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**Report of the Head of Planning and Development****STRATEGIC PLANNING COMMITTEE****Date: 04-Dec-2025**

**Subject: Planning Application 2025/91122 Redevelopment of site for mixed-use E(g) (i, ii and iii) and B8 including: demolition of buildings and re-cladding of southern elevation of retained adjoining building; retention, conversion and renovation of existing mill/office/workshop/engine house building including alterations; erection of two new buildings; formation of two vehicular access points, service yard and parking areas; and other associated works. Turnbridge Mills, Quay Street, Huddersfield, HD1 6QT**

**APPLICANT**

John L Brierley Ltd and  
Paxman Coolers Ltd

**DATE VALID**

21-May-2025

**TARGET DATE**

20-Aug-2025

**EXTENSION EXPIRY DATE**

06-Jan-2026

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

[Public speaking at committee link](#)

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral wards affected: Dalton (and close to boundary of Newsome Ward)**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- Contribution to fund amendments to the Traffic Regulation Order (TRO) on Quay Street relating to waiting restrictions – £13,000.
- Travel Plan monitoring fee - £10,000
- Package of obligations to provide security for the delivery of the identified public benefits, to include:
  - a) The lease agreement to be signed between the owner and the intended occupant (the two applicants in this case);
  - b) Confirmation of the agreement for grant funding from West Yorkshire Combined Authority (WYCA);
  - c) Confirmation of the arrangement and agreement of any other external funding which would be necessary to allow the development to take place (e.g. from a bank);
  - d) Other specified works had been carried out and completed on site, including structural stabilisation works to Building D.

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

## **1.0 INTRODUCTION**

1.1 This application seeks full planning permission for the redevelopment of the site for mixed-use (Classes E(g)(i, ii and iii) and B8) including:

- the demolition of existing buildings (including the grade II listed building 'Spinning Block, Turnbridge Mills (Hirst's Mill)';
- the re-cladding of the southern elevation of a retained adjoining building;

- the retention, conversion and renovation of the existing mill/office/workshop/engine house building including alterations;
  - the erection of two new buildings;
  - the formation of two vehicular access points, service yard and parking areas; and
  - other associated works.
- 1.2 The application is presented to Strategic Planning Committee because it relates to the proposed demolition of a recently-listed building and has received objection from Historic England (a statutory consultee), and as discussed and agreed with the Chair.
- 1.3 A separate, accompanying application for listed building consent for the works has also been received, and is the subject of separate consideration (application reference: 2025/91645).
- 1.4 For completeness, be aware that, due to a statutory objection, the Listed Building Consent application (only) would need to be referred to the Secretary of State, so as to give them the option to call in the decision, if the Local Planning Authority is minded to grant Listed Building Consent. This is due an objection and request from Historic Building & Places (one of the national amenity societies), who are a statutory consultee on the Listed Building Consent, but not planning application. For the avoidance of doubt, this requirement would not relate to this planning application.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application relates to land and buildings at 'Turnbridge Mills', to the north of Quay Street and east of Watergate and Old Leeds Road, and to the west of the Huddersfield Broad Canal, to the east of Huddersfield town centre.
- 2.2 The site is comprised of two non-contiguous areas of land, which have a total area of around 0.4 hectares. The site contains a number of existing buildings, most of which are part of a historic mill complex, and others of more recent construction. The buildings within the site, and several buildings on adjacent and nearby land to the north and south of Quay Street, are each referred to by a specific letter in the applicant's submissions. For clarity and consistency, those letter references are used throughout this report to refer to the buildings within the site and on adjacent or nearby land.
- 2.3 The site includes a grade II listed building, referred to in the list description as 'Spinning Block, Turnbridge Mills (Hirst's Mill)'. This listed building is referred to as 'Building B' in the applicant's submissions, and within this report. It is a tall, stone-built, former cotton mill spinning block building, built 1871-1873 with some later additions, and is located in the eastern part of the site, adjacent to the canal, and set back from Quay Street behind other buildings. The top floor of this building is currently unoccupied, but other floors are understood to be currently in use.
- 2.4 There is also a separately-listed (grade II) chimney within the site boundary, referred to in the list description as 'Chimney at SE 14942 16846'. This listed chimney, built in stone as part of a cotton spinning mill and dating from around 1872, is located in the south eastern part of the site, adjacent to the canal, and is referred to in the applicant's submissions, and in this report, as 'Building M'.

- 2.5 Along the northern side of Quay Street in the south eastern part of the site, to the south of Building B, is a group of historic stone buildings, including a former mill/office/workshop/engine house building ('Building D'), and two other buildings ('Building C' and 'Building D1'). On Quay Street in the south western part of the site is a stone-built office building of more recent construction, dating from the 1980s (Building F). To the north of that building, west of Building B in the western part of the site, are two other buildings (Building E and Building G), which are understood to date from the mid-to-late 1800s, with some later additions.
- 2.6 The north western part of the site is within a separate part of the red line boundary from the other buildings noted above, and contains a two storey building, part of which is currently in use as a garage ('Building O').
- 2.7 On the southern side of Quay Street, outside the application site to the south, is another grade II listed building, John L Brierleys Mill, a stone-built former mill building dating from the mid-19<sup>th</sup> century.
- 2.8 The site is adjacent to an historic Turn Bridge, dating from the mid 19<sup>th</sup> century, which crosses the Huddersfield Broad Canal at the end of Quay Street, to the south east of the site. The Turn Bridge is a Scheduled Monument.
- 2.9 The site is outside the boundary of Huddersfield Town Centre Conservation Area, which is around 150-175m away to the west of the site.
- 2.10 The site is unallocated in the Kirklees Local Plan.
- 2.11 The site is within the area which is covered by the Council's 'Huddersfield Station to Stadium Enterprise Corridor Masterplan Framework'.
- 2.12 The University of Huddersfield Health Innovation Campus is located close by to the north west of the site, and is in the relatively early stages of development.

