

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2023/60/93539/E
Site Address:	Land adj, Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ
Description:	Outline application, including the considerations of access appearance, layout, and scale, for the erection of a six-storey building to host 76 residential apartments (C3 use) and ancillary works comprising demolition of vacant building, formation of new access, parking areas, open space and landscaping; erection of cycle and bin refuse storage structures
Recommending Officer:	William Simcock

DECISION – Section 106 Outline Planning Permission – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 27-Mar-2026

Application: 2023/93539

Site: Land adjacent to Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ

Proposal: Outline application, including the considerations of access appearance, layout, and scale, for the erection of a six-storey building to host 76 residential apartments (C3 use) and ancillary works comprising demolition of vacant building, formation of new access, parking areas, open space and landscaping; erection of cycle and bin refuse storage structures

SITE AND SURROUNDINGS

The application site lies approximately 200m to the south of Mirfield District Centre. It measures 1.7ha and is bounded by the River Calder to the south-west, Back Station Road to the north-east and Newgate to the north. Newgate crosses the River Calder through a Grade 2 Listed bridge to the north-west of the site.

The existing former mill building, which is enclosed by the site but is excluded from it, measures approximately 85m in length on its north-east / south-west axis. It has previously been extended and converted to 125 residential apartments. The central part of the site, located south-east of the existing building, consists of car parking serving the apartments.

To the north-west, on land formerly occupied by an industrial building, is a large area consisting of gravel or other hard surfacing that is gradually reverting to semi-natural grassland. To the south-east of the car park is semi-natural scrub with a small watercourse forming the south-eastern site boundary.

Between the car park and the Calder is a belt of maintained grass and riverbank. There is an informal footpath along the bank of the Calder which emerges at the junction of Back Station Road and Newgate. The only formal vehicular access to the site is an adopted junction with Back Station Road immediately east of the existing building.

An existing single storey brick-built building, historically used as a martial arts club and now vacant, is located on the site's east boundary, south of the access.

South-east of the site is a modern housing development, Spring Brook Gardens. Facing the site on the opposite side of the Calder lies Lower Hopton, an area of mainly residential development with some commercial properties fronting Calder Road, 19th century terraced housing being the predominant style. On the northern side of Back Station Road is a high brick wall supporting a railway embankment, with Mirfield train station circa 150m to the east of the site.

PROPOSALS

The proposal is an outline application, including the considerations of access, appearance, layout, and scale, for the erection of a six-storey building to host 76 residential apartments (C3 use) and ancillary works comprising demolition of vacant building, formation of new access, parking areas, open space and landscaping, and the erection of cycle and bin refuse storage structures. The details of landscaping are the reserved matter¹.

The former martial arts club building, now vacant, is to be demolished.

The new apartment building would be placed to the south of the existing apartment building, 17m away from it, and would form a linear structure 113m in length and 12.5m in width with an approximate NW to SE orientation that would follow the line of the riverbank. The building would be a maximum of 17.5m in height from ground to eaves (17.0m on the Back Station Road, north-eastern elevation since less under-build would be required on that side), with a double-pitched roof. It would be built on voids supported by columns, the soffit of each void being approximately 1.3m above existing ground level. This design feature is intended to allow water to flow underneath in the event of flooding.

The apartment block would comprise three main sections connected by two glazed circulation cores providing steps and lifts to the upper levels. All the apartments are proposed as duplexes: as a result of the internal split level duplex arrangement, the apartment blocks would appear as six storeys to the front (north-east, facing the car park) and four storeys to the rear (south-west, facing the riverside).

Each apartment would have a utility room and WC at entry level, with stairs leading either up or down to the main accommodation, comprising a living room, bathroom and two bedrooms. Alternate apartments – those designated “lower unit” on the plans – would have a private external balcony facing the Calder.

The development would contain shared communal facilities. The plans indicate a small gym within the circulation cores at ground and first floor level, and two balcony areas at second floor, facing the Calder, which would serve as a sitting out and barbecue area for residents. The marketing suite (second floor) would, in the long term, become office space for the apartment lettings management, and the space directly below it would serve as a break-out room for the same user.

¹ For the avoidance of doubt, “landscaping”, as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes—

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features;

The external walls would be constructed principally using feature stone panels in split-faced stone set within a matrix of sawn stone, with some use of powder-coated aluminium – colour RAL 7043 (Traffic grey) on the elevation that faces away from the Calder. The roof covering, it is proposed, would be artificial roof slates (Cembrit Jutland fibre cement or an agreed alternative).

The two end elevations of the building would be largely blank, with the only windows giving light to corridors. An external escape stair would also be placed at each end of the building.

The existing apartment building, Ledgard Bridge Mill, would not be directly affected by the development, which would be a free-standing building. However, the existing and proposed building would share a common means of access, car parking, and servicing arrangements.

The parking provision within the central part of the site would be partially reconfigured, with some of the existing parking spaces (mainly those located close to the existing apartment building) retained, with relocated bin stores placed between the rows, with others rearranged to allow for the inclusion of soft landscaping.

To the south-east of the existing parking spaces, new rows of additional car parking spaces would be laid out in a triangular formation; this would include 16 no. spaces for electric vehicles disabled parking spaces. A total of 11 new or existing spaces (also with electric charge points) would be dedicated as disabled parking. The area enclosed by the parking spaces would be laid out as footpaths and soft landscaping (designated “Landscape Hub”) and would also include an enclosed refuse storage area for the new development, and cycle storage facilities for residents and visitors would be provided. Further car parking spaces would be provided in a continuous row parallel to the eastern boundary of the site. These areas, which are intended to form the principal car parking provision, would amount to 184 spaces in total.

The far north-western part of the site would be landscaped (designated “northern soft landscaped area”); however, two further rows of parking spaces (51 spaces), designated as “overflow” spaces, would be formed to the north-west of the existing apartment building and to the south-east of the proposed landscaped area. A new access to Back Station Road would be formed to allow these spaces to be accessed.

All the spaces would be potentially useable either by residents or visitors.

The existing riverside walkway which allows access to Back Station Road just to the east of the junction with Newgate would be upgraded to 3m wide (minimum) resin-bound gravel surface with bench seating. Landscaping is a reserved matter and any information provided at this stage must be treated as indicative. For the two main new landscaped areas within the site, the site plan shows them in a generic way, indicated by green shading with small trees or shrubs.

The proposed habitat map included within the Ecological Impact Assessment proposes that the northern soft landscaped area would be “Other Neutral Grassland” with small trees, and that in the central part of the site, including the landscape hub, modified grassland and shrub would be introduced.

The proposal would also involve the formation of a raised walkway to allow flood evacuation via the bridge over the Colne, on Newgate. This would extend from the north-western end of the proposed building to the bridge abutment and parapet wall where flood levels (as shown on the latest evacuation route drawing) are less than 200mm deep and safe to access. As the ground level (And flood depth) varies across the site, the height of the platform varies between 0.3m and 0.8m.

The walkway would be composed of decking boards supported by timber posts with tensioned wire-rope balustrading, with a void underneath to allow flood waters to pass.

RELEVANT PLANNING HISTORY

Application site

2005/93375: Change of use, alterations and extension to convert existing mill into 119 apartments and community facility. Approved and implemented.

Subject to S106 Agreement. One of the provisions of this was the implementation of a landscaping scheme within a strip of land adjacent to the riverbank.

Surrounding area

Nonrelevant to the current proposal.

HISTORY OF NEGOTIATIONS

Jul-2024: The following supporting documents were submitted: a Flood Risk Sequential Assessment and Exceptions Test Revision A; Transport Assessment; Travel Plan. Furthermore, amended plans, sections and elevations were submitted.

Oct-2024: A drawing showing the overflow car park access arrangement was submitted.

Dec-2024, Apr-2025: Further information in support of the Sequential and Exceptions test was supplied.

Jun-2025: An amended Flood Risk Assessment and Drainage Strategy was submitted, in addition to a Walkway Plan and a Flood Warning and Evacuation Plan.

Jul-2025: Further information in support of the Flood Risk Sequential Assessment was submitted.

Sep-2025: A further amended Flood Risk Assessment and further details of flood evacuation arrangements were submitted.

Nov-2025: Amended elevations, an amended evacuation plan and a drawing of the proposed walkway with associated levels were submitted.

Dec-2025: The final amendment to the flood evacuation plan was submitted showing a ramp leading to the walkway from the building.

Feb-2026: Amended site plan (escape walkway added), and minor changes to landscape hub.

It was considered that none of the amended or additional plans or reports individually raised substantial new issues that would require new publicity, since they did not make any changes to the scale or siting of the proposed building. However, it was considered that owing to the amount of additional supporting information and amended plans submitted over the course of the application, and the number of objections, it would be appropriate to undertake a new round of publicity before determination; this would comprise the posting of new site notices and notifying by individual letter all parties who had made representations on or expressed an interest in the original application, including the three Ward Councillors and Mirfield Parish Council.

PLANNING POLICY AND GUIDANCE

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

The site is unallocated within the Kirklees Local Plan and lies within land designated as Strategic Green Infrastructure Network. Additionally, the following constraints are noted:

- The site is partly within Flood Zones 2 and 3, with fluvial flood risk from a Main River.
- Land is registered as potentially contaminated owing to its past industrial uses.
- Adjacent to Wildlife Habitat Network (adjacent to River Calder)

The site is adjacent to the Grade II Listed road bridge over the Calder. The Historic England list description reads:

Road bridge. 1799-1800. Hammer dressed stone. 4 semi-circular arches with triangular breakwaters. The whole bridge is cambered. Square corbels at the springing of each arch. Stone parapet on string course to south side. Widened, for pavement, with concrete deck on north side.

- Low risk for coal mining legacy.
- Minerals safeguarding – sand and gravel with sandstone and SCR.

The relevant policies within the Kirklees Local Plan include:

- **LP 1:** Presumption in favour of sustainable development
- **LP 2:** Place shaping
- **LP 3:** Location of new development
- **LP 7:** Efficient and effective use of land and buildings
- **LP 9:** Supporting skilled and flexible communities and workforce
- **LP 11:** Housing mix and affordable housing
- **LP 20:** Sustainable travel
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24:** Design
- **LP 27:** Flood risk
- **LP 28:** Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 31:** Strategic Green Infrastructure Network
- **LP 32:** Landscape
- **LP 33:** Trees
- **LP 35:** Historic environment
- **LP 38:** Minerals safeguarding
- **LP 47:** Healthy, active and safe lifestyles
- **LP 48:** Community facilities and services
- **LP 50:** Sport and physical activity
- **LP 51:** Protection and improvement of local air quality
- **LP 52:** Protection & improvement of environmental quality
- **LP 53:** Contaminated and unstable land
- **LP 63:** New open space

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

Supplementary Planning Documents

- Highway Design Guide SPD
- Housebuilders Design Guide SPD
- Open Space SPD

Guidance documents

- 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)
- Green Streets Principles for the West Yorkshire Transport Fund

Mirfield Neighbourhood Development Plan

The site falls into the area of the Mirfield Neighbourhood Development Plan. At the time of writing this plan is at an early stage of drafting and therefore carries no weight in the decision making process.

National policies and guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), the Planning Practice Guidance Suite (PPGS) 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.

- 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 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

A consultation draft of the National Planning Policy Framework (the Framework) was published on 16 December 2025. As a consultation, the document is at an early stage and subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Other relevant national guidance and documents are:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

PUBLIC / LOCAL RESPONSE

Final publicity date expired: 13-Feb-2026.

The initial round of publicity was undertaken by neighbour notification letter, site notice and press advertisement as the proposal constitutes Major Development and would affect the setting of a Listed Building (Ledgard Bridge). A second round of publicity was undertaken, by site notice only.

The initial site notices also stated that it would be a departure from the development plan. This is because at the time of submission it had not been conclusively demonstrated that the development would pass the sequential and exception tests, and that failure to pass these tests would make it a departure from the development plan given the site's flood risk classification.

Officers are now satisfied that the proposed development is not a departure from the development plan, for the reasons set out in detail in the Assessment. The site notices posted to publicise the amended plans incorrectly stated that the proposal would be a departure from the development plan; this was because the original notice was used as a template for the new site notice and owing to an oversight the wording was not changed.

A total of 33 representations were made. The following is a summary of the comments received over the entire publicity period:

Flooding and drainage issues

- Inaccuracies in FRA, in particular no mention of recent flooding (2020).
- Flood risk could be affected by changes in ground level close to river bank, or landraising elsewhere on the site.
- A flood barrier should be installed on the north bank, and the developer required to contribute.
- The new building may be uninsurable.
- Has the Canal & River Trust adequately considered the impact of flooding on canal assets?
- Will residents be trapped in their homes when the site floods?
- Have Yorkshire Water considered whether the sewerage system is adequate to cope with a further 76 dwellings?
- Is there any guarantee that the Brook (the canal outflow into the Calder) will be kept free from debris?
- The evacuation walkway will be unsuitable; residents will still need to wade through flood water to reach it, elderly residents, parents with young children and push chairs, and those with a physical disability will be unable to use it and it will therefore not accord with the Equality Act. The effect of flooding on the site has been understated, it does not take into account the force of the current, water-borne debris (which could endanger the stability of the walkway) and resultant blockages. The proposed walkway is likely to encourage trespassing. It will also become a shortcut for people who want to get from Lower Hopton to the railway station and shops, again encouraging trespassing on private land.
- This area regularly floods and any building work will affect the foundations and cause land subsidence.

- The developer should be required to provide or pay for, or contribute to the cost of, measures to protect both the proposed flats against flood water and protect access to Mirfield Town Centre, the recent housing development and the railway station which are all disrupted when the Calder floods.

Highways and access

- Highways DM inaccurately claimed no injury collisions (10.03.24)
- Increased traffic on narrow roads
- Inadequate parking especially for visitors. On-street parking is already a problem because Back Station Road serves as an overflow car park for the railway station.
- The existing access is too narrow.
- Limited view to the right when exiting car park.
- 5 parking spaces in what is currently bin store, will have to drive over pavement to park.
- May need to be yellow lines outside or a mounted mirror for visibility.
- Parking spaces being close to ground floor windows will cause noise and air pollution to their occupants.
- Current refuse provision is unsecured and flytipping occurs, so DOCC advice on this should be heeded.
- What will the interim waste collection arrangements be?
- Will the developer add electric vehicle charge points?
- Impact on use of existing car park.
- The development would result in increased potholes on the roads.

Design and appearance

- Discrepancy between elevational drawings and DAS over which elevation would be 4-storey and which 6-storey.
- This is a Grade 2 Listed Building and will spoil the appearance and the outlook for the residents.

Residential amenity

- There will be an impact on existing residents, through restrictions to light and outlook and compromised privacy.
- There will be reduced outdoor amenity space left for existing residents.
- Will the developer be required to include new green spaces on site?
- Concern over the impact of noise and dust during construction.

Other

- The applicant has provided the bare minimum of affordable housing (20%) of which none are affordable owner-occupied. Will they be affordable in perpetuity?
- Are any of the apartments wheelchair or pram accessible?

- At present, crime and antisocial behaviour is not curbed by CCTV which is only used for parking enforcement.
- Possible worsening of wind tunnel effect on Back Station Road?
- It is disappointing that the applicant has not provided a fire statement, although recognised that this is not mandatory.
- Health centre and schools are overstretched.
- Impact on wildlife
- Impact on views
- Disruption caused by building work
- Have Japanese Knotweed and Himalayan Balsam been eradicated?
- There are existing trees on the land that need pruning.
- This job was once cancelled, so why is it now considered acceptable? There's nothing in place with regards to compensation to residents living at Ledgard Bridge Mill.

The site is within the Mirfield Ward. The three Ward Councillors are:

- Cllr Itrat Ali
- Cllr Vivien Lees-Hamilton
- Cllr Martyn Bolt

The three Ward Councillors were consulted (18/12/23) but made no detailed comments at the time. The same Ward Councillors were notified (16/01/2026) that officers were now minded to grant outline permission. The Ward Councillors made the following comments. (It should be noted that Cllr Martyn Bolt's comments are at this stage provisional and final comments are awaited).

Cllr Vivien Lees-Hamilton

Cllr Vivien Lees-Hamilton provided the following comments:

"The EA call for flood resistance and resilience measures such as physical barriers, raised electrics, and special construction materials.

The use of stilts and voids: surely this confirms that this site is unsuitable for development owing to flooding.

Paul Farndale will not comment further until the aspect of the raised footway is resolved, his report also says that his department would be certain to ask for a simulation of surface water design with a surcharged outfall, give attenuation is in the highest flood zone. Has this been carried yet, because if it hasn't then this application is not ready for approval.

Highways say the sight lines are identified in the traffic assessment are over estimated and are below what is required to the east of the access, how has this issue been resolved?

I do not agree that the allocated parking spaces are acceptable. The council cannot know how many residents will travel by train rather than private vehicle.

I have grave concerns over the use of EV charging points given this site's propensity for flooding.

Accessibility and travel plan, again it is not possible to predict how residents will travel. This infrastructure is already beyond saturation point. The late Dave Gill a highways officer within Kirklees said that the traffic light-controlled junction at Station Road and the A644 was beyond saturation point. This was in 2004. The traffic situation has not improved since then it has only worsened. Very often there are traffic queues the length of Station Road / Hopton New Road, and also at Newgate, and I do mean the entire length of both roads.

Station Road / Hopton New Road. And Back Station are beyond capacity due to vehicle users accessing the Mirfield railway Station. Rail users park on both sides of Station Road / Hopton New Road all the way from the railway bridge to the junction of Hopton Lane. The cars are parked on both sides of the road and are parked nose to tail. Back station Road is parked solid along one side, this allows for one vehicle to pass at a time and is site for potential conflict when one side does not give way to oncoming traffic.

There are also several businesses in the near vicinity, who have HGV'S and 7.5 tonne trucks associated with their businesses travelling in and out of site all day long, many of these vehicles have to use Back station Road as the railway bridge is too low to allow them access.

The trip rate data for this application is quite out of date it was conducted in 2017; the latest data was collected in 2022. This is not acceptable; it is not up to date and traffic volumes have increased exponentially in this location.

To be ready for a decision this application needs updated and current traffic flows along the following sections of road as they will all be affected by this development should it be allowed to go ahead. The roads are Calder Road, Newgate, Hopton New Road, Station Road, Granny Lane, Steanard Lane, Calder View, the A644 through Mirfield Town Centre. A working study should be conducted at both traffic light junctions Station Road and Newgate.

Most of the construction vehicles will have to travel in via Hopton Lane due the height restrictions of both rail bridges. Has this been taken into consideration Hopton Lane is narrow and has a 7.5 Tonne restriction on it for safety reasons.

No information has been submitted to the EA on biodiversity, have the effects of this development been assessed for river life. If not, this application is not ready for determination.

KC response says the scale of this development takes it into a flood zone 3 category. And that there is no possibility of creating an emergency access route for vehicles in the event of flooding, however a flooding and evacuation plan is in place to remove vehicles when appropriate warnings are given.

I can testify that very often the warnings come too late, residents may be at work at the time, and quite importantly there is no where for those vehicles to evacuate to. Lower Hopton is full beyond capacity.

This site floods on frequent basis and has done for hundreds of years, have the planning department learnt nothing from the debacle that is Calder View?

Travel plans are all well and good if the residents are minded to use public transport, in my experience they are not. They will have private vehicles. The bus and rail networks are inadequate in the least.

The roads surrounding this site are far beyond capacity, Newgate is choked with vehicles associated with Newgate garage, the council has not and does seem minded to take any action in response to this problem.

Station Road / Hopton New Road is full to capacity with the vehicles of people accessing the rail station many are left overnight.

All of the junctions exiting Lower Hopton are beyond capacity.

I have highlighted many reasons why this application should be refused, not just in relation to flooding and highways, but there are many missing and outdated data in the planning application, it's not ready and to approve it would be folly.

For all of the above reasons I request that this application be determined by committee with a site visit that will take the planning committee around all of the fore mentioned roads."

In a subsequent email dated 09/02/2026, Cllr Lees-Hamilton confirmed that she wished to withdraw her request for a committee decision, and made the following updated comments:

- I can now see that a lot of work has been put into studying flood measures and also flood prevention measures.
- I now see that consideration has been given to ensure the safety of residents in the event of a flood.
- I still have some minor concerns with traffic flows especially at rush hour and school times.

- I am also aware that Mirfield needs more rental properties, especially for single people and professionals.

Cllr Martyn Bolt

Cllr Martyn Bolt sought further information and clarification on some of the issues associated with this application in an email sent 19/01/2026. In a subsequent email sent 23/02/2026, Cllr Bolt confirmed that he was not seeking a Committee decision and had no specific concerns that he felt needed to be addressed.

Parish council

Mirfield Parish Council comments made (24/01/24):

“2023/93539 at location Land adj, Ledgard Bridge Mill, Back Station Road, Mirfield, WF14 8NZ – Mirfield Town Council would like to submit a holding objection. Cllrs are concerned the impact on flooding with soak away land being built on in addition to the added traffic to Back Station Rd. We will be in touch with further objections when assessed.”

