air Quality Assessment (AQA) may be required at application stage. For air quality reasons, details of charging points for electric vehicles would be required at application or conditions stage, and a Travel Plan may also be required for air quality reasons, given the size of the proposed development.
- 9.67 A Noise Assessment would need to be submitted. This would need to determine the existing noise climate, predict the noise climate in outdoor spaces (daytime), bedrooms (night-time) and other habitable rooms of the development, and detail the proposed attenuation or design measures necessary to protect the amenity of the occupants of the new residential units. Noise generated by the proposed employment uses would also need to be assessed.

Planning obligations

- 9.68 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary (if planning permission is to be granted). Heads of Terms would or may refer to:

- Highways mitigation
- Sustainable transport
- Education
- Open space
- Affordable housing
- Provision and maintenance of drainage systems
- Biodiversity net gain

9.69 Further consideration of contributions, their timing and triggers would be necessary once more is known regarding the proposals.

Training and apprenticeships

9.70 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development may meet one or more of the relevant thresholds, officers will be approaching the pre-applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such provisions are currently either being secured through Section 106 agreements or through other forms of agreement and partnership where officers work proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phases.

Construction management

9.71 If permission is granted for major development at the site, a condition securing the submission and implementation of a Construction Environmental Management Plan (CEMP) is likely to be appropriate. The CEMP would need to include proposals for mitigating environmental impacts during demolition and construction (including in relation to noise, dust and working hours), as well as details relating to construction traffic (having regard to the accessibility of Brougham Road, and its inability to accommodate HGVs).

10.0 CONCLUSION

10.1 Members to note the contents of this pre-application report.