### **3.0 PROPOSAL**

- 3.1 The application seeks full planning permission for the redevelopment of the site for a mixed-use development comprising elements of uses within the following Use Classes:
- E(g) – Uses which can be carried out in a residential area without detriment to the amenity of that area:
    - o E(g)(i) – Offices to carry out any operational or administrative functions;
    - o E(g)(ii) – The research and development of products or processes;
    - o E(g)(iii) – Industrial processes
  - B8 – Storage or distribution.
- 3.2 The details submitted by the applicants as part of the application state that the development is proposed to be occupied by one of the applicants, Paxman Coolers Ltd, a company which, the submitted details advise, produce health products, including scalp cooling technology. The submitted details state that *"Their 'cold cap system has helped over 100,000 cancer patients in more than 50 countries worldwide to retain their hair during chemotherapy"*. The submitted details advise that Paxman Coolers Ltd need to re-locate from their current premises in Fenay Bridge, and that the proposed development would also accommodate proposals for the expansion of their business.

- 3.3 The proposed development would include the demolition of the grade II listed building, 'Hirst's Mill' (Building B). It would also include the demolition of Buildings C, D1, E, F, G and O.
- 3.4 As part of the development, Building D is proposed to be retained and converted into office and research & development accommodation, including small workshop areas on the first floor. Two new buildings are proposed to the west of Building D (in the area currently occupied by parts of Buildings D1, E, F and G), which would accommodate manufacturing and warehouse areas, research & development space, and office and staff facilities.
- 3.5 Part of the footprint of the proposed new buildings would overlap with the existing location of Building B. The remainder of the area which is currently occupied by the existing listed Building B is proposed to be used as a parking and service yard area for the development, which would be served by a new vehicular entrance which is proposed from the eastern end of Quay Street to the south of the site. Refuse storage and 6 parking spaces (including one disabled parking bay) are proposed within this service yard area.
- 3.6 The submission identifies that 6,572sqm of gross internal floorspace to be lost by change of use or demolition, with 2563sqm being the Total gross new internal floorspace proposed (including changes of use). This results in a net additional gross internal floorspace following development of -4,009sqm.
- 3.7 The existing vehicular access between Buildings D1 and E is proposed to be removed, and a new vehicular access is proposed to be created slightly further to the west, providing access to a small parking area (10 parking spaces, including 1 disabled parking bay) in the south western corner of the site.
- 3.8 In the northern part of the site, the garage building, Building O, is proposed to be demolished and a further 33 parking spaces (including 5 electric vehicle parking spaces) are proposed on that part of the site, served by the existing vehicular access from Old Leeds Road to the west. An electricity sub-station is also proposed in this part of the site, close to the Old Leeds Road frontage.
- 3.9 The listed chimney (Building M) would be retained as part of the development.
- 3.10 The site boundary also includes the southern elevation of an existing building ('Building A'), which adjoins the northern elevation of Building B at present. The rest of Building A is outside the current application site boundary. Building A is proposed to be retained, but the proposed development would include the re-cladding of its southern elevation following the proposed demolition of Building B.
- 3.11 The supporting information submitted by the applicants as part of the application includes viability and feasibility information which, amongst other things, considers some potential alternative options for the site including the retention and re-use of the existing listed 'Hirst's Mill' building (Building B).

#### **4.0 RELEVANT PLANNING HISTORY**

##### Application Site

- 4.1 2025/91645 – Listed Building Consent for redevelopment of site for mixed-use E(g) (i, ii and iii) and B8 including: demolition of buildings and re-cladding of southern elevation of retained adjoining building; retention, conversion and renovation of existing mill/office/workshop/engine house building including

alterations; erection of two new buildings; formation of two vehicular access points, service yard and parking areas; and other associated works. Pending consideration.

2011/92305 [Larger area of land including current application site, land on Quay Street to the west, and other land on the opposite side of Quay Street to the south] – Installation of electric security gates. Permitted 17/11/2011.

98/92973 [South eastern part of site only] – Erection of new roof over boiler and storage areas and new doorways. Permitted 08/12/1998.

93/01960 [Northern part of site only] – Change of use from car sales to car sales and sale of temp. buildings and sheds. Permitted 20/07/1993.

88/00838 [South western corner of site, current location of Building E] – Erection of two storey office building. Permitted 13/05/1988.

#### Surrounding Area

- 4.2 The following planning history is relevant to other land which is within the blue line boundary submitted with this application:

2020/91517 [Land north of junction of Quay Street and Watergate] – Prior notification for demolition of building. Approved 23/06/2020.

99/93449 [Land and building on Old Leeds Road, south west of Building O, west of Buildings E, F and G] – Change of use of former printers to modern and Latin American dance studio. Permitted 08/02/2000.

97/90411 [Land currently occupied by the northern part of Building A] – Erection of two storey warehouse and factory extension. Permitted 27/06/1997.

- 4.3 Other relevant planning history in the surrounding area includes applications for planning permission and/or listed building consent for proposed extensions and alterations to buildings on the southern side of Quay Street, within the blue line boundary submitted with this application, including the grade II listed building, John L Brierley's Mill.

- 4.4 There have also been numerous applications relating to the Health Innovation Campus on Southgate/Leeds Road to the north west of the site. These include the outline and reserved matters applications for the development and subsequent 'Section 73' variation of conditions applications, which are listed below. In addition to those applications listed, there have been various applications for the discharge of conditions and for non-material amendments and signage.

2021/91544 – Outline application for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness. Permitted 08/10/2021.

2022/91456 – Reserved matter application pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP). Approved 20/09/2022.

2023/93655 – Reserved matters application pursuant to (Phase 2 of) outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness and the discharge of conditions 5 (masterplan), 6 (design code), 9 (internal access per phase) and 19 (BEMP per phase). Approved 03/12/2024.