The Parish Council were notified (16/01/2025) of the latest amended plans and supporting information

No further comments were made by the Parish Council as a result (to date).

CONSULTATION RESPONSES

Statutory

Canals & Rivers Trust – No comment.

Environment Agency – The proposed building, based on the floor levels proposed, would be adequately protected from flood risk. Conditions on floor levels, the provision of voids, and the construction of an elevated walkway are recommended.

KC Highways Development Management – No objection subject to conditions.

KC Lead Local Flood Authority – No objection subject to conditions.

Network Rail – No objection subject to Construction Traffic Management Plan, other comments made.

Non-statutory

KC Arboricultural Officer – No objection subject to condition.

KC Conservation & Design – No objection

KC Designing Out Crime Officer – No objection subject to condition.

KC Ecology – No objection subject to conditions, including amended ecological survey.

KC Emergency Planning – Comments made.

KC Environmental Health – No objection subject to conditions.

KC Landscape – No comments made.

KC Planning Policy – advice given on what will be required to pass the sequential and exception tests.

KC Public Health – No objection in principle; make recommendations for several measures that should be incorporated into the application.

KC Strategic Housing – No objection in principle, comments made.

KC Waste Management – No objection in principle, comments made.

Yorkshire Water – No objection subject to conditions.

MAIN ISSUES – ASSESSMENT

The main planning issues relevant to this application are:

1. Principle of development
1. Drainage and flooding
2. Urban design and visual amenity
3. Impact on residential amenity
4. Highway and transport issues
5. Ecology
6. Drainage strategy
7. Planning obligations
8. Other matters
9. Representations
10. Conclusion

Land use and principle of development

Paragraph 48 of the National Planning Policy Framework (NPPF), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.

This approach is confirmed within policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy LP1 also clarifies that proposals

that accord with the policies in the Kirklees Local Plan will be approved without delay unless material considerations indicate otherwise.

Policy LP2 requires that 'proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places'.

In considering the abovementioned requirements of policies LP1 and LP2, proposals are also required to reflect a settlement's size and function, place shaping strengths and opportunities/challenges for growth, spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs.

The site is not allocated for development within the Local Plan which means that the principle of residential development is not established. An assessment of the site's suitability for residential development must take into account all constraints.

Demolition

To the east of the site is a single storey building historically used as a martial arts club, which it is proposed would be demolished as part of the development, mainly to facilitate the creation of improved parking facilities.

The applicant contends that the building should not be classed as a community facility, but a sports club, and that Local Plan Policy LP48 is not required to be addressed in this case. Officers agree that it would be more appropriate to consider the impact of the loss of the building under the remit of Policy LP50 that LP48.

Policy LP50 reads:

The council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.

Sport and leisure facilities will be protected where they are needed to meet current and future demands. The loss of open space, sport and leisure facilities will only be allowed where:

a. an assessment clearly shows that the site is no longer required to meet an identified need for open space, sport, or recreation use; or

b. equivalent or better replacement facilities in terms of quantity and quality are provided to compensate for those lost as a result of the development and these are within an easily accessible location for existing and potential new users; or

c. the proposal is for an alternative sport, leisure or open space use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing facility. Any proposed loss of community sports facilities should be supported by a detailed needs assessment report.

The building in question is not on the Council's Asset of Community Value list, nor is it a purpose built sports facility. It is understood to have been an outbuilding associated with Ledgard Bridge Mill's previous commercial use. Several others like it were demolished during the conversion works (app ref. 2005/93375). While it is acknowledged to have hosted a sports use recently, according to information supplied by the applicant, the club vacated the building in May 2019, re-locating nearby to Mind and Body, Station Business Park, Unit 5 Back Station Road, Mirfield. The club operates from this address at the present time.

Considering the Policy Justification text of LP50, it is evident that the policy seeks to protect "Good quality open spaces, outdoor and indoor sport and leisure facilities". Given the use of the building has ended, its poor state of repair, and that the building was neither purpose built nor hosts any specialist facilities, it is not considered to trigger the provisions of LP50.

Strategic Green Infrastructure Network

The site lies within land which is designated as part of the Strategic Green Infrastructure Network, in which Policy LP31 applies. Under Policy LP31, development proposals within and adjacent to the SGIN should ensure:-

- (i) the function and connectivity of green infrastructure networks and assets are retained or replaced;
- (ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;
- (iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;
- (iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.

The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies

The green infrastructure corridor along the north-eastern bank of the Calder, and public access to it, would be maintained. Whilst there would be some loss of green and semi-natural space within the site, the opportunity exists for additional soft landscaping to be created, and it is considered that objectives (i) and (iv) would be upheld.

The proposal would naturally integrate into the existing Kirklees cycle network (of which Back Station Road and Ledgard Bridge form part) without the need to

create new links. The opportunity to provide new green infrastructure, on the parts of the site that are not to be built on or used for parking, exists. This is shown indicatively on the plans, since landscaping is in this instance a reserved matter.

In conclusion, the development would not conflict with any of the aims of LP31. The designation of the site as SGIN therefore does not pose a constraint on development in this instance.

Effective use of land

Both the Local Plan and the National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Policy LP11 of the Local Plan requires consideration of housing mix. These requirements are expanded upon within the council's Affordable Housing and Housing Mix SPD (March 2023).

The proposed development would result in 76 dwellings on a site of 1.7ha area. This would equate to 44 dwellings per hectare. This is significantly above the recommended minimum of 35 dwellings per hectare as set out in Policy LP7, which is not unusual for apartment developments.

As this is considered to be a sustainable location, it is considered that a density higher than 35 units per hectare would be appropriate for the site, but that it would not be appropriate to seek to increase densities still further as this could result in a building that would be out of proportion to its surroundings and make it more difficult to accommodate suitable parking and servicing.

It is considered that the development's proposed density would support the aims of LP7 in that it would encourage the efficient use of previously developed land in a sustainable location (further analysis of the sustainability of the location is contained in the appropriate sections of the report).

Regarding housing mix, Local Plan policy LP11 seeks for proposals to provide a representative mix of house types for local needs. This is expanded upon and detailed within the council's Affordable Housing and Housing Mix SPD (March 2023).

The site lies within the Dewsbury and Mirfield. The following breakdown for new homes is recommended for Kirklees Rural East:

	Market housing	Affordable rent	Affordable intermediate
1 and 2 bed	30-60%	20-59%	0-39
3 bed	25-45%	0-19%	40-59%
4+ bed	10-30%	20-39%	40-59%

The proposed development would provide:

	Market housing	Affordable rent	Affordable intermediate
1 and 2 bed	100%	100%	0
3 bed	0	0	0
4+ bed	0	0	0

In general, it is appropriate to seek a greater diversity of house types (by number of bedrooms) than that which is provided here. However, it is acknowledged that the proposal seeks only apartment dwellings and it is accepted that the demand for 3- and 4-bedroom flats is likely to be lower than the demand for 1- and 2-bedroom flats, since flats are rarely sought after as family dwellings and are more likely to be attractive to single occupants, couples, or other family units consisting of two adults.

It is noted that the development would provide only 2-bedroom flats, with no single bedroom units. A supporting letter provided by the applicant from a sales and letting agency claims that there is a significant unmet demand for 2-bedroom flats in the local area. Furthermore, it is noted that the existing apartment building adjacent to the site consists largely of single bedroom flats (106 out of 125) and there is therefore a case to be made that a development consisting entirely of two-bedroom flats would assist in the delivery of a more diverse and balanced housing supply across the site as a whole and within Mirfield. The housing mix is therefore considered acceptable for this site.

Sustainability and climate change

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.

As identified elsewhere within this report, the site occupies a sustainable location, being close to bus stops, and a railway station, offering frequent services. Furthermore, the site is within close proximity to Mirfield centre and the various amenities it offers.

The applicant has proposed the following measures:

- i) Building construction to exceed Building Regulation requirements
- i) Energy efficient fixtures and fittings
- ii) Materials and labour to be sourced locally where possible.
- iii) Recycling facilities to be provided on site
- iv) Introduction of renewable technologies to explored
- v) Green energy suppliers to be prioritized
- vi) Fabric specification and installation to exceed minimum standards
- vii) Low water usage sanitaryware specified

- viii) Overland flood routes included as described within appended
- ix) Energy efficient heating and ventilation
- x) Off-site fabrication where practical.

It is considered that in principle these are positive measures but owing to limited detail, a condition is recommended to the effect that full details of any measures to limit carbon emissions associated with the development (which are expected to include microgeneration equipment, measures to increase energy efficiency above the standards demanded by the Building Regulations, or some combination of these), must be submitted and approved before work commences above foundation level.

Principle of development – conclusion

The proposal is considered to represent an effective and efficient use of the allocated site, in accordance with relevant planning policy. The proposal would aid in the delivery of housing to meet the council's targets at a time of need. Therefore, the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, and how the site's constraints would affect the proposed development, which are considered below.

Drainage and flooding

Introduction

The areas where the development, access and car park would be located are in Flood Zones 2 and 3. The site lies adjacent to the River Calder, which is classed as a Main River. The applicant's site-specific Flood Risk Assessment (FRA) identifies the River Calder and surface water flooding as the two sources of flood risk.

As the site is within Flood Zones 2 and 3, paragraphs 173-175 of the NPPF advise that a sequential, risk-based approach should be taken to individual applications in areas known to be at risk now or in future from any form of flooding, with the aims of steering new development to areas with the lowest risk of flooding from any source. This is mirrored and expanded upon by the requirements of policy LP27. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.

The site is not allocated for development in the Local Plan and therefore a sequential test was not undertaken as part of the Local Plan. Of note, Flood Zone 3 is subdivided into 3a and 3b land. Furthermore, LP27 and Kirklees SRFA (2016) introduce 3ai land.

The site lies largely within Zone 3a. Within the application site, a narrow strip alongside the bank of the Calder lies within Flood Zone 3a(i), but no part of the proposed new building lies within this strip – had this been the case, the development would be contrary to LP27 which states that no new highly vulnerable or more vulnerable uses will be permitted within Flood Zone 3a(i).

However, since most of the developable area of the site lies within Flood Zone 3a, the development vulnerability is still not appropriate to the Flood Zone. As such, a sequential test is required to determine if there are any reasonably available sites for the development within Flood Zones 1 or 2. The test should assess whether or not there are any reasonably available sites, in areas with a lower probability of flooding, that would be appropriate to the type of development or land use proposed.

Sequential test

Methodology

The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- (i) Within medium risk areas; and
- (ii) Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

The first consideration of the sequential test is to define a reasonable search area for where the specific proposed development could theoretically be located. LP27 states that:

The whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed.

The applicant's sequential assessment bases the sequential search area on the area defined through the Dewsbury and Mirfield Strategic Housing Market Area (SHMA) as defined in the Kirklees Strategic Housing Market Assessment 2016. This comprises Dewsbury East, Dewsbury South, Dewsbury West, Mirfield Wards and part of Batley East Ward.

The applicant originally proposed to base it on Mirfield ward only, the justification for this approach being, in brief: the proximity to Mirfield Rail Station; evidence of a locally high demand for two-bedroom apartments; significant employment opportunities in the Mirfield area; and an unmet demand for affordable housing for people who wish to live there.

The approach that has been adopted, that of treating the Dewsbury and Mirfield SHMA as the sequential search area, has been agreed by Kirklees officers as being appropriate to the scale and nature of the development. Basing it on Mirfield ward only would have been too limiting, whilst at the other extreme, basing it on the whole of Kirklees would have placed onerous obligations on the applicant, requiring them to assess sites that are remote from the application site and not functionally related to it. This is giving due regard to established different housing markets through Kirklees, that are acknowledged within the SHMA.

The sequential assessment claims that the proposed development requires a minimum site area of 0.84ha as per the reduced red line plan (which excludes the existing parking area and incidental peripheral landscaped areas, but includes core landscaping areas, the building, parking and circulation space), and as such, any sites with available land smaller than this are not deemed to be generally suitable for the proposed development.

In establishing a minimum site area, Planning Practice Guidance states that applicants should be required to address the issue of potential disaggregation (i.e., splitting the development proposals across several sites). The PPG states

“These could include a series of smaller sites and/or part of a larger site if these would be capable of accommodating the proposed development.”

The applicant's assessment is that disaggregating the site onto a series of smaller sites would not be feasible or practical in this case for the following reasons:

- 1) The proposals are for a single self-contained apartment block providing all the facilities necessary for day to day living – including communal parking, open space, cycle spaces etc).
- 2) Splitting the site into two, three, four or more sites would reduce economies of scale and increase demand for space when compared with developing one site. This would also result in lower density developments not capable of achieving the amount of development currently proposed, which would in turn reduce the contribution to overall housing supply.
- 3) Splitting a six-storey block of apartments into two or more blocks whilst maintaining the same height in order to achieve similar density benefits, would not be appropriate from a design or visual amenity perspective, and would not be viable from a construction costs perspective.
- 4) The delivery of two substantive areas of public open space within the proposed development would not be possible if the site was to be split into smaller sites.

5) A six-storey development would not be suitable for the vast majority of smaller sites which are predominantly surrounded by (or are adjacent to) typical low rise residential developments.

6) The applicant is a specialist developer who delivers apartment-based schemes, not houses, and especially of build to rent schemes, which require economies of scale (usually 75 units or above) in order to be successful.

It is acknowledged that disaggregating the development would result in a less efficient use of land owing to the necessity of providing transport infrastructure – access roads, turning heads, etc – for each development. If the building were to be disaggregated into lower-rise development (such as two or more three-storey buildings) the land-take would be greater still and it would potentially take up land that is more suitable for individual houses, resulting in additional pressure to build houses on less suitable sites. The possibility of keeping the development at the same number of storeys but splitting it into smaller buildings would lead to difficulties in finding suitable sites, for the reasons the applicant has stated.

The potential to deliver useable and high-quality public open space would, very likely, be more limited if the development were disaggregated, although this is something that it would only be possible to assess in the context of a specific scheme for the provision of public open space, whereas landscaping (including any new public open space) is in this case a reserved matter. Whilst the claims about construction costs and financial viability are not supported by objective evidence, it is acknowledged that disaggregation would pose an additional cost, especially for a multi-storey development, giving due regard to typical economies of scale.

It is considered, taking all factors into account, that it would not be reasonable in this instance to require the applicant to disaggregate the proposal.

In terms of what sites within the search area are to be considered as 'reasonably available', the PPG advises that:

The sequential test should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need.

In terms of what qualifies as a 'reasonably available' site, the PPG continues:

Sites should be considered 'reasonably available' for the purposes of the sequential test if their location is suitable for the type of development proposed, they are able to meet the same development needs and they have a reasonable prospect of being developed at the same time as the proposal.

The applicant, in this instance, deems a site "reasonably available" if it is expected to become available within five years. Their justification is based on

the scale and complexity of the project and accordingly on the length of time it is expected to take to implement it, in the event of outline permission being granted. The principal stages they envisage are:

- 1) Reserved matters application from preparation to a decision: 12 to 18 months.
- 2) Preparation, submission and discharge of relevant pre-commencement conditions: 3 – 6 months
- 3) Contaminated land remediation, site preparation / levels work: 3 – 6 months
- 4) Build programme: 24 – 30 months
- 5) Internal fit out, hard and soft landscaping etc : 12 months

Total: 4.5 – 6 years]

This results in a minimum implementation period of 4.5 years but could be as much as 6 years. Based on these estimates of timescales, which are considered realistic, officers accept that a site should only be deemed “reasonably available” for the purposes of the sequential test if it is expected to become available to the applicant within a five-year period.

In the Sequential Test Addendum Report December 2024, it states that land for sale has been assessed on the basis of internet searches and advice from agents such as Michael Steel & Co. The applicant has not approached landowners on an individual, speculative basis to see if land is for sale, as in their view this would not sufficiently align with “the point in time envisaged for the development” because the applicants would need to account for a significant amount of time for the land sale process, resolving third-party legal rights/covenant issues, as well as obtaining planning permission. Officers accept this approach.

The PPG continues:

In considering whether alternative lower-risk sites (which could, where relevant, be a series of two or more smaller sites) would be capable of accommodating the proposed development, such alternative sites do not need to be owned by the applicant to be considered ‘reasonably available’.

The above is noted, however for the avoidance of doubt, while land ownership is not relevant (i.e., the applicant cannot simply claim it is not developable because they do not own it), it is considered that sites must be reasonably obtainable (i.e., for sale).

Due regard must also be given to the specific type of development proposed. The proposal seeks high density apartments, which has different site requirements than a typical residential estate development.

Concluding the above, officers are satisfied that the methodology applied by the applicant for their sequential test is sound, with consideration of the findings required next.

Sequential test – findings

The applicant's sequential test first considers all Local Plan housing allocations within the agreed search area. 21 housing allocations have been identified which have an area over 0.84ha. Nine of these are discounted as development has either already been completed or partially completed on site, or there are decisions on current planning applications or discharge of conditions applications that are still pending, indicating an actively interested third party and therefore that the site is not 'reasonably available' to the applicant.

The remaining 12 allocated housing sites are also discounted, and the reasons for this – including lack of availability and physical constraints – are set out in Appendix 2 of the applicant's sequential test, as follows:

- HS46 Magma Ceramics Preston Street (Privately owned).

There is an extant planning permission for new industrial units, indicating land-owner / tenant plans to stay. Therefore, as it is not for sale, has recent non-residential permissions and an active business, it is unlikely to be reasonably available within the next five years.

- HS49 Cliffe Street, Dewsbury (Council owned).

The land is not for sale and is in use as a car park, so is unlikely to be available in the near future. It is also considered unsuitable for high-rise development owing to gradients and being surrounded by two-storey development.

- HS50 – Providence Street, Earlsheaton (Private and Council owned).

The applicant has commented that 'The Council's asking price has repeatedly failed to attract buyers hence the site appears to be unviable and undeliverable within reasonable timescales'. However, since the sequential test was written, app ref. 2024/92779 has been submitted by a third party, seeking outline permission for residential use. Given another party is progressing the land, it is not 'reasonably available' to the applicant. The site is also surrounded by low rise two-storey development and it is not therefore considered to be suitable for high rise development.

- HS55 – Headfield Mills, Savile Road, Savile Town (Privately owned).

This is a former mill site which is partly in Flood Zone 3². The site is currently being actively used for employment purposes (45 different tenants). There is no current planning permission for housing and the site is not currently being

² The FZ3 within this site / allocation was excluded from the Net Developable Area within the Local Plan allocation and therefore would not, in itself, make the site less sequentially preferable.

offered for sale. It is therefore not 'reasonably available' in the accepted timeframe.

- HS56 – Land north-west of Forge Lane, Thornhill Lees (Privately owned).

This is an actively used industrial/business site. There are no planning permissions for housing, the site is not for sale; and it is partly located within Flood Zone 3³

- HS59 – Lock Street, Thornhill, Dewsbury (Privately owned).

There have been multiple planning permissions on the site going back over 20 years, the latest being in 2013. None of the permissions have been implemented. There are multiple landowners and active businesses currently on the site. The site is also not for sale. The Local Plan allocation also states that third party land would be required for access.

- HS61 – Land to south of Ravensthorpe Road/Lees Hall Road – Part private / Council-owned.

In addition to the (then) pending application ref: 2021/91759⁴, this wider housing allocation is discounted for the following reasons:

a) The main landowner is understood to be a housing developer (Miller Homes) and the company is clearly pursuing the site for its own developments.

b) As a result of the development being apparently phased, the early phases (including application 2021/91759) appear to have control over the sole suitable means of access to the site from Lees Hall Road. As such, future development of other phases is dependent on the 2021 application being both approved and developed, before any other phases can be developed.

c) As per the Flood Risk PPG paragraph 028, the applicant's proposed development would not have "a reasonable prospect that the site is available to be developed at the point in time envisaged for the development." (the applicant is looking to start to develop the site in a short timescale subject to the grant of planning permission).

d) A significant part of the site appears to be in the process of being requisitioned by Network Rail for the TransPennine upgrade work.

Officers would make the following observations on HS61. The 2016 outline permission, 2016/94118, was granted 12-Apr-2017. Subsequently, a reserved matters application was made, reference 2021/91759, but then withdrawn. The outline permission is therefore expired. A separate hybrid application was made (full permission for access works, outline for residential and mixed

³ See footnote above.

⁴ Since withdrawn.

development), reference 2021/93689, granted 01-Aug-2023, with a three-year time limit for submission of reserved matters / commencement. The bulk of the site is owned by Kirklees Council and current information on the Council website (December 2025) indicates the site is not for sale. It is therefore correctly classed as unavailable to the developer.

- HS65 – Land east of Heckmondwike Road, Dewsbury Moor (Council owned).

The Local Plan allocation states that third party land may be required to achieve a drainage solution. The site is not for sale and there appear to be no prospects of delivering housing within a reasonable timescale. In addition, the site has an awkward configuration and is surrounded by low rise development, making the proposed high-density apartment proposal unsuitable.