2024/90052 – Removal of condition 1 (service road scheme) and variation of conditions 7 (cycle storage), 8 (sprinkler tank) and 9 (landscape scheme) of previous Reserved Matters approval 2022/91456 pursuant to outline permission 2021/91544 for erection of health and research innovation campus comprising: Class F1(a)-education; Class E(e)-medical/health services; Class E(g)(i)-offices; Class E(g)(ii)-research/development of products/processes; multi storey car park; Class E(a)-display/retail of goods; Class E(b)-sale of food/drink; Class E(d)-indoor sport/recreation/fitness, and the discharge of conditions 5 (masterplan), 6 (design code), 8 (access), 9 (internal access) and 19 (BEMP). Approved 10/10/2024.

- 4.5 The following application relates to the existing building, Crown House, on Southgate around 100-120m from the current application site:

2022/93932 – Change of use of Crown House to provide student-only living accommodation (sui generis) in the form of studios (198), with ancillary concierge and communal facilities including an open plan lounge, coffee bar and gym at ground floor, with laundry, car parking, cycle store, parcel store and plant rooms at basement level and associated works including the installation of new cladding and fenestration to the elevations with a new roof garden atop the building. Permitted 17/08/2023.

An application to discharge a number of the conditions on that planning permission was received in October 2025 and is currently under consideration (reference: 2025/92961).

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

- 5.1 Prior to the submission of the current application, the applicant submitted a pre-application enquiry (reference 2024/20538). This was received 19/04/2024.
- 5.2 The pre-application submission identified the following buildings for demolition:
- Building A: (red-brick shed).
  - Building B: (Hirst Mill (aka Turnbridge Mill))
  - Building C: JLB maintenance building

- Building D and D1: Derelict
- Building E: Storage and Offices
- Building F: Storage
- Building G: Derelict
- Garage (at northern end): car repair garage

Of note, Building B was not individually listed at the time of the submission, although officers came to the conclusion it was still listed by association to the adjacent Grade 2 Listed chimney stack, which was proposed to be retained. The applicant disputed this view of officers.

- 5.3 The demolition was to enable the erection of a two-storey mixed use building (comprising manufacturing, warehouse, research & development, and office uses) on site. The building would have a rectangular footprint and introduce a newly built frontage directly onto Quay Street. Other works included providing a new service yard.
- 5.4 Various meetings and email exchanges took place during the life of the pre-application submission, including input from Historic England. Based on the information available at the time (which was limited, due to being a pre-application submission) officers expressed reservations over the proposal. While several of the buildings to be demolished were modern addition and their loss was not opposed, Building B was considered by officers to be listed. Officers stated that heritage assets are a finite resource and their preservation carries a correspondingly high weight on the planning balance and that the preservation of heritage assets goes beyond planning policy requirements and is a legal duty for Local Planning Authorities. Thus, great care and deliberation must be given in assessing such cases.
- 5.5 Notwithstanding the above, officers acknowledged the economic benefits of the proposal and the positive impact the development could have in the local area and wider district, if substantiated. It was accepted by officers that national policy does have limited allowances for the demolition of listed buildings / harm to heritage assets, in certain circumstances, however the tests set a high bar to be met. Feedback on what would be expected from such a submission was provided, along with recommendations to mitigate the harm as far as practical. This included retaining as much historic fabric as possible (with Building D, albeit not listed, identified as a key candidate) and ensuring a high quality for the replacement building. It was concluded that the onus was upon the applicant to provide a clear and compelling narrative which demonstrates, to all parties, that all preferable options for the retention, or partial retention, of the heritage asset have been explored and logically discounted. The LPA issued a formal pre-application response November 2024.
- 5.6 The current planning application was submitted April 2025 (validated May 2025). While it remained the case that Building B, and many other buildings, were proposed to be demolished, officers noted and welcomed that the retention of building D, as advised within the pre-application, has been incorporated into the proposal, along with a traditionally designed element of the new building being sited next to Quay Street, with the modern aspect of the building set back from the street frontage. The submission was also supported by various supporting documents and information, seeking to substantiate the necessity of the demolition proposed and the economic benefits associated with the development.



- 5.7 As noted above, at the time that the application was originally submitted (April 2025), Building B was not listed. Building B has subsequently been listed, and some of the submitted documents have been updated during the course of the application to reflect that Building B is now a listed building. As such, an associated Listed Building Consent application was submitted (ref. 2025/91645) and this application was re-publicised following the listing of Building B and the receipt of that further information.
- 5.8 Minor revisions were made to the plans in August 2025, including a slight change to the position of the proposed new building, moving it around 0.5m further to the west. A revised Location Plan was received in October 2025, which included a slight change to the red line site boundary to ensure that it covered the entire footprint of the proposed new buildings. Plans and elevations of the proposed substation on Old Leeds Road were received in November 2025. Since the receipt of those revised and additional plans, the application has been re-publicised.
- 5.9 An independent assessment of the applicant's viability and sequential options assessment information has been carried out by an independent assessor as part of the application. Further information has been received from the applicant during the course of that independent assessment process, including in response to queries and requests for clarification from the independent assessor who has carried out that assessment.
- 5.10 Further supporting information has also been received from the applicants in response to some consultee comments.

## **6.0 PLANNING POLICY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### Kirklees Local Plan (2019)

- 6.2 The application site is unallocated in the Kirklees Local Plan.
- 6.3 The site contains two grade II listed buildings (Hirst's Mill (Building B) and the chimney (Building M)) and is within the setting of other nearby listed buildings and within the setting of a Scheduled Monument (the Turn Bridge). It is also outside, but close to, the boundary with the Huddersfield Town Centre Conservation Area.
- 6.4 The site is adjacent to part of the defined Strategic Green Infrastructure Network, and a small area of land in the eastern part of the site is within the defined Strategic Green Infrastructure Network. The site is also adjacent to (and a small area in the eastern part of the site is within) a Local Wildlife Site.
- 6.5 The following Local Plan policies are relevant:
- **LP1** – Presumption in favour of sustainable development
  - **LP2** – Place shaping
  - **LP3** – Location of new development
  - **LP7** – Efficient and effective use of land and buildings

- **LP9** – Supporting skilled and flexible communities and workforce
- **LP13** – Town centre uses
- **LP17** – Huddersfield Town Centre
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP31** – Strategic Green Infrastructure Network
- **LP32** – Landscape
- **LP33** – Trees
- **LP34** – Conserving and enhancing the water environment
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe lifestyles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land

#### Neighbourhood Planning

- 6.6 The site does not fall within a Neighbourhood Plan area.