- HS66 – Land to south of Sheep Ings Farm, Granny Lane.

The site has planning permission and is being developed by Miller Homes.

- HS70 – Flash Lane, Mirfield (Council owned).

A planning application was submitted by Kirklees Council (LPA ref: 2017/94124). The application was however withdrawn. It appears there were numerous unresolved highway safety issues raised by the Council's Highway Services Department and Mirfield Town Council during the course of the application. The site is not for sale and is not deemed to be readily developable.

- HS76 – Land adj. to Squirrel Hill Reservoir, Staincliffe Road, Dewsbury Moor (Privately owned – Yorkshire Water).

The site is surrounded by low rise 2-story residential development and would therefore not be suitable for high rise apartments. There are no planning applications on the site, and the site is not for sale.

- HS78 – Land adj. to Mayman Lane, Mount Pleasant, Batley (Council owned).

The site is a former Council depot. Part of the site has been developed with single storey housing. High rise apartments would therefore not be suitable on the remainder of the site. There are currently no planning permissions for the remainder of the site, and it is not for sale.

It is considered that the applicant has provided valid reasons in the case of all 12 of the allocated housing sites listed above, which fall within the approved search area, as to why they should not be classed as reasonably available for the proposed development.

Looking beyond housing allocation sites, the applicant contacted Kirklees Council regarding approved and expired windfall sites that may be available and suitable for the proposed development. The majority are rejected by the

applicant as being too small (below the accepted minimum site size detailed above) and therefore unsuitable for the proposed development. Of the remainder, the following sites were deemed to require more detailed examination, and the applicant's comments are summarised below:

- Forge Lane, Dewsbury, WF12 9AA:

The last application on site is referenced 2013/92657 and was for Outline application for residential development including 191 apartments. The site was not however carried forward and allocated for housing in the Local Plan which suggests there are constraints associated with developing the site. The site is within Flood Zone 2 and contains a large number of trees and vegetation. The site is currently not for sale and appears to be undeliverable within reasonable timescales. As such, the site is being discounted due to its unsuitability and unavailability. 10.75 Officers note that the Forge Lane site, on the basis of recent aerial photographs, appears to have substantial tree cover and is also within the Kirklees Wildlife Habitat Network. These two factors together may cast doubt upon the site's suitability for development owing to the likely loss of biodiversity, but do not conclusively rule it out as unsuitable – this could only be assessed within the context of a planning application for the site accompanied by the appropriate technical reports. The site also falls within Flood Zone 2 (not 3a) according to both the Environment Agency's and Kirklees SFRA which makes it sequentially preferable to the application site. Kirklees Council's Rejected Site Options Report (2017) makes reference to two sites off Forge Lane, Dewsbury, but these were rejected as potential employment, not housing sites. It is however accepted that the site was not for sale at the time of the applicant's study and it is therefore correct to class it as unavailable. Furthermore, the site is surrounded mainly by residential development of two, or at most three storeys in height, and by an industrial unit to the west which is of similar height. An apartment building with a height and scale similar to that proposed would be unlikely to harmonise with the character of the existing development, and officers therefore accept that the site is unlikely to be suitable for the development proposed.

- Wheelwright Centre, Birkdale Road, Dewsbury, WF13 4HG:

The last permission referenced is 2019/92587 for alterations and partial demolition to convert existing building to form 65 residential units etc. The proposed scheme falls short in terms of the number of apartments compared with the proposed development (65 vs 76, a 14.5% decrease). The site also has a current S73 planning application with the Council which has yet to be decided (LPA ref: 2022/93538). Given the existing interest by a third party, the site is therefore deemed to be unavailable in the timescales required.

Information obtained from the Council's mapping system indicates that the conversion to apartments has already been implemented. The site therefore cannot be reasonably deemed available. Furthermore, the site area, at approximately 0.9ha, falls significantly short of that deemed necessary for the proposed development.

- Land off The Sidings, Savile Town, Dewsbury:

(LPA ref: 2010/92630). The site has already been partially developed and is a long, narrow site surrounded by two storey residential properties. It also does not appear to be available.

Officers concur with these observations.

- Land off Rumble Road, Dewsbury:

Permission was granted in 2017 and the site has been fully developed out.

Concluding on the availability of approved and expired windfall sites, on the basis of the evidence supplied, it is therefore accepted by officers that the above four sites are unsuitable for the proposed development, are unavailable, or both.

Next, the applicant undertook a search of unidentified windfall sites (i.e. windfall sites that had not been previously identified by the Council's Planning Policy team) within the search area.

The applicant stated that they had included in this category all non-allocated sites that are not designated Urban Green Space or Green Belt⁵. These caveats and the approach methodology is considered appropriate to officers. Safeguarded land was not initially included in the search, which officers disputed, and were subsequently added into the applicant's sequential assessment⁶. Applying this, the following sites were identified and have been considered thusly:

- Land east of Long Lane Earlsheaton:

The submitted aerial photographs show a red-lined area south of Walker Street and north of Woodburn Avenue. The applicant states that the majority of trees (which although not protected might be considered valuable to amenity) would require felling and that a large residential apartment block would be out of keeping with its surroundings.

Officers do not accept that the presence of trees on the site should necessarily be assumed to rule out development. Whilst the applicant has failed to demonstrate that the site is inherently unsuitable for residential development, officers would agree that a multi-storey apartment block on land bounded by Green Belt to the west and east, and by two-storey terraced or semi-detached houses to the north and south, would be likely to appear incongruous and overbearing and therefore contrary to the aims of good design. Officers would

⁵ Following the NPPF December 2024 revision, which introduced the concept of Grey Belt, consideration of Grey Belt is reasonable. This was done and is detailed shortly in the assessment.

⁶ In the April 2025 addendum report. Safeguarded land was considered, for the purposes of the Sequential Test, given the council's inability to demonstrate a five-year housing land supply. Such consideration is without prejudice to any future application on safeguarded land.

therefore accept the applicant's assessment that the site is unsuitable for the development proposed.

In later correspondence the applicant refers to this site having extant planning permission, with a more recent application (at the time undetermined) by the same developer. Kirklees records show no extant or recent permissions for the land. The applicant appears to have confused this site with the nearby Clough Farm site, also off Long Lane but to the south of Woodburn Avenue; this is a housing allocation which has two recent planning permissions, the latter an extant one (reference 2024/91476 for 24 dwellings, granted 30-Apr-2025). The recent planning permission would indicate that this land is unlikely to be available to the developer within a reasonable timescale.

- Land East of The Common, Thornhill Edge:

Land is bordered by Green Belt on two sides and urban green space on another, so a high-rise apartment block would be visually inappropriate and out of keeping with the character of the area.

These arguments are accepted by officers.

- Land north of Ravensthorpe Road, Thornhill Lees:

Rejected as a Housing Allocation (HA) because of inadequate access.

The site is reference H750 in the Kirklees Council Rejected Site Options Report (KCRSOR). It is deemed unsuitable as a housing allocation as there is at present no direct access to the adopted highway (Lees Hall Road appears to be unadopted / private in the vicinity of the site frontage), and furthermore third party land may be required to upgrade the road to an adoptable standard along the site frontage and 100m leading up to the site..

- Land NW of Old Bank Road, Mirfield:

Rejected as a HA because of lack of adequate access and significant contamination issues. The site is reference H1673. Access would be possible onto Old Bank Road, however visibility splays cannot be achieved without third party land. Alternative access could be provided from Greenside Road which is a private road. Again, third party land would be required to achieve a suitable site access. The site is also recorded as being potentially contaminated owing to former uses as a brickworks and for the deposition of industrial waste.

- Land west of Greenside, Mirfield:

Rejected as a HA because of inadequate access.

The site is reference H683 in KCRSOR, which states that as there is no existing site frontage onto the adopted highway at present, third party land would be required to develop the site.

- Land east of Hopton New Road:

Located within Flood Zone 3 and therefore not sequentially preferable.

A search of the Council's mapping system confirms that almost all of the site is in Flood Zone 3.

- Land north of Steanard Lane, Mirfield:

Located within Flood Zone 3 and therefore not sequentially preferable.

The above site, reference H3387 in KCRSOR, is rejected for the following reasons:

1. It has no site frontage to the adopted highway;
1. The site is around 25% functional floodplain and around 50% outside flood zone 1;
2. Parts of the site fall within a UK BAP priority habitat and the whole site has been identified in the Wildlife Habitat Network for woodland (in this case scrub) and is also likely to support acid grassland.

It is not possible to pinpoint the precise location or boundaries of this site from the description in KCRSOR, but a search of the mapping system confirms that all of the land bounded by Steanard Lane, Ladywood Lakes and the Calder falls within flood zone 3. It therefore appears that this site would not be sequentially preferable.

- Land north-east of Calder View, Mirfield:

Located within Flood Zone 3 and therefore not sequentially preferable.

Again, a search of the Council's mapping system confirms that almost all the site lies within Flood Zone 3.

- Land south of MXS6:

Difficult access, and no signs that the land is being promoted for development by the Council.

The developer has clarified that the land in question is west of Sunny Bank Drive and south of mixed-use allocation MXS6. It is not self-evident that Taylor Hall Lane and Kiln Avenue are inherently unsuitable to take on traffic arising from development on this site. However, being surrounded by low-rise development on three sides and a playing field to the west, it is unlikely that a large multi-storey apartment building would appear in keeping with its surroundings.

- Land west of Heckmondwike Road:

This has been rejected on the grounds of fragmented ownership, and hazards to future occupants arising from it being within a blast zone from a chemical works).

Officers note that a significant part of the site lies within the Inner Zone of a hazardous installation, which means it is unlikely to be suitable for residential development.

- Dewsbury Town Centre:

The applicant searched for potential sites using various information sources including overhead satellite imagery (to look for vacant development sites), the Local Plan (to look for unallocated sites), and planning histories. These searches failed to find any suitable areas of undeveloped land that were not already in active use (for example car parks fringing the edge of the town centre), nor sites for sale that could accommodate the development. The town centre itself is also heavily built-up, the majority of it is within a Conservation Area and contains many listed buildings. It is therefore unlikely the proposed development (or something of similar scale and nature) would be deemed to be compatible with the pattern of existing development which is relatively low-rise.

Officers acknowledge that most of Dewsbury Town Centre lies within a Conservation Area and also contains many Listed Buildings, which would pose significant difficulties in finding a site that could accommodate such development without harm to the significance of these heritage assets. Officers also accept that, on the basis of the information supplied, the developer has taken reasonable steps to search for potentially suitable sites within Dewsbury Town Centre.

- SLS2 Land to the South of Tolson Street, Chickenley, Dewsbury (2.11 ha):

The site is landlocked. Furthermore, the proposed multi-storey development would be out of character with surrounding development. The site is also not for sale.

Officer comments are that whilst the site has a potential access route to Wakefield Road, this is of substandard width and cannot be brought up to adoptable standards without the use of third-party land.

- SLS3 Balderstone Hall Lane, Mirfield (6.91 ha):

The site has substandard access, there would be a negative impact on adjacent Green Belt and out of character with adjacent low-rise development, and it is adjacent to four listed buildings. Site not for sale.

Officer comments are that Hepworth Lane, the only existing adopted highway to which access could be gained without the use of third-party land, is substandard in width, being less than 4m wide at its narrowest point.

- SLS4 Land to the south-west of Upper Batley Lane, Upper Batley, Batley (3.29 ha):

The site has substandard access points, there would be a negative impact on openness of adjacent Green Belt, and it is partly within Upper Batley Conservation Area. Site not for sale.

Officer observations are that whilst the unadopted access track to Carlinghow Hill could potentially be widened and brought up to adoptable standards without the use of third-party land, a multi-storey apartment development of the scale and design proposed would be out of keeping with a site that is on the edge of a settlement and close to the Green Belt boundary, and where surrounding development is low-rise and low-density, and also partly within the Upper Batley Conservation Area.

- SLS7 Land to north of Elm Tree Close, Norristhorpe Lane, Norristhorpe, Liversedge (1.95 ha)

It is considered that the proposed development would have a negative impact on the adjacent Green Belt, that it would out of character with surrounding single- and two-storey dwellings, and furthermore the site is not currently for sale.

Officer observations are that the site is surrounded by built development on three sides (to the west, south and north) which is two-storey in height, and that therefore a large apartment building of four or more storeys would be unlikely to harmonise well with surrounding development.

The applicant's comments for three of the four SL sites also reference their being in a high-risk area for coal mining, and unspecified tree / biodiversity constraints. These factors alone cannot be taken to rule out built development without the appropriate professional surveys having been undertaken. Officers accept, however, that the other stated reasons for declaring the sites unsuitable (for the proposed development) or unavailable are legitimate.

Finally, at the request of planning officers, a further addendum was supplied (June 2025) which considers a range of developed sites within the Green Belt. This followed the release of the NPPF December 2024, which introduced the concept of Grey Belt land. These included seven sites occupied by farm buildings only – as noted in the applicant's addendum, these are not classed as "previously developed" under the NPPF definition and therefore do not require further examination. A further nine sites in other (including mixed) uses were listed. The reasons for their being ruled out are summarised below.

- 1) Northern Gas Works site. Deemed unsuitable for unspecified reasons. (Officers note however that it is only 0.37ha in area and therefore, in terms of the applicant's stated requirements, too small.)

- 1) Livery at Hopton Lane, Upper Hopton. Unsuitable due to small size and appears to be in active use, therefore unavailable.
- 2) Horse centre and caravan centre, Jackroyd Lane, Upper Hopton. Unavailable.
- 3) Riding centre, Whitley Road, Dewsbury. Unavailable.
- 4) Wood Lane Mirfield. Existing housing development. Unavailable.
- 5) Westfield Nurseries off Shillbank Lane Mirfield. Active business site and therefore unavailable.
- 6) Business park / farm site off Crossley Lane, Mirfield. Active farm and business site, therefore unavailable.
- 7) Site off Soothill Lane. Part residential, part business. In active use therefore unavailable.
- 8) Land off Quarry Lane, Dewsbury – Active business use as freight terminal therefore unavailable.

The applicant has not provided specific reasons why sites (3) and (4) are unavailable; however, information available online indicates that there is still an active equestrian business use on site (3). There is no indication that such a use is still operating on site (4); the site area is however approximately 0.4ha, which is less than half the stated minimum land area required for the development. Officers accept that all of the other sites examined are either unavailable or unsuitable.

In terms of the Grey Belt, per the NPPF definition, it can include both greenfield and brownfield land. While the applicant has only considered brownfield land, the test must be proportionate. The applicant cannot reasonably undertake a sufficient detailed consideration of the whole Green Belt (within the search area) to define which greenfield sites could fall into the definition of Grey Belt. At the time of writing, Grey Belt is established on a case-by-case assessment of each site, until such a time that the LPA completes its next Green Belt review, which would include a Grey Belt parcel analysis.

Officers / the LPA have identified no additional potential Grey Belt sites they would suggest that the applicant consider as part of this assessment. Considering this, and reasonable proportionality, officers conclude the applicant has taken reasonable measures to consider possible Grey Belt sites.

As a final consideration, officers are of the view that, typically, a large multi-storey apartment development of the type proposed would not harmonise well with the character of a typical brownfield site, which are mostly open countryside. Such a modern structure would therefore likely appear incongruous and not fulfil the design objectives set out in the Local Plan and Housebuilders' Design Guide.

Sequential test – summary and conclusion

Officers return to the purpose of the Sequential Test. The Sequential Test ensures that a sequential, risk-based approach is followed to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. Where it is not possible to locate development in low-risk areas, the Sequential Test should go on to compare reasonably available sites:

- Within medium risk areas; and
- Then, only where there are no reasonably available sites in low and medium risk areas, within high-risk areas.

First for the search area, the applicant has considered the Dewsbury and Mirfield Strategic Housing Market Area, as identified and defined by the Council's Strategic Housing Market Assessment. This is acceptable. The applicant has also discounted disaggregated the site and identified a minimum site area of 0.84ha. This too is considered acceptable, for the reasons set out previously. What constituted 'reasonably available', for the purposes of the proposed development, has also been considered and accepted.

Within this area and applying the accepted methodology:

- The applicant has identified 12 allocated housing sites, each of which has been concluded to not be 'reasonably available'.
- The applicant then explored sites that had recent, or recently expired, permissions. Four sites were identified. These too do not meet the accepted 'reasonably available' criteria.
- The applicant then considered a wider provision of sites, neither allocated or with any recent planning history, that had the prospect of being developable. This included unallocated and safeguarded land within the search area. 15 sites were identified and discounted.
- Finally, consideration was given to Grey Belt policy following the NPPF December 2024 release. The applicant has taken reasonable steps to consider potential Grey Belt sites and has again discounted them for acceptable reasons.

Officers consider the methodology applied by the applicant to be acceptable and consider the sequential test undertaken to be sound and robust. It is concluded that there are no reasonably available sequentially preferable alternative sites that are suitable for the proposed development. Therefore, the proposal is concluded to comply with the requirements set out in chapter 14 of the NPPF and Policy LP27 of the Kirklees Local Plan.

Sequential test within the site

The Local Plan, NPPF, and guidance within the PPG require that, once other sites have been excluded, it should also be demonstrated that a sequential

approach has been applied within the site (i.e., finding the areas of lowest flood risk within the accepted site).

The applicant has stated that the development takes advantage of the lowest area of flood risk in the southern part of the site. The remainder of the site is a somewhat random mixture of flood depths of between zero and 0.6m, and thereby not providing any obviously better alternative solutions in terms of where to best site the proposed development.

Officers accept that the applicant has sought to make use of the least flood-prone parts of the site, therefore also passing the sequential approach within the site.

Exception test

The proposal has been concluded to pass the sequential test, both in regard to site location and then location within the site. Paragraph 177 of the NPPF states:

Having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

The proposal is categorised as 'more vulnerable' development. Per the Flood Risk Vulnerability Classification, such developments in Flood Zone 3a require the exception test to be considered acceptable. For clarity and the avoidance of doubt, the category of 'Development should not be permitted' exists, but is not applicable in this case⁷.

Paragraph 178 of the NPPF states:

To pass the exception test it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

These tests are considered below.

Wider sustainability benefits

⁷ An example of where this would apply include More Vulnerable development within flood zone 3b (flood zone 3b is functional floodplain).

Kirklees Council produced a Sustainability Appraisal Report as part of the Local Plan process 11. This set out a 19-point framework. With regard to the relevant objectives set out, the applicant has states that the development would achieve the following wider sustainability benefits. The objective is quoted in italic text, the applicant's explanation of how it would meet the objective is in plain text, along with officer comments where appropriate.

i) Retain and enhance access to local services and facilities.

The development is within easy walking distance of Mirfield town centre (within 400m), providing day to day shopping and service requirement for prospective residents. Officers accept that the development, through an increase in population and local spend, would help maintain and increase the vitality and viability of Mirfield town centre and support its role as the focus for shopping, commercial, cultural and social activity, in accordance with local and national planning policy.

i) Ensure all people are able to live in a decent home which meets their needs.

The applicant considers that providing homes for rent is a fundamental part of the modern housing market, helping to achieve the above objective in terms of providing homes to meet people's needs and of a tenure of their choice. This is acknowledged at paragraph 4.26 of the Kirklees 2016 SHMA report, stating that the private rented sector has several key roles, including as an alternative to social rented housing (for instance, those wanting to move to a different area but unable to do so through their social housing provider).

Officers note that the Kirklees 2016 SHMA report cannot be regarded as up to date (there is a new one currently in preparation), but it is the most comprehensive assessment of housing need and demand currently in the public domain, so officers accept that at least moderate weight can be placed on its findings.

Contrary to the applicant's claim, table 4.11, page 69 of the Kirklees 2016 SHMA report does not clearly indicate a significant shortfall in the provision of two-bedroom apartments within the current housing stock in terms of meeting market expectations or aspirations. The two tables, which respectively show consumer aspirations and expectations against the current housing stock, show an oversupply of 1.4% and a shortfall of 0.8% for flats. (It does not distinguish between one- and two-bedroom apartments). By far the biggest shortfalls are in the provision of detached houses and bungalows.

Table 7.1 (page 96), however, predicts significant percentage increases in household change demand for single adults and older couples in the period 2013-31, emphasising the need for smaller house types. Table F5 (page 182) confirms that the overall housing need per annum for flats / apartments is 209 / 1730 (12.1% of total Objectively Assessed Need). The proposed development would therefore contribute towards meeting both present and anticipated future need for flats and for smaller dwellings suitable for singles or couples.

The above should also be considered in a modern context, where the LPA is currently unable to demonstrate a five year housing land supply and is considered to have a shortfall in the provision of all house types.

The applicant has highlighted that the proposed development would be a 'Build to Rent' housing scheme and that this will help fulfil housing needs for different groups in the communities in terms of size, type and tenure of housing, in accordance with NPPF paragraph 62 and Local Plan Policy LP11. The Local Plan contains no explicit reference to build to rent. However, paragraph 8.32 of the Local Plan acknowledges the need to provide a mix of homes to allow people to access the housing ladder and find accommodation that is appropriate to their needs at different life stages. It states:

"In addition to the health and well-being of older residents, there is the need to consider the housing aspirations of families and younger people in terms of affordable housing and providing a mix of homes to allow them to access the housing ladder and the range of housing tenures and sizes they will need during their lifetime."

It is considered that a scheme of this nature would contribute towards the fulfilment of this aim.

- ii) *Secure an effective and safe transport network which encourages people to make use of sustainable and active modes of transport*

The development would be located close to (approximately 300m walk from) Mirfield train station as well as bus services. As previously noted, it would be a short walk or cycle ride away from Mirfield town centre as well as other nearby centres. Officers acknowledge it would therefore encourage use of sustainable and active modes of transport.

- iii) *Secure the efficient and prudent use of land*

Policy LP7 (efficient and effective use of land and buildings) encourages the efficient use of previously developed land in sustainable locations; and recommends higher densities in town centres and areas close to public transport interchanges, which this proposed development, officers acknowledge, would successfully achieve.

- iv) *Protect and enhance the character of Kirklees and the quality of the landscape and townscape*

The efficient use, subdivision and development of this former industrial brownfield site at the former Ledgard Bridge Mills would provide housing that might otherwise have to be built on greenfield, and possibly Green Belt, sites. The provision of high- quality open space and landscaping would also help improve the character and appearance of the currently disused elements of this former industrial site, enhancing the local townscape, and the setting of the river corridor.

Officer observations are that viewed as a whole, the site does not give the impression of being derelict or despoiled (since much of it is maintained as car parking or soft landscaping), although the area of unused land in the north-western part of the site is neglected and unsightly. The proposed scheme, it is considered, is of high design quality (which is assessed in detail in the relevant section within this report) and subject to conditions on materials and landscaping would enhance the appearance of the area.

vi) Reduce air, water and soil pollution

and

vii) Reduce the contribution that the district makes to climate change

For both the above objectives, locating the development adjacent to Mirfield town centre and public transport links would not only reduce the use of non-sustainable transport modes, but will also reduce the need to travel. This in turn will reduce air pollution and CO2 emissions. Furthermore, the remediation of the site as a whole will eliminate the ongoing potential threat of water and soil pollution arising from the industrial legacy of this former mill site. These points are accepted by officers.

The applicant's statement makes some further general observations about housing supply and the potential benefits of the proposal. They say:

- 1. Section 6.1 of the Local Plan outlines the Spatial Development Strategy for the borough. 400 homes are estimated to be needed over the plan period for the Mirfield area, and yet allocations only add up to just over half this number. The Council does not currently have a five-year housing supply and is also currently failing to deliver sufficient homes according to the most recent Government published Housing Delivery Test. This confirms that delivery has fallen below 95% of the Local Authority's housing requirement over the previous three years. In accordance with paragraph 75 in the NPPF, the Authority are required to prepare an Action Plan, to assess the causes of under delivery and identify actions to increase delivery in future years. This emphasises the importance of facilitating windfall housing developments.*
- 1. The site is owned by the applicant in this case and is therefore available and deliverable as a housing site.*
- 2. The applicant has a proven track record in delivering apartment led former industrial sites - e.g. Blakeridge Mills in Batley.*
- 3. We are not aware of any other developer providing (or having provided) Build to Rent schemes in Kirklees.*

Point (1) is accepted by officers. Point (2) is a factor upon which, at most, only limited weight can be placed, since anyone applying for planning permission is

deemed to have an interest in the land, and even if they do not own the land, they will be making the application on the assumption that the land has development potential. Point (3) is considered to have limited relevance since the prior track record of an individual developer is not a material consideration and point (4) is unsubstantiated and also considered to be of limited relevance.

In summary, points (2-4) do not lend significant weight to the applicant's case, but nor do they not undermine the case for wider sustainability benefits put forward above, which is considered to be substantial and convincing.

Safety of the development taking into account of the vulnerability of its users, impact on flood risk elsewhere, and on flood risk overall

The FRA calculates the following flood depths:

- 1:100 plus climate change 30% - flood level 45.24 – 45.72
- 1:100 plus climate change 50% - flood level 45.49 – 46.00

Based on the estimated depth of flooding within the existing converted mill building, the level of the flood event of 2020 has been estimated at 45.339 OD (based on depth of flood in existing building, although there would be variations within the site).

The applicant's Flood Risk Assessment (FRA) states that the design level (i.e. the minimum acceptable level to safeguard the building from flood risk) is 45.38m above Ordnance Datum (OD), based on a 100-year return period flood event. The lowest part of the soffit of the underfloor void is set at 45.68m OD, or 300mm above design level. This is the minimum level accepted by the Environment Agency.

The finished floor level in the building is however considerably higher than that dictated by the FRA (at 46.78m OD, or 1.4m above design level). It can be seen therefore that even with an allowance for climate change, the proposed floor level far exceeds calculated 1 in 100 year flood depths. It is understood that the excessive (in flood risk terms) elevated floor level has been chosen for aesthetic reasons, to make the proposed floor levels appear to align with those of the existing apartment building.

Accordingly, the building would remain dry during the 1 in 100+Climate Change event as confirmed by the applicant's FRA.

Notwithstanding that the building would remain dry in said event, a Flood Warning and Evacuation Plan has been submitted. The following objectives are set out:

1. To encourage residents to sign up to Flood Warnings Direct and Weather Warnings;
2. To encourage residents to develop household flood plans, which should include identifying alternative safe area.

3. To encourage residents to join the local Community Resilience volunteer programme;
4. To provide for and signpost clear evacuation routes for residents;
5. To ensure adequate ingress and egress for the emergency services; and
6. Reduce the risk to life and damage to property.

The adjacent residential apartment building development previously developed by Binks Vertical benefits from formal Flood Warning Procedures, which are set out in Appendix H of the Flood Warning and Evacuation Plan. The existing flood warning system includes river monitoring telemetry which warns occupants when river levels are high. It is proposed that the telemetry system be extended to include the proposed new development. The Environment Agency would provide at least a 2-hour warning of flooding to the area. This is however a catchment wide warning which is not as accurate and robust as an onsite warning system. It is proposed that the following warnings would be given by the onsite telemetry system which will provide a warning to the individual residential units.

- Amber Warning when river level 43.5mOD – Monitor river levels and advice from EA/local authority and weather updates
- Red Warning when river level is 44.0mOD – this is approximately 600mm below the level of the main car park. At this stage residents would be advised to move vehicles to higher ground within the car park and prepare to evacuate the building, with continued monitoring of river levels; if rising continues, then evacuate the building.

In addition, for use in emergencies, it is proposed that dry access and egress is provided from the proposed building to Ledgard Bridge to the north-west of the site. This would benefit the existing apartment building too. This would involve constructing an elevated walkway within the site to the bridge abutment and parapet wall where flood levels (as shown on the latest evacuation route drawing) are less than 200mm deep and safe to access.

The walkway would be within the site boundary and the spot heights on the drawing indicate it would be lifted above existing ground level by between 0.28m and 0.8m. The proposed escape route would have a length of 110m from the building to the bridge. The walkway would be composed of decking boards supported by timber posts with tensioned wire-rope balustrading. There would be a void underneath to allow flood water to flow without obstruction.

The minimum level of the walkway (at the landing) is 45.41mOD – this would be above calculated flood levels (45.29mOD). Once evacuees reach the bridge, they would be standing on a platform of 46.00mOD, which is above the calculated flood level of 45.88. Flood levels have been calculated on the basis of a +23% allowance for climate change, which KC LLFA confirm is acceptable.

The submitted Safe Exit Plan (shown in Appendix C of the Flood Warning and Evacuation Plan) indicates the safest exit route that all people (i.e. occupants and visitors) within the new development should follow once a flood warning has been received. It recommends that an A4 copy of this be displayed within the building.

If occupants of the site find themselves in a position that they have not evacuated the site before the flood water has exceeded the elevated flood route, the occupants should remain in their homes. If the exit route is flooded it is likely to be unsafe for all users to cross safely. It should be noted that the building within the site is a safe area during a flood event. The resources and equipment at the building are enough to support the evacuees – measures to ensure this include the preparation of an emergency kit to be kept easily accessible within the main building.

A concern highlighted by KC LLFA in earlier versions of the design is that to make use of the walkway, people would have to negotiate a flight of stairs, which means it cannot be classed as fully accessible, and that the walkway should be designed so that at its start point it is equal to floor level in the building. The latest version however shows a ramp descending to meet the walkway, which will make it accessible to all users.

For the expected rare circumstance of the 1 in 100 flood event, and where evacuation from the otherwise safe building is required (such as in a medical emergency), it is considered that the proposed walkway would be a proportionate and appropriate solution which would be accessible to all users. KC Emergency Planning commented on the application. They recommended that the proposed development should be provided with robust flood protection, (which could include a flood gate and possibly pumps) built into the design phase. Planning Officers comments on this are that these suggested measures would be disproportionate. KC LLFA and the Environment Agency both accept that the site is likely to flood and that with the proposed design (including the floor levels raised substantially about anticipated flood levels) and with the proposed warning and evacuation procedures, the development would be safe for future users.

It is concluded that the installation of the proposed escape walkway before any part of the building is occupied would ensure that all occupants would have a guaranteed means of escape in the event of a flood. The development would therefore be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.

In terms of ensuring flood risk is not exacerbated elsewhere, the submitted information demonstrates that the proposed building would have an insignificant impact on local flood levels and flood flow routes. Further compensation modelling was undertaken by the applicant's drainage consultant, JBA, which concluded insignificant impact. Even in the event of a 100% blockage of the voids occurring, the modelling indicates that flood depths outside the site would only be increased by 0.035m. The report setting out the modelling has been provided as a separate document, Appendix K.

JBA also confirmed that the proposed escape walkway would not impact on flood levels in the local area. The walkway would be supported by stilts. The technical note submitted 12-Feb-2025 states that the walkway would have 3m spans, each supported on four 200mm by 200mm stilts. It is assumed that each stilt will be 0.6m high. Each stilt has a volume of 0.024m³ (200mm x 200mm x 600mm high). Therefore 40 sets of stilts will be required, hence a total volume of 2m³ (40 x 2 x 0.024). The stilts supporting the flood evacuation walkway, it has been calculated, would only result in a displacement of two cubic metres of water. Officers are satisfied that the development would not increase flood risk within the site or elsewhere.

The submitted assessment has been assessed and found to be acceptable by the Environment Agency. They have, however, requested that the following three conditions be imposed, if minded to approve:

- Finished floor levels shall be no lower than 45.68 metres Above Ordnance Datum (AOD)
- The proposed building shall be built on voids. The soffit of the void should be set to a minimum elevation of 45.68mAOD
- An elevated walkway shall be constructed from the proposed building to the bridge abutment.

The above conditions are considered acceptable by officers, being reasonable and necessary to ensure the development is acceptable in planning terms. Furthermore, in terms of the voids, it is recommended that it be conditioned that they are kept permanently open so as to reduce the possibility of any excessive displacement of flood water occurring. They will however require bespoke grilles, for which details will also need to be supplied, in the interests of preventing unauthorised access to the voids – this can be incorporated into the same condition.

In terms of typical surface water management arrangements proposed, i.e., pluvial events as opposed to fluvial, consideration of the proposed drainage arrangements is provided later within this report.

Flood Risk Sequential and Exception Test, Conclusion

In conclusion, it is acknowledged by officers that the proposed development falls within Flood Zone 2 and 3, which could pose issues for future occupiers. While new dwellings in Flood Zones 2 and 3 should be avoided where possible, both the Local Plan and National Planning Policy Framework have policies and procedures in place to allow such developments, where robustly justified.

The first of these is the requirement to pass a sequential test. For the reasons set out in this report, it is considered that the sequential test has been passed as it has been clearly demonstrated that there are no sequentially preferable, suitable and available sites within the accepted search area.

Regarding the exception test, this requires a development to demonstrate wider sustainability benefits and that it would be safe for future users, would not increase flood risk elsewhere or exacerbate flood risk overall. It has been demonstrated that the development would provide wider sustainability benefits to the community, including the redevelopment of previously developed land within a sustainable location and contributing towards the supply of small (two-bedroom) dwellings suitable for small households including single persons and older couples who account for an increasing share of household change demand. It is considered that these wider sustainability benefits would outweigh the residual flood risk.

Furthermore, provided that the proposed flood evacuation procedure is implemented before the building is first occupied and thereafter (including the implementation of the raised walkway and platform), the development would be safe for its lifetime. It is therefore considered that both elements of the exception test are met.

Therefore, in conclusion, officers are satisfied that the proposed development has demonstrated compliance with the requirements of LP27 and Chapter 14 of the National Planning Policy Framework. Accordingly, the site's designation as Flood Zone 2 and 3 would not form a strong reason for refusing the proposal. KC Lead Local Flood Authority have assessed the latest submitted plans and information and recommend approval subject to the following conditions:

- Submission of a detailed drainage scheme;
- Submission of a temporary drainage scheme for the construction phase;
- Submission of a detailed flood warning and evacuation plan containing details of the escape walkway which shall demonstrate that it will withstand the impact of water-borne debris in a flood, details of how residents are to be informed of flood procedures, and also demonstrate escape arrangements to be applied during the construction as well as the occupation phase.

These conditions – of which the first two are standard for major developments – are considered reasonable. Officers consider that the submitted Flood Warning and Evacuation Plan (revision L) is generally acceptable, and can form the basis for a final Flood Warning and Evacuation Plan.

Urban design and visual amenity

Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and the National Design Guide. With regard to layout, scale and appearance, policy LP24 of the Local Plan advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

It also states that the risk of crime should be minimised by enhanced security and promotes well-defined routes, overlooked streets and places. It recommends that the needs of strategically different users should be met and any new open space should be accessible, safe, located within the site and well-integrated into wider green infrastructure networks. Furthermore, policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the council's local open space standards or national standards where relevant.

The proposal will also be considered having regard to the aims the Housebuilders Design Guide SPD, in particular:

- Principle 2 – New development should take cues from the character of the natural and built environment and complement the surrounding built form.
- Principle 5 – Development should form a coherent building line and active frontages.
- Principle 8 – Transition to open land to be carefully considered.
- Principle 12 – Parking should be well-integrated into the street scene and not dominate frontages.
- Principle 13 – Materials should be appropriate to the site's context.
- Principle 14 – Design of windows and doors should relate well to the street frontage and other neighbouring properties.
- Principle 15 – The design of the roofline should relate well to the site context.

The demolition of the existing building on site raises no concerns, with it being in a poor state of repair and not positively contributing to the character of the area.

As previously noted, the surroundings of the site are mixed in terms of character and land uses, with a strong residential element but some retail. The site itself still clearly displays its industrial past, the principal surviving building on the site – a former mill – having retained its original built form, fenestration and detailing, with a modern extension at one end. Development in the wider area consists largely of buildings which are just two or three storeys in height.

However, seen in the context of the former mill building, it is considered that a four-storey building of 17.5m in height to the eaves would not seem imposing or out of keeping with its surroundings, giving due regard to the open space proposed around it and the separation distance to smaller structures. The elevational drawings show it to be of the same height as the principal part of the converted mill building. Furthermore, it would be placed on low-lying land and would be seen in the context of gently rising land.

The possibility of forming a building “line” with respect to other buildings would not be viable since what is proposed is a single, free-standing building. However, the siting and linear built form of the proposal would respond to the line of the River Calder and would also reflect the rectilinear built form of the

existing converted building, meeting it at approximately ninety degrees. It would present active frontages on its most prominent elevations, those facing the Calder and Back Station Road.

Substantial parts of the site would be occupied by car parking, as it is at present. Notwithstanding this, the proposed layout of the site would ensure that parking would not dominate the development visually. The main car park would, from the point of view of Back Station Road, be visually shielded by the bulk of the existing apartment building whilst from the east its appearance would be softened or concealed by (mainly existing) landscaping especially trees.

Whilst the overflow car park would be somewhat more prominent from Back Station Road, a large area of soft landscaping is shown at the northern end, near the bridge, which would reduce its impact and help to integrate the development with the riverside landscaping. It is concluding that the development ensures parking is well integrated into the street scene and surrounding townscape, as far as is reasonably practicable.

The dominant walling material would be natural stone. Coursed stone is by far the dominant walling material in the vicinity of the site, including the existing apartment building and buildings on Back Station Road and Calder Road, and as it is therefore considered appropriate that it should be used as the main walling material on this development. The limited use of artificial cladding is also considered appropriate since the development would face Back Station Road which is overlooked by the high brick embankment wall, and artificial cladding is used on a larger scale on the extension to the existing apartment building. It would acknowledge and respond to the diversity of materials adjacent to the site.

The windows form one of the most important repeated or recurring elements within the building. They have a uniform design and proportions, being taller than they are broad; in this respect, the fenestration would echo the vertical emphasis of the windows in the existing mill conversion building. The use of panels of artificial cladding between the windows would tie the windows into groups of four and would add interest, preventing the Back Station Road elevation from seeming monotonous or repetitive.

It is considered that the roof style would relate well to the site context, in that a symmetrical double-pitched roof would acknowledge the predominant roof style and construction within the area, but as the pitch has been kept relatively shallow it would limit the overall height and visual prominence of the building.

In conclusion it is considered that the form, scale, layout and design details of the proposed building would respond to and reinforce local character and enhance the quality of the local townscape.

Approval should be subject to a condition that a full materials schedule be submitted before development above foundation commences and that samples of stone should be made available for inspection on site.

The historic environment

There is a duty under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, that Local Planning Authorities must, where a development proposal would affect a Listed Building or its setting, have special regard to the desirability of preserving the building and its setting, and any features of interest it possesses. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. These aims are also supported by Chapter 16 of the NPPF and Policy LP35 of the Local Plan, which state that harm to a Listed Building must not be permitted without a proportionate public benefit.

To the north-west of the site is the grade II listed Ledgard Bridge. There are other listed structures in the general vicinity of the site, including the railway bridge west of Newgate and the former Congregational Church south-west of the Calder. It is considered however that owing to the distances between these heritage assets and the proposed development, and the lack of open lines of sight between them, these being obstructed by trees, there would in fact be no possibility of the new development having an impact on their setting. The only designated heritage asset that the proposal could reasonably impact upon is considered to be Ledgard Bridge.

It is noted that the new building would be 92m from the nearest part of the bridge. It is considered that owing to its location within the site it would not have the potential to obscure important views of the bridge. The existing apartment building, Ledgard Mill, is located between the bridge and the proposed new development. The proposed development and the listed bridge would therefore not appear in the same visual context as each other and it is considered that the new development would not adversely affect its setting.

Ledgard Bridge Mill, being an historic mill building that has retained many of its original features, contributes positively to the character of the area and could be considered a non-designated heritage asset. It is considered that the proposed development would be visually subservient to it (in that it would have the same eaves height and be slightly less high at its ridge). Whilst views of Ledgard Bridge Mill from the Calder Road would be somewhat compromised, views of the building from Newgate and Back Station Road would be unaffected.

The potential impact of the proposed escape walkway must also be considered. The proposed walkway would approach the bridge, which is necessary in order for it to function, and the proposed landing area or platform would abut the bridge parapet. The landing area would be approximately the same height as the footway and carriageway that are carried by the bridge, meaning that its height would be lower than that of the bridge parapet. Furthermore, the landing area and step would not be affixed to the bridge parapet. This means they would not involve any intervention in the structure of the Listed bridge and would therefore not require an application for Listed Building Consent.

The walkway itself would at all points be lower than the top of the bridge parapet. It would in addition have its own balustrade which would reach to approximately 1.1m above the walkway itself. Both the balustrade and the walkway would be visually permeable, the balustrade being composed of horizontal wire ropes and the walkway itself supported by columns, as previously described.

It is therefore considered that the walkway has been designed to minimise any adverse impacts on heritage assets. It is considered that owing to the scale, height and design of the walkway, on adverse impacts either upon the Listed bridge nor upon the non-designated Ledgard Mill would occur.

Landscaping

The site layout plan indicates some soft landscaping within the car park and either side of the main pedestrian route from the site entrance to the building, with a further landscaped strip at the eastern end of the site to the rear of the parking spaces, as well as enhanced semi-natural habitat at the northern end of the site. It would also allow the retention of the existing landscaped strip by the side of the Calder.

Landscaping is a reserved matter. It is considered however that the indicative layout would incorporate an acceptable amount of landscaping into the site and that a high-quality landscaping scheme may be achieved.

Trees

There are many large mature trees within the site boundary, mostly near the eastern boundary and the southern corner of the site. There are further small trees along the bank of the Calder and in the north near the site entrance. The applicant has submitted an arboricultural survey. This finds that the majority of trees to be in the “retention desirable” and “retention most desirable” category, with only three recommended for removal, all of them dead or in poor condition.