#### Supplementary Planning Documents and other documents

- 6.7 The following Supplementary Planning Documents (SPDs) and other guidance documents are relevant:

- Highways Design Guide SPD (2019)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- Rapid Health Impact Assessment (HIA) for spatial planning (2022)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Huddersfield Station to Stadium Enterprise Corridor Masterplan Framework

#### Climate change

- 6.8 The Council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.
- 6.9 On 12/11/2019 the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate

change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021, the Council approved a Planning Applications Climate Change Guidance document.

#### National Planning Policy and Guidance

- 6.10 National planning policy and guidance is set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG), together with Circulars, Ministerial Statements and associated technical guidance.
- 6.11 The NPPF is a material consideration and has been taken into account as part of the assessment of the application proposals. Relevant chapters are:
- **Chapter 2** – Achieving sustainable development
  - **Chapter 4** – Decision-making
  - **Chapter 6** – Building a strong, competitive economy
  - **Chapter 7** – Ensuring the vitality of town centres
  - **Chapter 8** – Promoting healthy and safe communities
  - **Chapter 9** – Promoting sustainable transport
  - **Chapter 11** – Making effective use of land
  - **Chapter 12** – Achieving well-designed places
  - **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
  - **Chapter 15** – Conserving and enhancing the natural environment
  - **Chapter 16** – Conserving and enhancing the historic environment
- 6.12 Other relevant national guidance is:
- National Design Guide (2021)

### **7.0 PUBLIC/LOCAL RESPONSE**

- 7.1 The information submitted by the applicants refers to pre-application discussions with the Council and Historic England. It is not evident from the applicants' submissions whether any wider public engagement or consultation was undertaken prior to the submission of the application.
- 7.2 The application has been advertised as major development, affecting listed buildings (including settings), and affecting the setting of a Conservation Area, by site notices and press notice.
- 7.3 The application was originally publicised by site notices, posted 30<sup>th</sup> May 2025, and press notice, published 13<sup>th</sup> June 2025. The end date for this original publicity was 4<sup>th</sup> July 2025.

- 7.4 Following the listing of Building B during the course of this application, additional and revised information was received from the applicants, including updates to some documents to reflect that Building B had been listed. Following the listing of Building B and the receipt of that updated information from the applicants, the application was re-publicised by site notices, posted 26<sup>th</sup> June 2025, and a press notice, published 4<sup>th</sup> July 2025. The end date for this further publicity was 25<sup>th</sup> July 2025.
- 7.5 Minor revisions were made to the plans in August 2025, including a slight change to the position of the proposed new building, moving it around 0.5m further to the west. A revised Location Plan was received in October 2025, which included a slight change to the red line site boundary to ensure that it covered the entire footprint of the proposed new buildings. Additional plans and elevations showing the proposed substation on Old Leeds Road were received in November 2025.
- 7.6 The application has been re-publicised following the receipt of that revised and additional information, by site notices posted 7<sup>th</sup> November 2025. The end date for this re-publicity is 28<sup>th</sup> November 2025.
- 7.7 Since the above notice was published on the 7<sup>th</sup> further subsequent minor change to red line boundary have been made. This includes to provide sufficient space for cycle storage. These changes are nominal, and are all cited within the previously advertised blue-line plan<sup>1</sup>, and are set well away from third party land. In light of these circumstances, a dedicated re-advertisement period was not considered necessary.
- 7.8 A letter has been received from West Yorkshire Combined Authority (WYCA), confirming that WYCA are in receipt of a funding application from one of the applicants for Investment Zone (IZ) funding *“for Turnbridge Mills (WH Mill) to be redeveloped into The Paxman Global Centre for Oncology Cryotherapy Innovation”*, and advising that the application is currently proceeding through the appraisal process. The letter also states that:
- “The Turn Bridge Mill development is situated within the Huddersfield IZ Cluster (Station to Stadium corridor) which is one of the three areas of West Yorkshire that benefit from IZ status. The IZ programme in Huddersfield is centred on the attraction of new inward investment in this specialised area and the expansion of existing SMEs, anchored by the University of Huddersfield’s National Health Innovation Campus development and its related expertise in key areas of research including AI, clinical diagnostics, skin integrity and infection prevention.”*
- 7.9 As the re-publicity end date is after the committee report publication date, any further comments received between the publication of this report and the date of the planning committee will be reported to Members of the committee via the written update pack.
- 7.10 The site is within Dalton Ward, where the Ward Members are:
- Councillor Munir Ahmed
  - Councillor Tyler Hawkins
  - Councillor Musarrat Khan

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<sup>1</sup> Land identified as owned by the applicant, but not directly relevant to the proposal.

- 7.11 The site is also close to the boundary with Newsome Ward, where the Ward Members are:
- Councillor Karen Allison
  - Councillor Andrew Cooper
  - Councillor Susan Lee-Richards
- 7.12 The Ward Members for both Dalton Ward and Newsome Ward were notified of the application when it was originally received.
- 7.13 After Building B was listed, and the subsequent receipt of revised documents and an application for Listed Building Consent from the applicants, the Ward Members for these two Wards were notified of the application for Listed Building Consent, and of the receipt of revised information as part of this application for planning permission.
- 7.14 No comments have been received from the Ward Members to date.
- 7.15 The comments received are considered later in this report.

## 8.0 CONSULTATION RESPONSES

### 8.1 Canal & River Trust

Have expressed concerns over the proposal, which are summarised, with quotes provided, where relevant:

#### Impacts on designated Heritage Assets

*"The proposals would result in substantial harm to designated Heritage Assets. This comprises the removal of a listed building (Hirst mill), and the impact of both the removal and the proposed design of the replacement development on the setting of grade II listed chimney and Turn Bridge"*

Reference to Local Plan Policy LP35 and paragraph 213 of the NPPF with regard to relevant tests for 'substantial harm'.

*"Should the Local Planning Authority consider that the above tests have been met, then **we request that amendments to the design of the replacement development are made.** At present, we consider that the development proposals for the site, comprising of a vehicle yard and modern warehouse unit, would likely detract from the setting of the canal and the setting of the listed Chimney and the scheduled monument (the bridge), **which would reduce any benefits brought about by the wider scheme**" (emphasis in original comments).*

Concerns raised regarding design of proposed warehouse building. Loss of Hirst Mill would also increase prominent of south elevation of existing modern warehouse building to the north (Building A), *"which has limited architectural or historic merit"*. Concerns about proposed use of 'modern cladding' materials to southern elevation of Building A.

*"Amendments to the proposed materials on the south elevation of building A and the new warehouse building would be appropriate to help reduce the visual impact to some degree. Nevertheless, we do not consider that such amendments mean that substantial harm to heritage assets will not occur."*

### Stability of the wall next to the Canal

Further information has been received from the applicants during the course of the application in this regard, in response to the Canal and River Trust's comments on the originally-submitted information.

*"Our previous comments highlighted that Hirst Mill currently forms part of the canalside wall, and it is proposed to retain part of this as the site boundary. We raised concerns that demolition of the mill could impact the stability of the retained wall below, as the demolition of the mill building could alter support to the wall. Modification may therefore be required to ensure that the wall will remain stable"*

Note the submission of further information in response to this comment, but further information is still considered to be needed, and *"original comments on this part of the scheme therefore remain"*. Further details could be reserved through the use of pre-commencement conditions.

### Biodiversity

Note submission of a revised bat survey report during the course of the application. Request that proposed recommendations in that report to mitigate against any impact to bats, and recommended mitigation measures regarding nesting birds identified on site, are secured in the event of approval of the scheme.

### Development next to the Chimney

*"The proposals involve the demolition of a building attached to the grade II listed chimney (the boiler house), and construction of a new wall alongside. The details indicate that the wall may be attached to the chimney."*

*"Should the Local Planning Authority consider that the tests for demolition have been met, then we request that **full details of any new wall construction, and measures that will be taken to safeguard the structure of the existing chimney during the works should be provided**. This is necessary to ensure that these works do not cause damage to the listed structure. Details could be provided as part of a method statement which could be secured by the means of an appropriately worded condition"* (emphasis in original comments).

### Measures to safeguard the canal during demolition and construction

Request Construction Environmental Management Plan to protect the canal from dust, debris and any run-off from exposed soils during construction works. Advise that this could be secured via appropriately-worded pre-commencement condition.

### Surface water drainage from the site

Submitted surface water drainage details show proposed HGV yard would use existing outfalls to drain surface water to the canal.

Concerns raised about risk that this could result in creation of a pathway that would allow hydrocarbons to enter the canal, due to use of the yard by large vehicles.

Request surface water drainage proposals are amended to ensure risk of pollution is adequately addressed. Provision of revised drainage arrangements could be reserved through appropriately-worded condition(s).

#### Other matters

Informative notes are recommended to cover other matters, including with reference to other consents which may be required separately from the Canal & River Trust.

### 8.2 **Environment Agency**

No objection.

### 8.3 **Historic England**

Comments dated 08/07/2025:

*"The proposal would caused a high level of harm to the significance of the Turnbridge Spinning Mill due to the total loss of the building. Its significance is characterised by its functional character, evidence of the role it played in the regional textile industry, and its relationship with the surrounding chimney, mill south of Quay Street, and the scheduled Turn Bridge. Its demolition would therefore lead to a loss of any understanding of the relationships between the surrounding buildings and therefore a total loss of its significance. This harm is considered to be substantial in NPPF terms.*

*The proposal would also caused a moderate amount of harm to the Turn Bridge, mill south of Quay Street, and the listed chimney via their settings. The loss of the mill would erode the immediate setting of the group of designated heritage assets through a loss of understanding of the industrial context in which these buildings are set within. This harm is considered to be a moderate amount of less than substantial harm in NPPF terms."*

*"Historic England consider that in the schemes current form it would cause a substantial amount of harm to the significance of Turnbridge Spinning Mill due to its total loss. It would also cause a moderate amount of less than substantial harm to the scheduled Tunbridge due to the significant erosion of its industrial context.*

*Given our assessment of substantial harm we would ask that the Local Authority consider whether the presented clear and convincing justification is exceptional as to satisfy the tests of the NPPF.*

*We would ask that the proposals are revised with a view that the designated heritage assets in this area are celebrated and their special interest is preserved whilst providing a continued use for the wider area.*

*Overall, in the schemes current form and the identified harm to the GII mill as well as the surrounding designated heritage assets via their settings, we object to the proposals.”*

*“We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 212, 213, 214, and 215 of the NPPF.”*

Historic England were reconsulted following receipt of the council's Independent Assessor's review of the proposal, with comments received 25/11/2025. Their assessment of the proposal's impacts remains the same as above. They provide a commentary on the Independent Assessor's review, before setting out the following:

#### *Historic England Position*

*After considering the content of the Aspinall Verdi Report, Historic England consider that in the proposal's current form the conditions of paragraph 214 of the NPPF have therefore not been fully met . We would support the Report's recommendation that a new, holistic assessment is carried out with an emphasis on retaining the listed structure (para 10.12).*

*We agree that alternative funding streams, including third-party ownership which may have access to additional funding streams, should be considered to achieve the overall goal for this area of Huddersfield whilst also retaining this nationally significant heritage asset.*

*We note that the listed mill is presently providing benefits via the jobs and services that the current occupiers are providing and therefore the loss of these jobs and services should be weighed by the local authority in the decision-making process.*