The conclusions of the report are accepted by officers. The trees that are to be retained are far enough away from the proposed building for there to be no overlap between their root protection zones and any excavations required in connection with the development. None of the retained trees would compromise the level of amenity experienced by future occupants, nor would they be likely to give rise to maintenance issues, by reason of debris fall or root damage.

Approval, it is recommended, should be subject to a condition requiring the submission of an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree. This should specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques within the Root Protection Areas of the potentially affected trees and necessary facilitation tree works.. Subject to this condition, the development would comply with the aims of Local Plan policy LP33.

Urban design conclusion

It is considered that the quantum, density, layout, scale and design details of the proposed development would result in a scheme that would, subject to conditions including regarding details of materials being supplied, and satisfactory reserved matters (landscaping), complement and harmonise with its surroundings. The proposal incorporates a suitable amount of landscaping, including tree planting, and would ensure the long-term retention of valuable trees surrounding the site. It would therefore assist in the aim of enhancing the townscape and creating high-quality places as set out in policy LP24 of the Local Plan and Chapter 12 of the NPPF.

Residential amenity

Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. This reflects guidance at Paragraph 135 of the NPPF which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The above policies are built upon by the council's Housebuilders Design Guide SPD. The following principles within the Housebuilders Design Guide SPD are of relevance:

- Principle 6 – Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.
- Principle 16 – All new dwellings to have sufficient floor space to meet basic lifestyle needs, having regard to the Nationally Described Space Standards. The Council recognises the nationally described space standards as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers. These are not currently adopted in the Kirklees Local Plan. The council will seek to adopt such a policy in the future in accordance with evidence and in the meantime will seek to ensure high quality living environments through the application of Local Plan policy LP24 (Design).
- Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

Potential impacts upon existing dwellings

The following residential properties are considered to be close enough to the site for an assessment of potential impact on amenity caused by the new development to be necessary:

- (i) The existing apartment building located to the north-west of the proposed development.
- (i) Development on South Brook Gardens to the east of the site, which consists mainly of three-storey dwelling houses with a four-storey apartment building at the southern end of the cul-de-sac.

Existing development on Calder Road, on the opposite (south-western) bank of the Calder, is considered to be too far away from the proposed development (minimum 42m from the site boundary) for any possibility of impacts on residential amenity, and it is therefore not considered in the assessment in the paragraphs below.

The apartments within the existing building have their outlook to the north-west or south-east. This outlook is presently open, unobstructed by buildings or other obstacles.

The closest part of the new building to the existing building would be the external escape stair, which would be 14m away. The escape ramp and walkway would be approximately 10m away. The main part of the building would be 17m away. Since both buildings would be of similar height, it is considered that the impact of the new building on the existing apartments that it would face, in terms of light and outlook, would not be overbearing. Owing to the relative positions of the two buildings, the new build would have the potential to impact upon the amount of direct morning sunlight received by the nearest apartments (especially in the winter months) but it is considered that in view of the separation distance achieved and the relative heights of the two buildings, it would not be possible to substantiate a refusal on such grounds.

The relatively close proximity of the ramp is not considered to be overbearing in relation to established residential property owing to its height and since it would be a visually permeable structure and would not lead to any additional reduction in privacy for these dwellings since it is expected it would only be used in an emergency.

The end (north-western) elevation would contain external doors to allow the stairs to be accessed, but no windows. It is therefore considered that privacy would not be compromised.

The nearest dwellings on South Brook Gardens, to the east of the site, would be a minimum of 26m from the new building (in the case of the four-storey apartment building, which has its main outlook to the north and south and not towards the application site) and 29m (in the case of the nearest dwelling house, which has its rear outlook to the west, over proposed car parking space and other open land associated with the development). Notwithstanding the height of the proposed building, by virtue of these separation distances it is therefore considered that the proposed new development would not affect their level of amenity, in terms of potential light, outlook or privacy impacts.

In terms of noise pollution and nearby dwellings, as a residential development the proposal is considered compatible with existing residential developments. Whilst the development would be likely to result in a modest increase in overall noise levels owing to increased vehicle movements, this would not introduce sources of noise that are untypical in a residential setting and these are therefore not deemed to be a potential cause of noise nuisance to existing residents. Therefore, the proposal is not anticipated to generate materially harmful noise that could affect the amenity of existing nearby dwellings.

In conclusion, it is considered that the development proposed would not lead to a reduced level of amenity for any existing residential property.

Potential for amenity impacts during construction

Because of the large scale of the development and the proximity of residential properties to the site boundary there is a significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light from the demolition and construction phase of the development. Therefore, a condition for a Construction Environmental Management Plan (CEMP) is recommended.

Internal space

Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard has become more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

In the assessment of internal space, the apartments have been assessed as two-storey dwellings since they would have accommodation over two floors. The balcony has not been treated as part of the floorspace. The proposed apartments would each benefit from the following amount of internal space:

Description	Bedrooms / floors	Floorspace (GIA sqm)	Minimum NDSS expectation (GIA sqm)
Lower unit	Two-bed, two-storey	71	70
Upper unit	Two-bed, two-storey	73	70

All units would thereby comply with or exceed the minimum figure in the NDSS for two-storey dwellings with two bedrooms. It is therefore considered that the amount of internal floorspace would be satisfactory.

The proposed units would not have private gardens. This is not unusual for apartments. Certain units would benefit from balconies, and the development would provide external, non-private, amenity spaces for occupiers (subject to review of the landscaping details at Reserved Matters stage), as well as internal facilities (sitting areas and gym). The site is also within walking distance to Mirfield, where amenity facilities are available, as well as transport links to nearby towns. Considering these factors, the lack of private gardens for residents raises no concerns.

Further to the above, while Landscape is Reserved Matter, the proposal indicatively shows 1,180sqm of landscaping on site which, the applicant confirms, is intended to be used as Public Open Space. This would contribute to the amenity of future occupiers, while also contributing to the amenity of nearby residents.

Outlook, light and privacy for future occupants

All habitable rooms would have an outlook either to the north-east or to the south-west. In both cases their outlook would be unobstructed and they would be able to receive adequate natural light. Furthermore, by virtue of the units being duplexes and the atypical layout proposed, each unit would benefit from being dual aspect (i.e., each unit has a room that faces north-east and south-west).

Noise and future occupiers

A Noise Impact Assessment by ENS (ref: NIA-11149-23-11388v1) (dated 08 November 2023) was submitted. It considers the noise environment at the site and whether any existing noise sources could prejudice the amenity of future occupiers. The existing noise environment is influenced by various local sources, with road traffic noise from Back Station Road to the north and Calder Road to the west, and Mirfield Station and railway line (circa 95 metres) to the northeast running at an elevated position. There are circa 204no. passenger trains during the daytime (0700hrs – 2300hrs) and 27no. at night (2300hrs – 0700hrs). Freight traffic is circa 16no. passes during the daytime, and 5no. at night. No other noise sources were noted, other than the low level of activity within the adjacent car park.

In order to meet with the internal requirements of BS8233, glazing and associated ventilation is specified, and the predicted noise levels are shown in table 5-1. The report concludes that standard double glazing with trickle vents would achieve the required sound attenuation for all rooms. While the report does not refer to any external amenity areas, the submitted plans show balconies which would be deemed to be external amenity areas and the summary of findings in table 4-1 shows these would also meet with the external requirements of BS8233 regarding noise levels.

It is noted that the balconies face south-west, toward the River Colne, and are therefore shielded by the proposed building from Back Station Road and the railway. The findings of the report are accepted by officers and based on the findings, no conditions on sound attenuation to rooms are required, as the base building regulation standards would suffice.

The submitted floorplans show a residents gym marked as 'L' on drawing 17001_3_Floor Plans (Levels G-2) but this has not been covered by the submitted Noise Impact Assessment. The use, for residents, is unlikely to be comparable to a commercial gym and its omission from the noise statement is not considered significant enough to prevent the application from being determined.

KC Environmental Health recommend a condition for a Noise Management Plan to be submitted to consider the potential impact of this use on the amenity of the neighbouring occupiers (principally, the occupiers of the neighbouring apartments within the new building, although occupiers of the existing mill conversion might also be affected). It should include, but not necessary be limited to, management responsibility, hours of use, type of equipment, details of noise insulation and isolation materials.

The proposal also includes a rooftop terrace with barbeque area. While named 'rooftop', these should be noted to be accessed from the second floor, sitting atop a single storey section, and not the main building's roof. These have also not been covered by the submitted Noise Impact Assessment.

KC Environmental Health, again, recommend a condition for a Noise Management Plan to be submitted to consider the potential impact of this use on the amenity of the neighbouring occupiers. It should include, but not be limited to, management responsibility, hours of use and any other measures to prevent a loss of amenity.

These recommendations are accepted and shared by planning officers.

It is considered that the other non-residential spaces within the building – the marketing / office suite and breakout space – would not be significant generators of noise and therefore no further assessment is required in relation to these uses.

Residential amenity conclusion

It is acknowledged that Landscape⁸ is a reserved matter. Based on the available information to hand, there are considered to prohibitive reasons why an appropriate landscaping strategy, that would not cause harm to the amenity of existing or future residents, could not be received at Reserved Matters stage.

⁸ See footnote 1 for the definition of landscape

In conclusion, notwithstanding the Reserved Matter of Landscape, officers are satisfied that the proposed development of the site would not cause harm to the amenity of existing neighbouring residents, and no prohibitive issues are applicable which would prevent those residents retaining an acceptable standard of amenity. Furthermore, there are no fundamental reasons why future occupiers of the development would not benefit from a high standard of amenity, subject to the recommended conditions and subsequent assessment of Landscape details. Officers are therefore satisfied that the proposal complies with policies LP24 and LP52 of the Kirklees Local Plan.

Highway and transportation issues

Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

The NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. The NPPF continues that that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

The development site is located on Back Station Road in Mirfield, to the south of Mirfield town centre and west of Mirfield Railway Station, and forms land associated with the existing Ledgard Bridge Mills residential development. The existing Ledgard Bridge Mills development consists of 125 no. apartments, which include 106 no. 1 bedroom and 19 no. 2 bedroom apartments (144 bedrooms in total).

The existing mill development is accessed by a private access road (Ledgard Wharf) on to Back Station Road, located on the east side of the mill building that serves the developments private car park (156 spaces).

The proposed development would comprise 76 no. 2 bedroom new 'build to rent' apartments. These apartments are proposed to be located within the existing mill car park, which would be reconfigured to provide 184 car parking spaces (net increase of 28 spaces) and cycle parking. A further 51 'overspill' car parking spaces are proposed on vacant land to the north-west of the existing Ledgard Bridge Mill apartments and accessed via a new car park access on to Back Station Road. This would result in a total of 238 parking spaces.

Vehicle access

The existing mill access is proposed to be utilised as the main site access for the new development. This is considered acceptable in principle.

Existing visibility splays at the site access fall short of the 2.4 x 43m (measured to the nearside kerb edge), which are typically required based on the 30mph speed limit on Back Station Road. As set out in the national Manual for Streets, the default method of assessing junction visibility is to measure visibility at a distance of 2.4m set back from the junction line. However, a 2.0m setback (or "X-distance") can be accepted at the discretion of the Local Planning Authority where there are reasonable grounds for concluding that no detriment to highway safety would occur as a result (paragraphs 7.7.6 and 7.7.7). The appropriate visibility splay required should be determined on a case-by-case basis, based on the results of a survey showing actual traffic speeds on the road in question, which will not necessarily be the same as the speed limit.

The applicant has supplied speed data on Back Station Road to determine the necessary Stopping Sight Distances (SSD). The supporting Transport Assessment (TA) includes this further assessment data which finds 85th percentile wet weather speeds of 25.5mph and 26.0mph (with 85th percentile speeds of 28.0mph and 28.5mph) in the eastbound and westbound approaches to the site access respectively. The TA confirms that wet weather speeds have been used in accordance with Manual for Streets (MfS) guidance, as the weather was predominantly dry during the survey period. Based on Manual for Streets guidance, a SSD of 34.2m and 35.2m is required for the westbound and eastbound approaches respectively, using the 85th percentile wet weather speed data.

Drawing 17/321/TR/001 including in Appendix BGH 3 of the TA suggests that a visibility splay of 2.4m x 60m is available looking west of the site access. On-site measurement by Highways Development Management (DM) has indicated that a SSD of 60m is not in fact available, but that the available SSD is still in excess of the required westbound 34.2m as calculated above when measured to the nearside wheeltrack (based on the 1m offset assumed in the TA).

The same drawing suggests that a visibility splay of 2.4m x 35.2m is available looking east of the site access measured to a 1m offset. Based on an on-site check by Highways DM, this also appears to be an overestimate, with an SSD of circa 29m available. The drawing suggests that when looking over the low height boundary wall of the adjacent site, the available SSD increases to 47m to a 1m offset. Based on HDM's on-site measurements, the SSD would actually be 43m available to a 1m offset when looking over the boundary wall. As the boundary wall is low (below 900mm) it is considered that in its present condition it would not pose an impediment to intervisibility, and it is probable that the neighbouring landowner will choose to retain it at its existing height for their own visibility requirements. But this situation cannot be guaranteed long-term.

Utilising a 2.0m X-distance, however, an acceptable visibility splay is achievable that would not require drivers to look over the boundary wall.

Highways DM have concluded that taking into account all the particulars of the site including the recorded speeds, traffic levels, and the lack of any demonstrable highway safety problems associated with the present use of the access (examined in more detail in the paragraph below), an X-distance of 2.0m for the main access will be acceptable.

Access to the overspill car park, it is proposed, would be gained by means of a new access from Back Station Road. Following initial comments provided by Highways DM, revised access arrangements have been submitted for the new overspill car. The access is now proposed as a 6m wide dropped footway crossover, located circa 30m east of the junction with Newgate. This would provide adequate junction visibility of 2.4 x 25m to the west (based on a robust 20mph design for traffic turning into Back Station Road) and 2.4 x 35.5m to the east (based on the recorded 85th percentile speed of 26.2mph). A short section of 2m wide footway is also proposed on the east side of the access to allow segregated pedestrian access to/from the car park.

Furthermore, the new access would be located within the existing section of Back Station Road that already includes 'no waiting' restrictions. Therefore, no additional restrictions of this type would be required to enable the access to be implemented, and the development would not impact on-street parking availability on Back Station Road.

Swept path analysis had been provided to confirm that the site access can accommodate large cars passing and turning to/from the access. The access has also been subject to an Independent Stage 1 Road Safety Audit, which identified some minor issues that have been addressed in the final design shown on drawing 17/321/TR/002 Revision E, which is now considered acceptable.

Concluding on the above, the proposed intensification of the existing access and the proposed new access, each onto Back Station Road, is considered to be acceptable.

Traffic Impact Assessment

The supporting Transport Assessment includes an assessment of the traffic impact of the development on the local highway network during the weekday network peak periods.

The base traffic count data that has been used within the assessment was obtained in 2017. A more recent sample of traffic data has been undertaken in the supporting TA to validate the 2017 base traffic counts, with data obtained in 2022 on Back Station Road and Hopton New Road. The 2022 data indicates some variation in flow from the 2017 data, but was within expected daily variation (e.g. less than 10% variation for the traffic flows on Hopton New Road). Therefore, Highways DM accept that the use of the 2017 base traffic data is acceptable in this instance.

A site-specific trip rate has been utilised within the assessment, using count data from the existing site, calculated on a 'per bedroom' basis to ensure a robust assessment of the proposed development, which includes a higher proportion of 2-bedroom dwellings (100%) when compared to the existing mill conversion development (15%).

The TA goes on to compare the above bespoke trip rates to alternative trip rates obtained from the TRICS database, which demonstrates that the bespoke trip rates are higher. Therefore, Highways DM agrees with the TA findings that the bespoke trip rates provide a robust basis for assessment.

The development trip distribution has been based on journey to work census data from the local MSOA (middle-layer super output area), which is acceptable. Traffic assessments have been undertaken at a design year of 2028, 5 years post planning submission. To determine the 2028 base traffic levels, local traffic growth rates have been obtained from Temprow for MSOA Kirklees 002, which are acceptable.

As there are a number of completed / ongoing developments in the area that will not have been fully taken into account by the Temprow growth rates alone, the TA has specifically taken into account committed development traffic from the following developments:

- Ref: 2017/90557 – Calder View, Mirfield; 99 dwellings;
- Ref: 2017/92997 – Station Road, Mirfield (Former Lidl Site); 70 apartments;
- Ref: 2019/91467 (APP/Z4718/W/21/32790400) – Granny Lane; 67 dwellings.

The TA includes an assessment of the development traffic impact at the following junctions using PICADY modelling assessments:

- Main Site Access on to Back Station Road;
- Back Station Road / Newgate / Ledgate Bridge junction;
- Back Station Road / Station Road / Hopton New Road junction.

The PICADY (Priority Intersection Capacity and Delay) assessments confirm that all of the above junctions will operate well within capacity at the design year of 2028, following the introduction of the additional development traffic. Beyond the above study area, the development would generate fewer than 30 two-way peak hour vehicle trips.

Officers therefore accept the conclusions of the TA, that the development would not have a severe impact on the existing local highway network.

Road Safety

The Transport Assessment includes an assessment of personal injury collision data on the local network. It concludes that the rate of Personal Injury Collisions (PIC)s experienced is an average of three per annum over the study period and, given the number of junctions considered as well as listed causation

factors, there are not considered to be any road safety concerns that are likely to be exacerbated by the development.

The Council's Road Safety Team (consulted internally by Highways DM) have not raised any specific highway safety issues within the immediate vicinity of the site. There have been no injury related collisions related to turning traffic at the site access since the residential development was originally approved in 2005, which suggests that there are no significant safety problems relating to the site access. Therefore, as confirmed in Highways DM comments, it is considered that the existing site access arrangements are adequate to serve the proposed development without further alteration or improvement.

It is noted that concerns have been raised from a local resident that the full collision history within the vicinity of the main site access has not been taken into account in the assessment, citing a collision that occurred within the vicinity of the site access in September 2023. Therefore, Highways DM have undertaken a further review of the personal injury collision records. This has confirmed that whilst there was an incident in 2023 that resulted in slight injury, and which occurred within the vicinity of the site access, this incident did not relate to traffic to/from the site. Instead, the collision was a rear shunt type collision between two vehicles travelling southeast on Back Station Road. Therefore, this incident does not raise any significant safety issues relating to the operation of the site access, and the conclusion previously drawn remain valid.

The latest collision records have also been rechecked on 22/10/2025 for the latest 5-year period, which confirms there have been two slight incidents on Back Station Road (including the incident mentioned earlier in this response), with no recorded incidents at either the Back Station Road/Ledgard Bridge or Back Station Road/Station Road junctions. Neither of these slight incidents involved traffic turning to or from the development site access.

Therefore, it is concluded that the existing accident record in the vicinity of the site does not indicate that the presence of significant road safety problems that could be exacerbated by the development.

Parking provision

Policy LP22(e) states that car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development. As an initial point of reference, according to part 5.4 of the Highway Design Guide, apartments with 1-2 bedrooms should each be provided with a single parking space each. Visitor parking should also be provided at the rate of one space per four dwellings unless a lower level of provision can be justified.

The existing mill development includes 125 no. apartments, with a total of 144 bedrooms. 156 existing car parking spaces are provided, which are understood to be allocated at 1 space per apartment, with 31 unallocated visitor/overspill

parking spaces (circa 25% provision), which is in full accordance with the Council guidance contained in the Highway Design Guide.

It is proposed to reconfigure the existing car park and remove an existing redundant building, which will enable 184 car parking spaces to be provided in the main car park. A further 51 'overspill' car parking spaces are to be provided in a new parking area to the west of the existing mill building. This equates to a total car parking provision of 235 spaces to be used by the existing and proposed development, which would total 201 apartments

Based on the above guidance, each apartment would be expected to be provided with one car parking space, with an additional provision of one visitor parking space for every four units. The calculated level of provision would be 201 residents' parking spaces and 51 visitors' parking spaces, totally 252 car parking spaces. What is proposed is therefore 93% of the typical recommended provision.

As previously noted, it may be possible to justify a lower level of provision depending upon the considerations set out in LP22 and the Highway Design Guide. The site has a relatively accessible location (being located close to Mirfield Railway station and many local amenities) and the applicant has provided, within the TA, a parking survey data of the existing car park, with the main findings as follows:

- Car parking accumulation surveys undertaken on Tuesday 18/04/23 and Saturday 22/04/23.
- 30-minute parking beats surveys undertaken between the hours of 2.00pm and 10.00pm on the Tuesday and 10.00am and 10.00pm on the Saturday.
- A maximum parking accumulation of 89 vehicles (57% occupancy) was observed at 10pm on Tuesday 18/04/23.
- Based on the maximum parking accumulation, this equates to a peak parking accumulation rate of 0.62 occupied spaces per bedroom.