*In conclusion, in light of further information which has been provided, it has not been demonstrated that paragraph 214 has been satisfied in full therefore we cannot support this application. Given the substantial harm caused to the significance of the mill due its total loss we recommend that alternative options are explored, seeking to retain this nationally significant building.*

#### *Next Steps*

*Historic England recognises the importance of bringing economic development to the centre of Huddersfield and the role this site could play within the West Yorkshire Investment Zone. Bringing modern economic activity into this historic industrial site would be a fitting continuation of that history and something local people could be proud of. However, we believe there is real scope for accommodating these plans within the site without such significant level of harm to the nationally designated heritage.*

*We consider that the regeneration of this area should be led by heritage assets and we would support a scheme which looks to retain and celebrate the important industrial heritage of Huddersfield.*



## **Recommendation**

*We consider that the issues and safeguards outlined in our advice need to be addressed in order for the applications to meet the requirements of paragraphs 212, 213, 214, and 215 of the NPPF.*

*In determining these applications you should bear in mind the statutory duty of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.*

### **8.4 K.C. Building Control**

A full set of working plans and specifications would be required to make any formal comments. A Fire Service Consultation will have to be undertaken as appropriate.

*"However – It must be noted that the Client and or Contractor may choose an "Approved Inspector" for their Building Control requirements to provide building regulation compliance checking services in a similar way to the department".*

### **8.5 K.C. Business and Economy**

Support the proposed development, offering the following comments:

*"The Council's Business team – externally branded as Business Kirklees – is working to support the economic growth potential of the health and life sciences sectors in Kirklees and Paxman Coolers is one of our most innovative and fast growing SMEs in this space. These comments have been submitted to provide additional information and clarity on the economic and public benefits brought about by this scheme, including the proposals alignment with national, regional and local strategic economic objectives.*

#### **Context: West Yorkshire's health and life science sectors**

*Paxman Coolers Ltd is an integral part of an innovative and rapidly growing health and life science 'ecosystem' in West Yorkshire. The future economic growth potential of the health and life sciences highlighted in both the Government's Life Sciences Sector Plan (part of the Industrial Strategy) and West Yorkshire Combined Authority's HealthTech Cluster Plan.*

*West Yorkshire's health innovation ecosystem is based on a unique concentration of NHS/clinical and research expertise and innovative SMEs alongside larger businesses, including one of the largest teaching hospitals in Europe. West Yorkshire's acknowledged innovation clusters include digital health; medical devices; diagnostics and personalised healthcare; pharmaceuticals and drug discovery; medical services and hardware/consumables.*

*Strengths in in data science, software development and AI underpin these capabilities. In particular, West Yorkshire has been identified as a global leader in HealthTech, with over 300 firms specializing in digital health, medical devices, and diagnostics generating over £3bn per annum in revenues and employing over 16,000 people.*

*The opportunity for growth of the health and life sciences sectors in Kirklees are highlighted in the Kirklees Inclusive Economy Strategy that was adopted by the Council in July 2025. Established manufacturing businesses including STADA Thornton and Ross (pharmaceuticals) and Syngenta (agri-business/life sciences) sit alongside innovative, fast growing SMEs like Paxman Coolers Ltd. The University of Huddersfield's National Health Innovation Campus, referenced in more detail below and overleaf, is a key driver of the future growth of health and life sciences in Kirklees and is a key factor in the proposed relocation of Paxman Coolers.*

*Recent research for the West Yorkshire Combined Authority by international property consultancy CBRE further highlighted the opportunity for the growth of MedTech – including medical devices and assistive technologies – and related advanced manufacturing capability in Huddersfield, linked to the National Health Innovation Campus. The report further reinforces the opportunities associated with clustering of research facilities, innovative businesses, workspace and wider leisure/cultural offer to support business collaboration, talent retention and inward investment.*

*The proposed relocation of Paxman Coolers Ltd, one of West Yorkshire's key MedTech businesses, is strongly aligned with the strategic growth opportunities highlighted by CBRE. We provide more information about the business in the following paragraphs.*

### **Paxman Coolers Ltd**

*Paxman Coolers Ltd, based in Huddersfield, is a global leader in scalp cooling technology that helps reduce chemotherapy-induced hair loss. Since its founding in 1996, over 100,000 patients across 50+ countries have benefited from its flagship product—the Paxman Scalp Cooling System (“cold cap”). This system lowers scalp temperature during chemotherapy to limit drug absorption in hair follicles, helping patients preserve their identity and emotional well-being.*

*Paxman has also established a Scalp Cooling Research Centre at the University of Huddersfield, advancing research in hair follicle biology, topical treatments, and 3D-printed cooling caps. As noted earlier its long-term relationship with the University of Huddersfield is a key driver of the businesses decision to co-locate alongside the NHIC.*

*Paxman is strategically expanding its innovation pipeline beyond scalp cooling, partnering with the National University of Singapore to develop a breakthrough solution for chemotherapy-induced peripheral neuropathy (CIPN) – nerve damage in the hands and feet. Backed by strong financials, Paxman AB—listed on Nasdaq Stockholm—reported over £12.6m in turnover for 2024, marking a 19% year-on-year increase, and now employs more than 70 staff.*

*I believe that the proposed relocation of the business to the Turnbridge Mills site will result in very low displacement of jobs and investment; Paxman Coolers has experienced significant (15%+) year on year growth in turnover since 2022 and the proposals aim to provide expansion space to facilitate continued expansion, driven by export sales. In addition, the relocation of the business from its current premises in Fenay Bridge will in turn support the expansion of another important local advanced manufacturing business (Reliance Precision), which occupies a site opposite the current Paxman premises and plans to move its new product development and innovation functions into this building as part of wider expansion plans.*

### **Alignment with national, regional and local strategic economic and spatial priorities**

*Alongside the strategic importance of the health and life sciences to the growth of the West Yorkshire economy and the important contribution of Paxman Coolers to the emerging cluster, the site at Turnbridge Mills lies within the Station to Stadium Enterprise Corridor and the West Yorkshire Investment Zone (IZ).*