When the above peak parking accumulation rate per bedroom is applied to the site following development, which would include a total of 296 bedrooms, this would equate to a peak parking accumulation of 184 vehicles. It is considered that the data demonstrates that the overall level of parking provided would be sufficient to serve the development without giving rise to uncontrolled parking on the existing public highway or on areas within the development that will need to be kept clear for access and turning. KC Highways DM have recommended that, via condition, the 51-space overspill car park should be retained for shared use by visitors or residents who may find that their needs cannot be accommodated within the main car park. This is recommended to be a part of the proposed Travel Plan condition. This situation could then be monitored through the annual Travel Plan monitoring process, which has been suggested by the applicant in their June 2024 Transport Assessment (paragraph 5.15). Depending upon the findings of car park monitoring, it might be appropriate to reallocate some of the 'overspill' spaces for residents (so as to provide a

maximum of 1 space per apartment overall), as part of the Travel Plan review process.

Officers are therefore satisfied that overall provision, as shown on the site layout, is acceptable in terms of number and layout, subject to the recommended conditions.

Disabled/Accessible Car Parking

A total of nine disabled/accessible car parking spaces are proposed within the reconfigured car park in close proximity to the new building, which include rear and side transfer zones in accordance with good practice. All of these spaces incorporate EV charging facilities. A further two spaces adjacent to the existing apartment building are also shown on the plan; these do not include rear transfer zones as there is insufficient space in the circulation arrangements to allow for it. This provision is judged to be adequate and is an improvement over the current situation, where no disabled/accessible spaces are available.

EV Charging Spaces

The site plan proposes that 25 no. EV charging spaces (including nine of the disabled/accessible spaces) would be installed within the reconfigured car park, which equates to provision of 10.6% of all spaces. West Yorkshire Low Emission Strategy (WYLES) advises that a single EV charge point be provided for each dwelling, where parking spaces are allocated, or one for every ten spaces within the site, where they are unallocated.

In this instance the Transport Assessment does not say whether or not the parking spaces would be allocated to specific apartments. They are not however numbered on the site plan, and it is therefore considered reasonable to treat them as unallocated spaces. On this basis, the provision of 25 EV spaces is reasonable. It would provide some opportunity for occupants of the existing converted mill building to charge their vehicles, although since the EV spaces would all be sited a considerable distance from the existing building it is far more likely that they would be used by residents of the new development.

Highways DM have requested in their latest consultation response that given the expected increase of EVs in forthcoming years, additional ducting be installed within the car park to allow additional EV charging spaces to be provided in future. Notwithstanding this request, planning officers note that this measure has not been recommended by KC Environmental Health, and in view of the WYLES (West Yorkshire Low Emissions Strategy) it is considered that it would not be reasonable to seek provision going beyond this.

It is recommended that the imposition of a condition requiring a detailed scheme for the installation of the EV charge points (within a minimum 10% of spaces), including any phasing, before any part of the reconfigured car park is brought into use (or before any new apartment is brought into use), and their subsequent retention, would ensure compliance with Policy LP24.

Cycle Parking

Secure/covered cycle stores are proposed for residents in an area located south of the 'landscape hub' located within the main car park, which would cater for 140 no. cycles. Additional external space within the hub is also available for non-standard cycle types, in accordance with good practice. This level of provision would provide in excess of 1 space per new apartment and would provide additional capacity for other existing/proposed residents to utilise, an enhancement which is welcomed. A brief description of the proposed cycle store is provided as a note on the Landscape Hub drawing, but it is considered that this will not be sufficient without further details (full elevations and/or visualisations). This is recommended to be secured via condition, along with the means of entry.

In addition to the cycle parking for residents, additional short stay cycle parking is provided for visitors, with 18 no. spaces provided in the form of Sheffield stands. The proposed cycle parking provision is considered acceptable in its location, layout and capacity.

Motorcycle parking

12 No. motorcycle parking spaces are proposed. This level of provision is considered to be adequate. Highways DM have suggested it would be beneficial if EV charging were provided for some of the spaces. Following discussions with the applicant, the plan has been amended to show two of the spaces benefiting from EV charging provision, which is considered appropriate.

Servicing & Waste Collection

The TA includes Swept Path Analysis (SPA) of a box van and the Kirklees Design Refuse Vehicle accessing and circulating within the site, and waiting within the two new laybys proposed along the building frontage. The SPA demonstrates that these vehicles can be satisfactorily accommodated within the site.

The Kirklees Waste Management Design Guide, BS5906:2005 and Building Regulations 2010 Part H6 that require that residents should not be expected to carry waste more than 30m to a shared storage facility.

Following concerns previously raised by Highways DM and the Waste Collection Authority, the bin store locations have been amended. An area suitable for 12 x 1,100 litre Eurobins would be laid out in the western part of the landscape hub. This would be accessible without excessive carry distances for the waste collection crews, and the arrangement is considered acceptable.

Provision for the existing apartment building – 18 x 1,100 litre Eurobins – is presently located near the vehicular access and would be relocated to two designated areas south-east of the building, adjacent to the first row of parking spaces. The views of the Waste Collection Authority have been sought, who confirm that the new storage facilities shown on the drawings are better located,

in that they are more convenient for residents to use, than the existing bin stores, and would have better accessibility for an RCV. It is noted that residents would have to walk across – or around – the car parking spaces to get to the communal bins. It is unlikely however that all of the spaces would be occupied at any given time, so it is unlikely that residents using the bins would have to squeeze between two parked cars to get to the bin enclosure while carrying waste. Whilst this aspect of the layout is less than ideal, it is considered acceptable.

Indicative bin enclosure screening has been shown on a drawing, but it is recommended a condition be imposed requiring that full details are supplied including how they are to be secured (to prevent theft, unauthorised use/ fly tipping or rough sleeping), how the floor is to be surfaced (bin store surfaces must be durable and be able to stand heavy duty power washing) and a scheme for their future management.

The applicant's intention is that the development would be built in a single phase. Under this scenario, a situation where parts of the proposed development would be occupied whilst construction is still ongoing and the waste storage and collection points have not been completed or are not accessible, would not arise. However, there is a possibility that temporary disruption to waste collection arrangements for the existing apartment building could arise during construction and it is therefore recommended that any such temporary arrangements, if judged necessary, are incorporated into the standard CEMP condition.

Accessibility and Travel Plan

Given the site's location close to Mirfield Town Centre and Mirfield Railway Station, the site is deemed to be in an accessible location. The supporting documents include a review of the site's accessibility by alternative modes of transport to the private car, with a summary of their findings as follows:

- The site is considered to be in a sustainable location to promote trips on foot, with the site located less than 500 metres walking distance from Mirfield Town Centre and 350 metres walking distance from Mirfield railway station.
- Back Station Road is part of National Cycle Network (NCN) Route 66, which runs nationally from Central Manchester to Spurn Point, via Bradford, Leeds, York, Beverley and Kingston upon Hull. Locally, this route also forms part of Calder Valley Greenway, providing a largely off-carriageway cycle route between Huddersfield and Dewsbury.
- The nearest bus stops are located on Calder Road on both sides of the carriageway, approximately 280 metres walking distance from the site access to the south-west. These bus stops are served by bus service number 261. Further bus stops can be found on A644 Huddersfield Road, approximately 500 metres walking distance to the north of the site. These bus stops are served by bus service numbers 203 and 205.

The Transport Assessment concludes that the location of the development would encourage journeys by all modes of sustainable transport. Officers generally agree with the above findings. However, the existing bus stops located closest to the site on Calder Road are not accessible via dropped pedestrian crossings. The nearest accessible stops are located on Newgate (circa 220m walk from the site boundary) and Huddersfield Road (circa 350m walk from the site boundary).

It is considered that the most practical and cost-effective way of delivering improvements to bus stops in the local area would be the provision of real-time information displays for the Huddersfield Road bus stops (northwest bound stop 15147 and southeast bound stop 15148 or 15150) as these stops are relatively accessible, provide the most frequent services and benefit from bus shelter provision. This will require a contribution of £21,000 to be secured under a legal agreement. This is considered a proportionate improvement to encourage the increased use of mean of transport other than the private car.

As the development includes over 50 dwellings, a Travel Plan is required for the development. To enable the delivery of an effective Travel Plan, the funding of Travel Plan measures is essential.

A Travel Plan has been submitted in support of the proposals and has been subsequently updated. However, no reference to the Sustainable Transport Fund (STF) has been identified. As such, the Travel Plan will need to be developed further prior to occupation, and include the above STF, the mechanism for its delivery and the associated measures that have been agreed with the local planning authority. The final Travel Plan is recommended to be secured by condition and implemented prior to first occupation. The condition should also specifically refer to the requirement for car parking surveys, to monitor and review the allocation of the dedicated and shared use car parking provision, as set out earlier. This may include investigating the delivery of car club vehicle(s) at the site as part of the package of measures funded by the STF.

Construction Management

If minded to approve, a Construction Management Plan (CMP) is recommended to be secured by planning condition, which must specifically include details of wheel washing facilities and street cleansing. The CMP would also need to carefully consider the routing strategy for construction traffic, which will need to avoid routes that include weight restrictions, and take account of the low railway bridges on Newgate and Station Road (e.g. construction vehicle heights will need to be restricted).

Highway condition surveys, pre- and post-construction, with remediation of any defects that may have arisen during construction is also required, are also recommended to be secured by condition.

Highways and transportation - Conclusion

Officers are satisfied that subject to suitable planning conditions, the proposal would achieve safe and satisfactory access, parking and servicing, and would support the aims of sustainable transport. The conditions proposed by Highways DM are set out below.

In summary, the following planning conditions have been recommended by KC Highways DM and planning officers:

- Secure the provision of 10% EVCP, including a motorbike facility
- Construction Management Plan (CMP) Condition;
- Highway Condition Surveys and Remediation Condition;
- Management of waste including temporary arrangements if development phased;
- Details of waste storage areas to be submitted and approved
- Vehicle and Pedestrian Spaces to be laid out ;
- Means of access to be laid out in accordance with the approved plans before first occupation;
- Detailed Travel Plan to be submitted and approved;
- The cycle parking indicated on drawing 17001/13 D to be provided;

These recommended conditions are in conjunction with the following contributions / obligations within a Section 106 agreement:

- £21,000 towards Bus Stop improvements.
- £38,874 towards provision of Metrocards.
- £10,000 towards Travel Plan monitoring.

In conclusion, subject to the above, it is considered that the development demonstrates safe access to the existing highway network, safe and satisfactory internal access, appropriate arrangements for servicing and adequate parking for future users. It would avoid any adverse impact on the free and safe use of the highway and would accord with policies LP21 and LP22 of the Local Plan and Principle 12 of the Housebuilders Design Guide SPD.

Ecology

Policy background

Policy LP30 of the Local Plan confirms that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

No part of the site is designated as part of the Wildlife Habitat Network, although the neighbouring River Calder falls within this designation.

The site is in an Impact Risk Zone for a Site of Special Scientific Interest, but this zone is only relevant to certain infrastructure proposals, combustion, or those judged likely to give rise to a significantly increased risk of air pollution, which is not the case here.

Ecological impacts

An Ecological Impact Assessment (EclA) has been submitted in support of the application. A BNG Metric version 3.1 was also submitted (this was, at the time of submission, the most up-to-date version and is therefore appropriate for the purposes of this application).

The area that would be directly affected by the development was found to consist mainly of Modified Grassland, Mixed Scrub and Sealed Surface, with a small amount of Other Neutral Grassland. Broadleaved and Other Woodland was found on site but in the form of a linear feature or corridor adjacent to the Calder or the eastern site boundary, and which would not be directly affected by the proposal.

The EclA found that the site and immediately adjacent areas were likely to support a typical assemblage of birds during the breeding season, potentially including Species of Principal Importance for the Conservation of Biodiversity in England such as Bullfinch, Dunnock and Song Thrush. Kingfisher (specially protected via Schedule 1 of the Wildlife and Countryside Act 1981 as amended) could potentially occur on the River Calder and the unnamed watercourse adjacent to the site. No waterbodies potentially suitable for breeding Great Crested Newts are present within the site, and none have been identified within 500 metres of the site. The EclA however concluded that the River Calder and unnamed watercourse at the site's western and eastern boundaries provide potentially suitable habitat for both Otter and Water Vole, although specific searches found no evidence of Water Vole or Otter on site.

The on-site habitats provide only very limited suitability for reptiles. No evidence of the presence of badgers was found. Hedgehogs, although not observed, could occur.

The report concludes that the main impacts during the construction phase would be loss of existing semi-natural habitat, which would have an impact on the site's potential to support breeding birds, hedgehogs and foraging bats (which is deemed "non-significant" owing to the small areas affected) and increased disturbance during from lighting, noise and human activities which could adversely affect bats and otter if present. In the operational phase (i.e. once the building is brought into use), increased disturbance from artificial lighting could affect nocturnal fauna including bats and otter, an effect that the report deems potentially significant in the absence of mitigation.

One building in the south-eastern section of the site would need to be removed to facilitate the proposed development and as such, it was subject to a detailed bat roost assessment as part of the EclA process. The survey determined that the building was of low value for roosting bats and as such, a single emergence survey was undertaken on the building. The survey concluded that bat roosts are likely absent from the surveyed building and as such, no further surveys or mitigation measures would be necessary. The trees and scrub at the site margins and the corridor of the River Calder could provide habitat of moderate value for foraging and commuting bats but were not found to contain any potential bat roost features.

The EclA report recommends a suite of mitigation measures including the preparation of a Construction Environmental Management Plan and the installation of bat and bird boxes throughout the site (locations to be determined). It is recommended that both measures are conditioned.

The EIA includes a plan, "Proposed Habitat Map" showing the distribution of habitat types within the site following development. This must be regarded as indicative only, since landscape is a reserved matter, but indicates that the provision of some compensatory landscaping, including the planting of small trees (to be planted in the far south-eastern corner of the site) will be practicable. The submitted ElcA and BNG Metric envisage that the main types of habitats created on site, in terms of their contribution to delivery of habitat units, would be Urban Tree and Other Neutral Grassland.

KC Ecology in their comments dated 14/03/2024 largely accepted the findings of the EclA but have additionally observed that "Ledgard Bridge Mill that lies adjacent to the site on the northern boundary has records of roosting bats, dating from 2005 and 2013. Therefore, prior to any information being assessed, the site's suitability for roosting bats will need to be determined". This building, it is noted, would however not be directly affected by building works. It is considered that a condition requiring bat survey work to be carried out on Ledgard Bridge Mill would not be a reasonable or proportionate requirement for the proposed development.

The Environment Agency, in their comments dated 23/01/2024, expressed concern that the presence or absence of otters within the adjacent river bank had not been firmly established by the EclA (which stated that at the time of the survey the river bank could not be surveyed for health and safety reasons) and the possibility of disturbance to otters (if present) arising from lighting or other factors in the occupation phase of the building, could not be discounted. The EA proposed it might be possible to overcome this concern by submitting a scheme for the long-term management and protection of the otter population (if present) and its habitat.

The applicant was notified of these concerns and in response submitted an otter survey, reference 1776d, dated February 2026. It concluded that given the absence of previous otter records, absence of otter field signs, background disturbance levels, and the very limited suitable cover for potential resting places, the presence of resting places or holts within the surveyed area was

unlikely. The part of the river could potentially form part of a wider otter home range (in that otters may forage within it or pass through it) but is not likely to form a key element of otter habitat. Therefore, no mitigation measures beyond those recommended in the initial EclA were deemed necessary. KC Ecology accept these findings and do not recommend that any further survey work needs to be undertaken. They recommend that the original precautionary recommendations for otters in the EclA should be incorporated into the CEMP: Biodiversity condition. The only mitigation measure specifically relating to otters in the original EclA was a requirement for an Ecological Watching Brief, which it is considered that it would be appropriate to include this within the condition.

Considering the above assessment the, following are recommended:

1. Submission of a Biodiversity Construction Environmental Management Plan (CEMP: Biodiversity) before development commences, to ensure that the risk of impact on existing biodiversity is avoided during construction. This should include an Invasive Weeds Management Plan (a scheme for the eradication of Japanese knotweed and Himalayan balsam, both of which were recorded on site).
1. Submission of a Biodiversity Enhancement and Management Plan (which shall include, but not be limited to, the provision of bat and bird boxes within the site).
2. Submission of lighting design strategy which shall be designed to ensure that negative effects on biodiversity are avoided.

Subject to the above, officers are satisfied that proposal would not cause material harm to local ecology and would secure enchantments post development, in accordance with the aims and objectives of LP30.

Biodiversity Net Gain

The provisions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) which require a 10% BNG net gain to be demonstrated for all new development proposals (with limited exceptions), do not apply to this application since it was submitted before February 2024. However, under Policy LP30, all proposals should result in on-site biodiversity enhancement through habitat creation where opportunities exist and where loss of existing habitat is unavoidable, compensatory measures are to be secured by means of a legally-binding agreement. As a starting point, 10% BNG should be sought. A lower figure may be acceptable provided it represents a material, non-negligible gain.

The submitted BNG Metric shows that the development would lead to a 35.84% net loss in habitat units (pre- and post-development being calculated at 6.43 and 4.12 units respectively). There would be a net gain of 0.81 hedgerow units and no change in watercourse units. To deliver a 10% BNG a total post-development value of 7.07 habitat units would be required.

The BNG Metric also indicates an increase in hedgerow units from zero to 0.81. Watercourse units would remain unchanged at 2.76. It is considered therefore that since the development has been found to result in no net loss or degradation of watercourse units, this is acceptable.

A condition is recommended requiring the submission of an Ecological Design Strategy to demonstrate how the on-site provision of habitat units would be provided.

In line with the Kirklees Biodiversity Net Gain Technical Advice Note, a shortfall of on-site provision may be addressed via off-site compensation. This can be secured through one, or a combination of, the following:

1. Management of land within the control of the developer;
1. Purchase of the required compensation value from a Habitat Bank;
2. Payment of a commuted sum to the Local Planning Authority; or
3. A combination of all or some of the above.

The applicant has not currently been unable to secure a nearby site where adequate biodiversity offsetting can occur. The applicant has agreed, following negotiation, that a 5% net gain in habitat units will be delivered, which is considered to be acceptable. Therefore, the delivery of 2.63 habitat units, which is sufficient to compensate for the net loss of habitat on site whilst delivering a 5% off-site gain, would need to be achieved by means of either alternative provision within the area or a financial contribution. This has been secured within a Section 106 agreement.

In conclusion, subject to the above conditions it is considered that the development supports the aims of Local Plan policy LP30 and Chapter 15 of the NPPF.

Drainage Strategy

Guidance within the NPPF advises at paragraph 181 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in policy LP27 of the Local Plan, which confirms, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the Local Plan relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.

Consideration to fluvial flooding, the site's designation as being within Flood Zone 2 and 3, and flood risk associated with this has been undertaken previously in this assessment. The following relates to pluvial flooding, that being rainfall flooding.

The total site area has been estimated at 5,174m². This consists of 1,290m² of existing roofed and paved areas which are supported by formalised drainage and 3,884m² of grass and landscaped areas which do not benefit from formalised drainage.

The roofed and paved areas currently drain via a piped drainage system to an outfall into the River Calder.

Based on the soil maps and from experience of other developments local to Mirfield it is considered that infiltration drainage is not a practical option. It is therefore proposed that surface water from the new development would drain to the river Calder. This proposed discharge point is considered to be an appropriate application of the drainage hierarchy.

In terms of attenuation rates, as a brownfield site a 30% betterment is expected over the existing discharge rate. This equates to a 9.2l/s discharge rate, which would necessitate 297m³ of attenuation storage, which can be comfortably accommodated on site via a storage tank. Other potential methods of attenuation such as ponds and swales have been eliminated from consideration owing to limited space on site. The overall indicative drainage strategy is accepted as appropriate for the site. A condition for a detailed drainage scheme, including ongoing management and maintenance, is however recommended.

Given the scale of the car park proposed, it is recommended that surface water originating from the access road and communal car park should pass through a petrol / oil interceptor. This is recommended to be secured via condition, in the interest of protecting water quality.

It is also recommended that the standard conditions on surface water flood routeing and a scheme for temporary drainage during construction should be imposed.

The Drainage Strategy does not explicitly state the methods of foul sewage disposal. The application form states that foul sewage disposal would be by the mains. Yorkshire Water have not raised any concerns about this aspect of the development.

The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement.

Subject to the above conditions, the development would comply with the aims of Local Plan policies LP27 and LP28 and of Chapter 14 of the NPPF in ensuring that the site is drained in a safe and sustainable manner and that future residents are protected from the risk of flooding.

Planning Obligations

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development. Should planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

Affordable Housing

The affordable Housing and Housing Mix SPD sets an expectation that 20% of all units in a development of 11 or more dwellings will be affordable. The applicant has agreed to provide 20% of the units (15 in all) as Affordable Rented units.

According to Part 5 of the Council's Affordable Housing and Housing Mix SPD, the tenure split between affordable/social rented and intermediate should normally be 55% / 45%. However, per the SPD and in accordance with guidance within the PPG, build to let schemes, such as that proposed, are not expected to provide intermediate units (including first homes). In such cases, all affordable units have a tenure of Affordable Private Rent is acceptable.