*IZs are central to delivering the Government's Industrial Strategy, with only eight across England. Each will unlock £160 million in public investment over ten years to drive private sector growth and job creation through university-led R&D. West Yorkshire's IZ focuses on the health tech and digital sectors, with Huddersfield's Station to Stadium Corridor among just three areas in the region benefiting from this status.*

*Investment Zone status is a key driver for inward investment and SME growth, anchored by the University of Huddersfield's National Health Innovation Campus. The seven acre NHIC site has planning permission for up to seven buildings and up to 75,000 m2 of accommodation and is being built to international WELL building standards - one of only 30 WELL-at-scale sites worldwide and the first of its kind in the UK.*

*With the first building completed on site in 2024 and the second scheduled for completion in early 2026, the NHIC will deliver a mix of specialist clinical teaching and research facilities, laboratories, and flexible innovation floorspace packed with the latest tech for those businesses seeking to develop an in-depth relationship with the University. The NHIC will also be home to the first NHS Community Diagnostic Hub colocated on a UK university campus, enhancing its role in public health and clinical services.*

*The Station to Stadium Corridor Masterplan – adopted by the Council in 2022 – envisages that the health and life sciences, anchored by the NHIC, can drive the regeneration of the area including Old Leeds Road through the development of complementary land uses. To realise the clustering benefits outlined overleaf, it is essential that the IZ programme delivers a significant increase in the availability of laboratory space, manufacturing and office space within the Station to Stadium Corridor. The proposed relocation of Paxman Coolers will make a significant contribution to both of these objectives.*

### **Availability of suitable sites/premises**

*As noted, JL Brierley's Turnbridge Mills site lies within a nationally designated Investment Zone focused on the health and life sciences which in turn forms part of the Council's Station to Stadium Enterprise Corridor.*

*In addition, in seeking to relocate and expand its operations Paxman Coolers has highlighted the importance of co-location with the University of Huddersfield as a result of its longstanding research and innovation relationships and to support the clustering effect cited overleaf.*

*The applicant has detailed their efforts over a number of years, preceding IZ status, to identify viable alternative uses for the William Hirst Mill and other buildings within the complex. Whilst I do not intend to revisit the issues relating to the use and viability of the mill here, it is important to consider the availability of other site/premises options for Paxman Coolers within the Station to Stadium Corridor and elsewhere in Huddersfield.*

*I am aware that the business is seeking to relocate during 2026 as there are some timing constraints relating to the disposal and decant of their existing premises and also in relation to the availability of grant funding to support their proposed relocation through the Investment Zone programme. I consider the latter subject in the final paragraphs of this letter.*

*The Business Kirklees team is acutely aware of a significant under-supply of readily available industrial sites/premises in and around the Investment Zone and more widely across the Huddersfield sub-market. I have appended a report from the CoStar property information system detailing the availability of leasehold premises within 1.5 miles of Huddersfield town centre and the NHIC; this shows that there are currently no existing leasehold premises available which meet Paxman Cooler's requirements of approximately 25,000 sq. ft of floorspace. Some of these premises, as well as being too small, are also unlikely to meet Paxman's requirements for modern, high quality floorspace in line with its reputation as an innovative and mission-led business.*

*The Huddersfield Investment Zone is centred on two key sites – the National Health Innovation Campus, which is a focus for teaching, research and public health facilities – and the adjoining development site at Gasworks Street which will provide a focus for manufacturing and other businesses seeking to be based within the IZ and co-locate with the University.*

*I understand that Paxman Coolers entered into negotiations with the University of Huddersfield regarding potential relocation on the NHIC site. However, the project, which is manufacturing-focused, does not fit with the University's preferred mix of land uses within the campus. A floor of innovation space is being developed within the Emily Siddon building on the campus, opening in 2026 but no further commercially available floorspace is currently being planned by the University.*

*The 7 acre site at Gasworks Street, which was transferred to the ownership of Kirklees Council in September 2025, has secured an in-principle commitment from WYCA to provide funding for site remediation and infrastructure provision, subject to business case approval. These works will de-risk the development of the site and a private sector partner will be sought in mid-2026 to develop the site in accord with the objectives of the Investment Zone.*

*Whilst this will result in a very significant improvement in the supply of land for high quality employment uses in the Station to Stadium Corridor, it will not be available for development within the timeframe required by Paxman Coolers and was not in Council ownership when the planning applications for Turnbridge Mills were submitted. As such the site at Gasworks Street cannot currently be considered a realistic alternative site to meet Paxman's requirements. The Turnbridge Mills site represents the only current and viable solution.*

### **Investment Zone funding**

*The applicant has argued that a range of other options have been considered for the retention or partial redevelopment of the Mill and that none of these are viable. They further state that the proposed scheme, involving the provision of bespoke premises to be leased to Paxman Coolers is unviable without a significant Investment Zone grant. The Council has commissioned independent advice on the viability of these options.*

*A business case has been submitted for WYCA and I understand that the project will be considered by the full WYCA committee in December 2025. I understand that WYCA's own appraisal of the preferred (Paxman) scheme is also likely to confirm that this is not commercially viable without a substantial IZ grant to meet the shortfall between development values and costs. I am also advised that WYCA are unlikely to support a speculative funding bid and that Paxman Coolers role in the project and the wider economic benefits that this will unlock are central to their support.*

*In summary I wish to reiterate my strong support for what is a very significant project within Huddersfield's Station to Stadium Corridor and for the West Yorkshire Investment Zone. In the event that planning permission is granted, Paxman Coolers will play a key role in the future development and growth of the health and life sciences cluster and in the wider regeneration of the Corridor."*

## **8.6 K.C. Conservation and Design**

Comments identify and provide details regarding heritage assets affected and their heritage interest and significance. These are as follows:

*"The Turnbridge Mills site, spanning both sides of the road, holds considerable heritage group value. The collection of buildings, constructed from the 1890s through the 1990s, forms a coherent collection of industrial buildings that illustrates the evolution of Huddersfield's industrial development over more than a century."*