The plans submitted with the application do not specify which of the 76 units would be the 15 affordable units, and which would be market rented. However, under the terms of the Section 106 agreement, a plan that must be agreed with the LPA is to be required identifying the proposed units. Policy seeks to ensure that affordable units are indistinguishable from market units, and are spread through a development. Given the nature of the proposal, with all units being, for all intents and purposes, the same, there are no concerns that 'lesser quality' units would be offered and appropriately located units can be secured via the s106 clause. This would allow the Council to ensure that the affordable units are not inferior in quality to the market units and are suitably distributed within the building.

Overall, the proposed affordable housing offer is considered acceptable and meets the objectives of policy LP11 and the council's Affordable Housing and Housing Mix SPD.

Education

KC Education, who were consulted on the application, advised officers that no contribution to school places (primary or secondary) would be required. This is because both two local schools (Hopton Primary and Mirfield Free Grammar) have spare capacity even after the development were built and occupied. Therefore, no contribution has been sought.

Public Open Space

The proposed development would ensure the retention of the Public Open Space (POS) that was secured by legal agreement for the conversion and extension of the original building.

The proposal does not explicitly state that any on-site POS, although the new semi-natural green space at the northern end of the site could perform this role and is indicatively laid out with footpaths which would allow for public access.

As landscaping is a reserved matter, the amount, type and location of POS within the site – if any – is unknown at this stage. In the event that sufficient POS cannot be provided within the site to make the necessary contribution, calculated according to the formula in the Open Space SPD, some or all the requirements would need to be delivered as an off-site financial contribution to the improvement of POS facilities in the vicinity of the site.

Officers have therefore determined that the issue of the POS contribution should be considered at the Reserved Matters stage, where the option will exist of entering into a legal agreement to secure the provision and future maintenance of any on-site POS, the payment of a sum to improve recreational facilities within the ward, or a combination of these approaches.

To ensure that the Reserved Matters submission provides the required details, a condition requiring the submission of a Public Open Space strategy is recommended to be included on the decision notice.

Biodiversity

As with POS, it is at this stage not possible to say with certainty how much biodiversity enhancement would ultimately be provided within the site since this will depend on the details of landscaping, which is a reserved matter.

Notwithstanding this it has been agreed between officers and the applicant that it would be appropriate to secure an off-site BNG contribution at this stage £67,620 (based on the cost of securing off-site BNG as being £20000 per unit plus a 15% administrative fee) secured within the S106, with that value to be reduced by any on-site demonstrated at Reserved Matters stage. An updated Biodiversity Net Gain assessment would be needed at Reserved Matters stage to address this.

Highways (sustainable travel)

The following measures would assist in meeting the sustainable transport aims set out in Policy LP20 of the Local Plan, and have also been secured by Section 106 Agreement.

1. Bus stops contribution of £21,000, 2 No. Real-time displays at bus stops (at Huddersfield Road bus stops, or as otherwise agreed with WYCA).

1. Travel Plan Monitoring Fee. For a development of this scale (classed as a 'small scale major residential development') the fee is £10,000.00 (£2,000 per year for 5 years).
2. Sustainable Travel Fund (STF) contribution based on the Residential MCard scheme value for a bus only MCard (which could form part of the STF offer), which is currently £511.50 per dwelling. This equates to a STF value of £38,874, based on the 76 dwellings currently proposed.

Management and maintenance

Clauses have been incorporated into the Section 106 agreement to ensure appropriate arrangements are in place for the ongoing management and maintenance of drainage infrastructure on site (prior to adoption by a statutory undertaker).

The maintenance and management of landscaped areas (or "managed areas") on site does not form part of the Section 106 Agreement because at present the amount, layout and function of such areas is subject to future determination as a Reserved Matter.

A draft version of the Section 106 agreement was uploaded to the council's website on 27/02/2026 and was therefore visible to the public. This publication (prior to determination of the application) complies with Article 40(3)(b) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. No public comments were received relating to it.

The final agreement is dated 24/03/2026 and did not materially change from the draft version.

Other matters

Proximity to the railway

Network Rail were consulted on the application and confirmed that they had no concerns about the proposed development subject to the submission of a robust Construction Traffic Management Plan. The submission of a Construction Environmental Management Plan (CEMP), which would include routing for deliveries, is a standard requirement for any major new build development but is of particular importance here given the proximity of a number of low headroom bridges beneath the railway which may necessitate restrictions on high-sided construction vehicles. It is also important that any CEMP takes into account the implications of construction activity associated with the railway itself during the same period, owing to the forthcoming Trans-Pennine upgrade. Network Rail has taken possession of the land within the site to the west of the existing apartment pursuant to this project; this is temporary, for a period of two years, but the applicant needs to take into account how this may affect the timing of the delivery of the overspill parking and landscaping.

Supporting skilled and flexible communities and workforce

In relation to residential development, economic sustainability can concern employment and training opportunities during the construction phase. The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers may approach the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being routinely secured through Section 106 agreements or conditions related to residential developments – instead, officers are working 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 phase.

Crime and security

A Crime Prevention Statement was submitted as part of the Design & Access Statement. The West Yorkshire Police Designing Out Crime Officer was consulted on this application. In their response, the following issues were highlighted:

- The need for a coordinated outdoor lighting scheme.
- Details of lockable gates, if required.
- Details of access doors including means of access control.
- Specifications of windows.
- Secure mail delivery.
- Details of windows.
- Boundary treatments.
- Motorcycle and cycle storage.
- Alarms.
- CCTV.

The construction of doors and windows forming part of the building fabric would be covered by the Building Regulations and it would not be appropriate to seek to control these additionally through the planning process. The other proposed measures can potentially be delivered through the planning process and, subject to details, all have the potential to contribute to a development that would protect residents from crime and the fear of crime.

It is considered that a planning condition requiring full details of crime and security measures to be submitted before work commences above foundation level should be imposed, to ensure compliance with Policy LP24.

Land contamination

The entire site is deemed to be potentially contaminated owing to its past industrial uses. A Phase 1 Geo-environmental Report by Haigh Huddleston & Associates (ref: E23/8012/R001) (dated: February 2023) was submitted in

support of the application. The Phase I report provides an in-depth appraisal of the site history and previous surrounding land uses, since the 1800s. The site has been in continuous use for industrial and commercial purposes since the late 1800s to the early 2000s. The conceptual model has identified current and likely source-pathway-receptor linkages. The report considers that there is a moderate risk of ground contamination being present at the site due to the potential for made ground, infilled historic filter tanks, basements and mill ponds. It also considers that there is a risk of ground gas. It goes on to recommend a Stage II Ground Investigation to determine the depth of any infill material and a minimum of 5 standpipes for gas and water level monitoring, including necessary soil sampling for metals, metalloids, EPA 16 PAHs and asbestos.

The Phase 1 Report has been examined by KC Environmental Health. Its findings are accepted. The standard conditions on further site investigation and the submission of a Phase 2 report, and remediation strategy if appropriate, are recommended, to ensure compliance with Policy LP53.

Coal mining legacy

The site lies within an area deemed low-risk for instability caused by coal mining legacy. A Coal Mining Risk Assessment has therefore not been requested and the Coal Mining Remediation Authority were not consulted.

Minerals

The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or gravel. 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 1c of policy LP38 is relevant, and allows for approval of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it. Coal extraction is furthermore likely to prove impracticable at this site, owing to the proximity to the River Colne and the necessity of maintaining the requisite stand-off distance between such workings and established residential development. The proposal is therefore not considered to conflict with policy LP38.

Representations

33 representations have been made to date. All objections and comments that have not been addressed in the main part of the assessment are summarised below with issues raised and officer responses:

Drainage and flooding issues

- Inaccuracies in FRA, in particular no mention of recent flooding (2020).

Response: The FRA has been updated to take this into account.

- Flood risk could be affected by changes in ground level close to river bank, or landraising elsewhere on the site.

Response: The impact of the development on flood risk in the wider area, and implications for the safety of future residents, have been assessed in detail, and after multiple amendments the FRA and evacuation arrangements are found to be acceptable.

- A flood barrier should be installed on the north bank, and the developer required to contribute.

Response: Such an intervention would not be possible to justify unless it could be demonstrated that the development would result in a substantially increased flood risk for existing residents, which is not the case, or if the risk of flooding for future residents would create an unacceptable level of danger that could not be mitigated, and as set out earlier in the report, satisfactory escape arrangements can be demonstrated.

- The new building may be uninsurable.

Response: Responsibility for arranging buildings insurance will lie with the owner of the development.

- Has the Canal & River Trust adequately considered the impact of flooding on canal assets?

Response: An arm of the Calder & Hebble Navigation / Mirfield Cut reaches within 55m of the site boundary. No canal assets would be directly affected by the works, and the Canal & River Trust, who were consulted, raise no objection.

- Is there any guarantee that the Brook (the canal outflow into the Calder) will be kept free from debris?

Response: There is no reason to assume that the development will give rise to a significantly increased risk of debris in the brook during its use or occupation. This is a possible risk during construction and but any such risk can be appropriately mitigated by means of the standard conditions on temporary drainage and a Construction Management Plan.

- The evacuation walkway will be unsuitable; residents will still need to wade through flood water to reach it, elderly residents, parents with young children and puchchairs, and those with a physical disability will be unable to use it, so it will not accord with the Equality Act. The effect of flooding on the site has been understated, it does not take into account the force of the current, water-borne debris (which could endanger the stability of the walkway) and resultant blockages. The proposed walkway is likely to encourage trespassing. It will also become a shortcut for

people who want to get from Lower Hopton to the railway station and shops, again encouraging trespassing on private land.

Response: The south-eastern end of the walkway would connect with the building. Its purpose is to allow safe evacuation for people who are in the building at the time and not from external areas, which it is recognised might be flooded. The applicant has taken reasonable steps to ensure that the walkway is accessible. At the point where the walkway meets the bridge parapet, it is noted that wheelchair users and other people with limited mobility will not be able to negotiate the bridge parapet without assistance from other evacuees. This aspect of the escape arrangements, whilst not ideal, is considered to be acceptable and has not been raised as a concern either by the Environment Agency or LLFA.

Under Section 20 of the Equality Act there is requirement, where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage. It is expected however that the proposed evacuation walkway would be rarely used and it is therefore questionable whether the obstacle presented by the physical features of the step and the bridge parapet could reasonably be classed as a “substantial disadvantage”. The alternative would be to require the developer to form an opening in the bridge parapet which would have the immediate and permanent disadvantage of causing direct harm to the value of the Grade II Listed bridge.

The possibility of damage to the evacuation walkway arising from flood-borne debris is noted – the applicant has stated that the designer of the walkway has taken this into account, but this will be covered by a condition requiring the submission of further details to demonstrate its resilience. It is considered however that the walkway would not provide additional opportunities for trespass since the site, once developed, would still be accessible by means of the two vehicular access points and the riverside footpath, and furthermore the walkway would not provide access to any parts of the public highway network other than Newgate.

- The developer should be required to provide or pay for, or contribute to the cost of, measures to protect both the proposed flats against flood water and protect access to Mirfield Town Centre, the recent housing development and the railway station which are all disrupted when the Calder floods.

Response: This is not considered proportionate to the proposal or necessary to make it acceptable in planning terms, for the reasons set out in this report.

Highway issues

- 5 parking spaces in what is currently bin store, will have to drive over pavement to park.

Response: New and relocated bin store provision will be satisfactory in terms of capacity and layout. It is considered that all parking spaces are accessible by safe routes.

- Parking spaces being close to ground floor windows will cause noise and air pollution to their occupants.

Response: The apartments near the northern end of the building that have an outlook to the north-east have, it is noted, several parking spaces close to their windows. This is however quite a common situation for townhouses and low-rise flats, and there is no legal or policy guidance setting a recommended minimum stand-off distance. Neither KC Environmental Health nor KC Public Health have raised concerns about this and it is considered that the level of exposure to vehicle exhaust fumes, assuming normal use of the parking spaces, would not be of a degree likely to lead to adverse effects.

- Current refuse provision is unsecured and flytipping occurs, so DOCO advice on this should be heeded.

Response: Officers agree that waste storage facilities should be secured to deter misuse – this, along with details of their management, will be secured by condition.

- Impact on use of existing car park.

Response: It is acknowledged that the development would be liable to cause a degree of disruption to the existing car park during construction and landscaping works. This problem could be mitigated by a condition requiring a plan demonstrating that car parking provision would be retained at a suitable level throughout construction.

Design and appearance

- Discrepancy between elevational drawings and DAS over which elevation would be 4-storey and which 6-storey.

Response: The current drawings are detailed and accurate enough for a full assessment to be made and do not contain any ambiguity.

Residential amenity

- There will be reduced outdoor amenity space left for existing residents.

Response: Under permission 2005/93375 for the conversion and extension of the original building to 119 apartments, one of the provisions of the Section 106 Agreement was the implementation of a landscaping scheme within a designated area shown edged in red on Plan 2 within the Agreement. This covered a belt on land extending along the riverbank. The proposed new building is outside this zone and it will therefore not involve the building over of

any land that has been formally designated as landscaping or public open space for the benefit of existing residents.

Other

- The applicant has provided the bare minimum of affordable housing (20%) of which none are affordable owner-occupied. Will they be affordable in perpetuity?

Response: A 20% affordable housing provision complies with local policies. Regarding tenure, under current national policy, as set out in the relevant sections, it is not standard practice to seek an element of affordable owner-occupied (discounted market sale) housing within a build to let scheme. The permanent retention of the housing units as affordable will be guaranteed under the terms of the Section 106 Agreement.

- Are any of the apartments wheelchair or pram accessible?

Response: Accessibility is covered by Part M of the Building Regulations and it would not be appropriate to seek to duplicate these controls under planning legislation.

- At present, crime and antisocial behaviour is not curbed by CCTV which is only used for parking enforcement.

Response: The provision of enhanced CCTV, which it is recognised would be beneficial to the security of residents of the new building, can form part of a suite of security measures, the details of which would need to be the subject of a planning condition.

- Possible worsening of wind tunnel effect on Back Station Road?

Response: The proposed building would be considerably further away from Back Station Road than the existing converted mill building. It is therefore considered unlikely that the proposed building would have an impact in terms of creating or worsening a wind tunnel.

- It is disappointing that the applicant has not provided a fire statement, although recognised that this is not mandatory.

Response: This is noted. The developer has provided all the required reports and plans that are necessary in order for a full assessment to be made.

- Health centre and schools are overstretched.

Response: KC Education, in their response dated May 2025, confirm that no education contribution is required. Perceived inadequacies in the provision of health care facilities in the local area are not a material consideration as these are dependent upon investment decisions at the national, not local, level, and a contribution cannot be sought from a developer. Under Kirklees guidance as

set out in the document *Policy & guidance: providing for education needs generated by new housing*, contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities. One- and two-bedroom apartments are not considered to fall into this category since the expectation is they will not be occupied by families with children. Accordingly, an education contribution has not been sought.

- Impact on views

Response: Obstruction to or interference with a view across private land is not a material planning consideration.

- Disruption, noise and dust caused by building work

Response: The potential for disruption to and environmental impacts upon existing residents and highway users is recognised and can be prevented or minimised by means of a condition requiring a Construction Management Plan.

- There are existing trees on the land that need pruning.

Response: In the assessment of this planning application, trees have been considered only in so far as they would affect, or be affected by, the development. Any impacts on neighbouring land arising from unchecked growth of existing trees is a private civil matter and outside the scope of the planning process.

- This job was once cancelled, so why is it now considered acceptable?
There's nothing in place with regards to compensation to residents living at Ledgard Bridge Mill.

Response: The planning history of the site has been summarised in the relevant section above. In general, new developments are not required to provide demonstrable net improvements to amenity for existing residents, although local residents and the wider community, it is anticipated, would derive some benefit from the creation of new public open space as part of this development.

Ward Councillor comments:

Objections and comments made by Ward Councillor Lees-Hamilton that have not been addressed in the main part of the assessment are summarised below with issues raised and officer responses:

- *The EA call for flood resistance and resilience measures such as physical barriers, raised electrics, and special construction materials.*

Response: This has been included as a general advisory note in the EA's latest response. In general, resistance and resilience measures are not expected unless a building is deemed likely to flood, which in this case, owing to the floor

levels being elevated above those indicated by the Flood Risk Assessment, is not the case in this instance.

- *Paul Farndale will not comment further until the aspect of the raised footway is resolved, his report also says that his department would be certain to ask for a simulation of surface water design with a surcharged outfall, give attenuation is in the highest flood zone. Has this been carried yet, because if it hasn't then this application is not ready for approval.*

Response: A simulation of surface water design is typically imposed as a condition on applications of this type, and does not necessarily have to be provided at the planning application stage.

- *I have grave concerns over the use of EV charging point given this sites propensity for flooding.*

Response: KC Environmental Health, who were asked to comment on this specific concern, confirmed that it is not standard practice to impose specific resilience measures on EV charge point infrastructure where a site is liable to flood.

- *Station Road / Hopton New Road. And Back Station are beyond capacity due to vehicle users accessing the Mirfield railway Station. Rail users park on both sides of Station Road / Hopton New Road all the way from the railway bridge to the junction of Hopton Lane. The cars are parked on both sides of the road and are parked nose to tail. Back station Road is parked solid along one side, this allows for one vehicle to pass at a time and is site for potential conflict when one side does not give way to oncoming traffic.*

There are also several businesses in the near vicinity, who have HGV'S and 7.5 tonne trucks associated with their businesses travelling in and out of site all day long, many of these vehicles must use Back station Road as the railway bridge is too low to allow them access.

The trip rate data for this application is quite out of date it was conducted in 2017; the latest data was collected in 2022. This is not acceptable; it is not up to date and traffic volumes have increased exponentially in this location.

To be ready for a decision this application needs updated and current traffic flows along the following sections of road as they will all be affected by this development should it be allowed to go ahead. The roads are Calder Road, Newgate, Hopton New Road, Station Road, Granny Lane, Steanard Lane, Calder View, the A644 through Mirfield Town Centre. A working study should be conducted at both traffic light junctions Station Road and Newgate.

Response: KC Highways DM have recommended conditional outline permission can be granted. However, the Highway Officer has provided the

following comments additional comments in response to Cllr Lees-Hamilton's concerns:

“Due to the scale of the development, detailed traffic capacity assessments have undertaken on Back Station Road and its junctions with Station Road and Newgate. Beyond these roads/links, the development traffic impact is below 30 two-way peak hour vehicle trips. Therefore, a wider assessment of development traffic impact is not justified.

The traffic count data used within the transport assessment from 2017 was validated based on additional 2022 count data, which confirmed that the 2017 data was still adequate for assessment purposes. However, traffic growth has been applied to the 2017 count data using industry standard methodology (e.g. the application of local growth rates obtained from TEMPRO, plus additional traffic from committed development sites), to enable assessment of the agreed future assessment years to be undertaken, including the agreed design year of 2028. Therefore, a robust assessment of traffic impact has been undertaken, which is in accordance with industry standard methodology.

In terms of construction traffic routing, this would be controlled by planning condition, through the required Construction Management Plan (CMP). The expectation is that all construction traffic will be via the A644 to/from the north, and that construction traffic would not be via Hopton Lane. It will be for the applicant to ensure that they take into account the height restrictions (3.2m via Station Road and 3.8m via Newgate) on the local network when developing their CMP, and the CMP will need to include measures that ensure construction traffic does not use unsuitable routes (e.g. Hopton Lane)”.

- *Station Road / Hopton New Road is full to capacity with the vehicles of people accessing the rail station many are left overnight.*

Response: Highways DM acknowledged in their previous consultation responses that significant levels of on-street parking occur on Back Station Road, including parking associated with the nearby railway station, but that in their view this would not provide grounds for refusal as long as the new access does not open out on to a stretch of road where unrestricted parking is allowed. The location of the new access, as shown on the latest plans, has traffic regulation order markings (double yellow lines) either side and directly opposite.

- *KC response says the scale of this development takes it into a flood zone 3 category. And that there is no possibility of creating an emergency access route for vehicles in the event of flooding, however a flooding and evacuation plan is in place to remove vehicles when appropriate warnings are given. I can testify that very often the warnings come too late, residents may be at work at the time, and quite importantly there is no where for those vehicles to evacuate to. Lower Hopton is full beyond capacity.*

Response: The principal purpose of a flood warning and evacuation plan is to facilitate safe egress on foot, and not to remove private vehicles from the affected area.

Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

The application site, as set out earlier in the report, is located largely within Flood Zones 2 and 3. As such, it must pass (i) the sequential test (to demonstrate that no suitable and available sites with a lower flood risk classification can be found) and (ii) the exception test (to demonstrate wider social and environmental benefits and that it would be safe for future users). For the reasons set out within this report, it is considered that the evidence submitted demonstrates that these two tests are passed.

It has also been demonstrated that, subject to conditions, the development would safely achieve access to the public highway network, and that suitable parking and servicing arrangements would be incorporated into the development. It is considered that, subject to conditions, the scale, layout and appearance of the proposed development would ensure the delivery of a high-quality development that would conserve the setting of heritage assets in the vicinity of the site, and that it would provide a high standard of living for future occupants whilst not compromising the amenities of any existing residents.

The plans indicate that an appropriate amount of soft landscaping would be incorporated into the development – the exact amount, layout, and other details to be determined at reserved matters stage.

The site is in a location deemed to have good accessibility by public transport. Measures to incentivise the use of means of transport other than the private car have been secured by a condition requiring a full Travel Plan and contributions to sustainable transport within the Section 106 Agreement. This will also ensure that delivery of 20% of the units as affordable housing and ensure that any loss of existing habitat on site will be compensated for by an off-site contribution to biodiversity, delivering a net gain of 5%.

In summary, application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposals would constitute sustainable development, and the applicant is therefore recommended for approval.

Recommendation: GRANT OUTLINE PLANNING PERMISSION (subject to conditions and a Section 106 agreement)

Report Dated: 27/03/2026

Decision Authorisation: Delegated Powers

Application Number: 2023/93539

Officer Recommendation: Grant outline planning permission (subject to conditions and Section 106 agreement)

Conditions and Reasons

1. Approval of the details of the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

Reason: No details of the matter referred to having been submitted they are reserved for the subsequent approval in writing of the Local Planning Authority.

3. Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Pursuant to section 92 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

5. 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 with Policies LP1, 2, 20, 21, 22, 24, 28, 30 of the Kirklees Local Plan and Principles 2, 5, 6, 8, 9, 12, 13, 14, 15, 17, 18, 19 of the Housebuilders Design Guide Supplementary Planning Document.

6. Plans and particulars relating to the Reserved Matters of landscaping, notwithstanding the submitted information, shall include details of Public Open Space to serve the development. The details shall cover the following matters:

- a) the layout and disposition of the public open space;
- b) the timescale for the implementation and completion of the works to provide the public open space;

- c) the mechanism for ensuring that the public open space will be available for public within perpetuity; and
- d) maintenance of the public open space in perpetuity.

Reason: To secure Public Open Space, in the interest of visual and residential amenity, in accordance with the requirements of Policy LP63 of the Kirklees Local Plan and Chapters 8 and 12 of the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that open space and play details are approved at an appropriate stage of the development process

7. Prior to the commencement of development (including ground works), a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out and submitted to and approved in writing by the Local Planning Authority. The survey shall include all highway features, including carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signage and road markings. Upon completion of the development hereby approved, a post-construction survey of the agreed extent of the highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works and prior to the occupation of any new dwelling hereby approved. Should any highway defects (affecting highway safety) attributable to the construction traffic or activities of the development hereby approved be identified during the construction period, remediation of these highway defects shall also be implemented in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the public highway, and to accord with Policy LP21 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that the highway condition survey is undertaken at an appropriate stage of the development process, in advance of any construction works commencing that may affect the condition of the highway.

8. Prior to the commencement of development (including ground works), a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include, as a minimum, details of:

- a) Any phasing of development and timetable of works;
- a) Hours of works;
- b) Details of construction access arrangements;
- c) Construction vehicle sizes and routes (with swept path analysis testing if necessary);
- d) Numbers and times of construction vehicle movements;
- e) Locations of HGV waiting areas and details of their management;
- f) Details of parking for construction workers (including vans);
- g) Loading and unloading of plant and materials;
- h) Storage of plant and materials;

- i) Signage;
- j) Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- k) Street sweeping arrangements;
- l) Noise & vibration arising from all construction related activities, including suitable restrictions on the hours of working on the site including times of deliveries.
- m) Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- n) Artificial lighting used in connection with all construction related activities and security of the construction site.
- o) A communications plan including site manager and liaison officer contact details, their remit and responsibilities, and how this will be communicated to residents and the Local Authority must be included.

The development shall be carried out strictly in accordance with the CMP so approved throughout the period of construction and no change there from shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the highway network and to avoid increased risks to highway safety are devised and agreed at an appropriate stage of the development process.

9. When demolition of the existing structures is complete, groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required before commencement of groundworks to ensure that any possible contamination on site is investigated before groundworks commence.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (9), further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework. This information is required before commencement of groundworks to ensure that any possible contamination on site is remedied at an appropriate stage in the development process.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (10). If remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification Report by a suitably competent person shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework

13. The proposed building shall be built on voids. The soffit of the void shall be set to a minimum elevation of 45.68m Above Ordnance Datum (AOD). Before development above foundation level commences, details shall be submitted to and approved in writing by the Local Planning Authority of a grille to prevent unauthorised access to the void. These shall be installed before any part of the building is brought into use and the voids shall thereafter be kept open, with no obstruction installed or erected other than the approved grilles.

Reason: To ensure that the building is safe for all users and will not, at any time in the future, result in worsening of flooding outside the site, and to accord with the aims of Chapter 14 of the NPPF.

14. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 5/s/ha of developed/redeveloped land or 3.5 litres per second, whichever is the greater, has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30-year storm event as a minimum requirement. Volumes generated above the critical 1 in 30-year event and the 1 in 100-year event, with a 45% allowance for climate change can be stored on site in areas to be approved in writing by the Local Planning Authority, i.e. a safe area above ground. The scheme shall include a detailed maintenance and management regime for the storage facility

including the flow restriction. There shall be no piped discharge of surface water from the development, and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This pre-commencement condition is necessary to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

15. Development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, blockage scenarios and exceedance events on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area (both upstream and downstream of the development), has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Reason: To ensure that the site can be drained in a safe and sustainable manner at all times and to accord with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This information is required pre-commencement to ensure that suitable drainage infrastructure can be incorporated into the development at the construction stage.

16. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation/site strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- i) Phasing of the development and phasing of temporary drainage provision:
- i) Methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented; and
- ii) A plan showing the location of the attenuation storage and supporting calculations, which shall be based on the critical 1 in 2-year storm.

It shall be assumed that once the site has been stripped that the percentage run-off will be 100%. The maximum allowable off-site discharge rate shall not exceed 2.5 litres per second per ha, unless otherwise approved by the Local Planning Authority. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the safe and sustainable drainage of the site during construction and prevent pollution of the water environment in accordance with the aims of Policy LP28 of the Kirklees Local Plan and Chapter 14 of the NPPF. This pre-commencement condition is necessary to ensure that safe and sustainable arrangements for the disposal of surface water are in place throughout the construction period.

17. Notwithstanding the submitted details, development shall not commence above foundation level until a scheme detailing the provision of a flood warning system, arrangements for emergency access to the site and egress from the site to a place of safety (evacuation plans) for the construction and post development phases have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) Details of elevated dry walkways including how this structure is designed to withstand pressures and impacts associated with flowing flood waters at depths associated with the 1 in 100 year + climate change event, and how it will not increase flood risk elsewhere.
- i) Details of how residents/tenants are to be informed of the procedures to follow in the event of receiving a flood warning or in the event of a flood.

The evacuation plans, including the elevated dry walkway, shall be implemented in accordance with the accepted details prior to work commencing on site (for the construction phase) and prior to the occupation of the development (for the future residents) and be retained thereafter.

Reason: This information is required pre-commencement to ensure that adequate escape arrangements are implemented during the construction phase and are operational before the building is first occupied.

18. Development shall not commence until a scheme demonstrating that surface water from vehicle parking and other hard standing areas will pass through an oil/petrol interceptor of adequate capacity prior to discharge has been submitted to and approved in writing by the Local Planning Authority. Roof drainage should not be passed through any interceptor.

Reason: To prevent pollution of the water environment and to accord with the aims of Policy LP28(c) of the Kirklees Local Plan. This information is required pre-commencement to ensure that suitable measures to prevent pollutants entering the water environment are incorporated into the development during the construction phase.

19. Matters relating to landscaping shall be supported by an updated ecological assessment (undertaken not more than 12 months prior to submission) and completed by an appropriately qualified ecologist and in the appropriate season. The surveys shall be of an appropriate type for the habitats and/or species identified within the Ecological Impact Assessment submitted at outline, and survey methods shall follow national good practice guidelines. The information collected shall be used to update information on the species and to assess potential impacts of the development, including the need for any

additional surveys. The survey report shall inform the preparation of a Construction Environmental Management Plan: - Biodiversity as set out in condition (19) below.

Reason: In the interests of ensuring that the baseline habitat value of the site is accurately recorded and that potential harm to biodiversity can be anticipated and prevented, in accordance with the aims of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the NPPF.

20. No development shall take place (including ground works and vegetation clearance) until a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- a) Identification of “biodiversity protection zones”;
- b) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- c) An Ecological Watching Brief;
- d) An Invasive Weeds Management Plan to eradicate Japanese Knotweed and Himalayan Balsam from the site;
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in full accordance with the approved details.

Reason: To ensure avoidance of ecological and subsequent harm in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This information is required pre-commencement to ensure appropriate measures are designed and agreed prior to any potentially damaging operations associated to the construction phase.

21. Development, including groundworks, shall not commence until an Arboricultural Method Statement (AMS) detailing the specific protection measures necessary for each tree identified as being retained on the approved Arboricultural Impact Assessment Ref: 16856-B/AJB) has been submitted to and approved in writing by the Local Planning Authority. This shall specify the required fencing standard and positions (the creation of the Construction Exclusion Zone), acceptable construction techniques within the Root Protection Areas of T10, T11 and T12 and necessary facilitation tree works.

Reason: To ensure that the development does not give rise to harm to mature trees within or on the boundaries of the site, and to accord with the aims of Policy LP33 of the Kirklees Local Plan.

22. No development above foundation level shall commence until a Biodiversity Enhancement and Management Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall demonstrate how a minimum of 4.12 habitat units, 0.70 hedgerow units and 2.76 watercourse units are to be achieved post-development and include details of the following:

- a. Description and evaluation of features to be managed and enhanced;
- b. Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- c. Details of a scheme of bat and bird boxes to be installed within the site;
- d. Ecological trends and constraints on site that might influence management;
- e. Aims and Objectives of management.

The approved BEMP shall be implemented in accordance with the approved details, including the approved phasing, and maintained thereafter.

Reason: To ensure that opportunities are taken to enhance the long-term biodiversity of the site and to accord with the aims of LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

23. Prior to the commencement of development above foundation level, a “lighting design strategy for biodiversity” shall be submitted to and approved in writing by the Local Planning Authority before operational use of the building. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of minimising harm to biodiversity and to accord with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

24. Before work on any dwelling commences above foundation level, details of measures to limit carbon emissions associated with the development, which may include but not be restricted to solar panel arrays or other on-site microgeneration measures, and measures to provide energy efficiency performance above the standards mandated by the Building Regulations, shall

be submitted to and approved in writing by the Local Planning Authority. The measures thus approved shall be implemented and made operational before any new dwelling to which it relates is first occupied and shall thereafter be retained as such.

Reason: To ensure that the development contributes to the council's ambition to have net zero carbon emissions by 2038 and to accord with the aims of Chapter 14 of the NPPF, Policy LP24(d) of the Kirklees Local Plan, and Principle 18 of the Housebuilders Design Guide Supplementary Planning Document.

25. Notwithstanding the details on the approved plans, full details of all external materials (including, where requested, samples made available for inspection on site) shall be submitted to and approved in writing by the Local Planning Authority, before work commences on the superstructure of the building. The development shall be constructed only using the approved materials.

Reason: To ensure that the development respects the character of its surroundings, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

26. Before development commences above foundation level, details shall be submitted to and approved in writing by the Local Planning Authority of measures to protect future users of the site from crime and the fear of crime. The approved details shall be implemented before any part of the development (or in the event that development is phased, the phase to which those measures relate) and shall be thereafter retained and operated in accordance with manufacturer's instructions.

Reason: In the interests of minimising the risk of crime for the development and its users, and to accord with the aims of Policy LP24(e) of the Kirklees Local Plan.

27. Prior to first occupation of the hereby approved development, full details shall be submitted to and approved in writing by the Local Planning Authority of the cycle parking facilities indicated on drawing 17001/13 Revision E. The facilities thereby approved shall be provided and made operational before any dwelling is occupied (or in accordance with any phasing approved as part of the details submitted for this condition) and retained thereafter.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

28. Prior to the first occupation of any part of the development hereby approved, a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include proposals for enabling and encouraging the use of active and sustainable modes of transport, monitoring, review and timings for delivery, together with monitoring and management measures associated with the on-site parking facilities. The Travel Plan shall also include the proposed allocation arrangements for the car parking on-site, including for residents and visitors, and measures to review effectiveness. The approved Travel Plan and measures shall be implemented prior to occupation or in accordance with the agreed timescales, or as otherwise agreed with the Local Planning Authority.

Reason: In the interests of enabling and encouraging the use of active and sustainable transport modes, to mitigate the air quality impacts of the development and to accord with Policies LP20, LP21, LP22, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

29. Details of all arrangements for the storage and collection of wastes and the management of waste storage collection points, and (where any of the dwellings hereby approved are to become occupied prior to the completion of the development), details of the temporary arrangements for the storage and collection of waste from the dwellings, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. All temporary arrangements (where applicable) and permanent arrangements so approved shall be implemented prior to first occupation of the development or in accordance with any phasing approved under this condition. Waste storage and collection facilities shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, including during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

30. Prior to occupation of the hereby approved development, elevational plans, to include the proposed materials, of each of the proposed Bin Stores, as shown on plan (17001) 13 Landscape Hub Revision E, shall be submitted to, and approved in writing by, the Local Planning Authority. Subsequently the Bin Stores shall be delivered in accordance with the approved details, prior to any dwelling being occupied and they shall thereafter be retained.

Reason: To ensure satisfactory arrangements are implemented in relation to waste, including during the construction phase, in the interests of visual and residential amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

31. No dwelling or building shall be occupied, until all areas and associated features to be used by vehicles and pedestrians, including footpaths, cycle tracks, loading, servicing and parking areas have been laid out, surfaced and drained such that loose materials and surface water does not discharge or transfer onto the adjacent highway. These shall thereafter be retained and maintained as such.

Reason: To ensure the free and safe use of the highway, in the interest of highway safety and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

32. Means of access to and from the site shall be in accordance with the preliminary access arrangements shown on the approved plans, including the main access as shown indicatively on 17001)2_Site Plan Revision I and the new overflow car park access shown indicatively on drawing 17/321/TR/002

Revision E, and shall be fully constructed and made operational prior to first occupation of the development and thereafter retained as such.

Reason: To ensure the free and safe use of the highway, and to accord with the aims of Policy LP21 of the Kirklees Local Plan.

33. Before any part of the development is brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the dedicated facilities that will be provided for charging electric vehicles as shown on plan reference (17001)2_Site Plan Revision K, including any phasing. They must meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The facilities approved under this condition shall be installed and made operational before any part of development is brought into use, or in accordance with the approved phasing, and shall be thereafter retained.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement and reducing the causes of climate change, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

34. Before any part of the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the gym and the actions that will be taken to control any noise, including arrangements for periodic review. The approved Noise Management Plan shall be implemented before the proposed use of any gym within the development commences and retained thereafter.

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

35. Before any part of the development is brought into use, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall detail the control measures that will be taken to ensure that excessive noise does not arise from the use of the communal terrace with barbeque area and the actions that will be taken to control any noise, including arrangements for periodic review. The approved Noise Management Plan shall be implemented before the use of any communal terrace / barbeque area commences and retained thereafter.

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

Approved Access – Informative

The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Local Highway Authority is required.

You are required to consult the Local Highway Authority Design Engineer (Kirklees Street Scene: 01484 221000) at the earliest opportunity in the development process to obtain approval of the design details, agree the mechanism for delivery, and obtain the necessary permissions / permits to enable the delivery of the site access(es).

This process will involve entering into a Section 38 or 278 agreement of the Highways Act 1980 or other appropriate agreement to enable delivery of the works. The applicant is advised to make early contact with the Local Highway Authority Design Engineer, to ensure that the delivery of the works does not delay occupation of the development.

Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Note – Waste collection

The Waste Collection Authority will not enter construction sites, nor will they routinely enter private drives or unadopted streets. Therefore, should the applicant's intentions regarding the adoption of streets change from that considered at the planning approval stage, this may necessitate changes to the developments waste strategy and the facilities that have been agreed in principle, which may require applications to vary the approved plans. For further information regarding the Waste Collection Authority requirements, see the following guidance note:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Construction Environmental Management Plan – Informative

No construction related noise should not audible beyond the site boundary outside the hours of:

- 07.30 to 18.30 hours Mondays to Fridays
- 08.00 to 13.00 hours Saturdays

With no construction related noise audible beyond the site boundary on Sundays or Public Holidays. For further information regarding dust control, guidance can be found in the Institute of Air Quality Management (IAQM) document *“Guidance on the assessment of dust from demolition and construction”* Version 2.1 2023.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited

Electric Vehicle Charging Points – Informative

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity, and the installation must comply with all applicable electrical requirements in force at the time of installation. The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information in relation to Approved Document S.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Application form			01/12/23
Location plan	(17001)0_Location Plan	B	01/12/23
Existing site plan	17001_1_As existing	A	01/12/23
Site survey	6873/1D		10/11/25
Proposed site plan	17001_2_Site Plan	K	05/02/26
Proposed elevations	17001)10_Elevations	F	17/12/25
Typical section	17001)11_Typical Section	C	02/07/24
Circulation core sections	17001)12_Circulation core sections	C	02/07/24
Landscaping, EV charging and refuse store drawing	17001)13_Landscape Hub	E	05/02/26
Unit floorplans	(17001)5_Apartment Plans	C	02/07/24
Floorplans levels 3-5	(17001)4_Floor Plans (Levels 3-5)	C	02/07/24
Floorplans (ground and 1-2)	(17001)3_Floor Plans (Levels G - 2)		02/07/24
Overflow car park access junction	17/321/TR/002	E	21/07/24
Evacuation walkway plan	(17001)15	F	17/12/25
Car park flood plan			12/02/25

Plan Type	Reference	Version	Date Received
Flood risk assessment and drainage strategy	2017/2153	J	10/12/25
Flood warning and evacuation plan	2017/2153	L	17/12/25
Technical note (void design)	2024s0643		09/12/25
Sequential test addendum – discounted sites in Green Belt	Robert Halstead		01/07/25
Technical note 001: LLFA comments response	2017/2153		12/02/25
Sequential & exception test addendum	Robert Halstead		18/12/24
Sequential & exception test appendix 1 unidentified windfall site images	Appendix 1		18/12/24
Sequential & exception test appendix 2 sites review by Michael Steel	2659/A/M		18/12/24
Sequential & exception test appendix 3 sustainable benefits appeal decision	3135277		18/12/24
Appendix 1 – Map of Search Area	Appendix 1		09/07/24
Appendix 2 Remaining discounted housing allocation sites	Appendix 2		09/07/24
Appendix 3 Approved & expired windfall sites	Appendix 3		09/07/24
Appendix 4 Unidentified windfall sites	Appendix 4		09/07/24
Appendix 5 Supporting information on local housing market	Tudor Sales & Lettings		09/07/24
Formal response to Environment Agency comments			04/03/24
Revised planning statement	Robert Halstead		15/12/24
Climate change statement	Appendix A		07/12/23
Phase 1 desktop study	E23/8012/R001		06/12/23
Appendix 2: Discounted housing sites			01/12/23
Appendix 3: Approved and expired windfall sites			01/12/23
Biodiversity net gain metric	3.1		01/12/23
Rapid Health Impact Assessment	Kirklees Council – Public Health		01/12/23
Appendix 4: Unidentified windfall sites			01/12/23

Plan Type	Reference	Version	Date Received
Arboricultural Report	16856-A/AJB		06/12/23
Arboricultural Impact Assessment	16856-B/AJB		12/02/24
Bat Survey	Quants 1776b		01/12/23
Design & Access Statement (including Crime Prevention Statement)		B	01/12/23
Indicative landscape plan	Smeeden Foreman LL01		01/12/23
Technical drainage note response to Environment Agency			01/07/24
Ecological Impact Assessment and BNG report	1776c	C	01/12/23
Otter survey	1776d		19/02/2026
FRA Sequential and Exception Test Addendum 2	Robert Halstead		25/04/25
Flood Risk Sequential and Exception Test Assessment	Robert Halstead	A	09/07/24
Noise Impact Assessment	NIA-11149-23-11388	1	01/12/23
Travel Plan, revised	17-321-006.03		10/07/24
Transport Assessment, revised	17-321-005.03		10/07/24
Road Safety Audit brief	17-321-007.02		20/09/24
Road Safety Audit stage one	MAL/BSRMRSA1	0	24/09/24
Road Safety Audit Designers' Response	17-321-008.01		04/10/24

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer requested several amendments during the application process in order to deliver a scheme that would ensure that the proposed development would be safe for future users having regard to the site's flood risk status.