*“The proposals include the demolition of existing buildings, the conversion and renovation of an existing building, and the erection of a new building for mixed-use. The overall aim of the proposals is to provide a harmonious design concept for its location.*

*Mill Building A is being retained as this building is currently leased and is viable to be retained and incorporated in the new layout.*

*Mill Building B (Hirst Mill) is a Grade II listed building, designated in May 2025 for its architectural and historic interest. It is a well-preserved example of a 19th-century stone-built cotton mill, featuring Italianate-style windows, ashlar lintel bands, and original cast iron columns and beams. Its prominent canal-side position contributes strongly to the character and setting of the industrial complex. However, this is a late example of a mill site and there are no surviving historical machines in the property when it was listed. Architecturally building B isn't exceptional in its design compared with Building H which was listed due to its unusual roof construction.*

*Mill Building B occupies a prominent position along the canal elevation and makes a significant contribution to the visual character and historic integrity of the site. Its scale, massing, and architectural detailing establish a strong relationship with the waterway and adjacent structures, reinforcing the cohesive industrial setting. The proposed loss of this building would result in a substantial alteration to key views of the site, diminishing the sense of enclosure and continuity along the canal frontage. Furthermore, its removal would weaken the spatial and historical relationship between the remaining buildings, eroding the overall legibility and heritage value of the site. However good quality landscaping should be considered carefully if demolition is approved.*

*Other buildings within the site, including Buildings C, G, and E, are of low heritage significance, while Buildings N and F are considered to have no heritage value. Building D, although not listed, retains a historic relationship with the mill complex and contributes positively to the streetscape.*

*Building B is structurally sound overall, as confirmed by the structural survey; however, the roof requires significant investment to address its current defects before the upper floor can be brought back into use. At present, the lower floors are occupied, but the tenants have been served notice and are relocating. The existing tenants pay below market rent, which has not generated sufficient income to fund essential repairs. Once vacated, the building will be entirely empty and could decline even further making its future questionable.*

*Over the years, various options have been explored to bring the building back into full use; however, none have proven viable or attracted sufficient market interest to secure a development partner. While residential conversion has been considered, the building's industrial location makes it an unattractive proposition, and market evidence demonstrates that such schemes in historic buildings in Huddersfield are not viable without significant gap funding. This is supported by examples such as The George and Estates Buildings in*

*the town centre, which, despite being in more central locations, have faced similar viability challenges. Furthermore, any conversion would require substantial internal alterations, including the installation of a second staircase and an additional lift, representing significant cost implications that further undermine feasibility.*

*The sequential options appraisal states that a do-nothing approach had been considered but it is unrealistic to consider that a listed building can simply be mothballed. The building would still need to be maintained and repaired but with no income from the building this wouldn't be possible, and the building quality would further decline.*

*The applicant has demonstrated efforts to market the property over a substantial period; however, interest has been minimal. They have explored funding opportunities through bodies such as Historic England and the West Yorkshire Combined Authority (WYCA), but these sources do not provide sufficient funds to bridge the viability gap required to retain Mill Building B. The National Planning Policy Framework (NPPF) advises that alternative ownership models—such as not-for-profit, charitable, or public ownership—should also be considered. However, given the significant roof repairs currently required and the ongoing maintenance costs, it is highly unlikely that a charity or not-for-profit organisation could feasibly take on the building and sustain its upkeep.*

*One type of funding that is available is from the West Yorkshire Combined Authority (WYCA), but this is reliant on Paxmans relocating to this site within the designated Investment Zone adjacent to the new National Health Innovation Campus. Without this funding Building D would not receive any investment and the long-term future of all the heritage assets on this site could be brought into question. So, allowing the demolition of one mill and retaining another with the funding to repair the building and bring it back into full use could be seen as a positive compromise. This opportunity may not occur again and would leave the whole site in danger.*

*Buildings C, G, and E are considered to have low heritage significance, and their loss is not anticipated to result in a substantial impact on the setting of the identified heritage assets.*

*The primary concern regarding the demolition of Building C relates to the adjacent chimney and whether the chimney is physically attached to Building C. To address this, it is recommended that a planning condition be imposed requiring a detailed assessment and report. This report should confirm the structural relationship between the chimney and Building C and outline measures to ensure the chimney's protection and preservation during and after demolition works.*

*Building N, the canopy, and Building F would result in no heritage harm due to their lack of significance within the overall industrial complex and its historical development. Building F replaced a four-storey vacant mill building originally associated with Hirst Mill, which was demolished in 1988 to create a yard capable of accommodating modern-sized lorries. Consequently, Building F adds no heritage value to the site."*

*“The pros and cons of this application need to give careful consideration to Paragraph 214 of the NPPF”.*

*“An independent viability assessment has been undertaken for the council and assessed the proposals against the test in the NPPF. After all the options were reviewed they did conclude that there are no viable options without grant funding and viability fundamentally depends on market demand, improved values, and grant funding.”*

Comments have been provided regarding various aspects of the design of the proposed development, including the design of the proposed new buildings, the retention of Building D, and the proposed service yard area, including landscaping. Relevant comments have been incorporated and assessed in the Heritage and Design section below.

### **“Conclusion**

*Overall, Conservation and Design are supportive of the scheme; however, the loss of Mill Building B would constitute substantial harm to the group of properties on Quay Street. This harm may be outweighed by the public benefits of the proposal, which represents the optimum viable use of the site. There are concerns that if this scheme isn't implemented then the site may become redundant, and buildings left vacant and partially sub-let. Which will have a negative impact on the whole area and the heritage assets. This scheme is viable and can bring the site fully back into use.*

*Although the demolition of Mill Building B is significant, the development plans have evolved considerably since the original pre-application stage. The retention of Mill Building D provides a valuable compromise and some mitigation, helping to preserve the group value of the site, a sense of enclosure and the industrial character of the area.*

*If the application is recommended for approval, a condition should be imposed to ensure that the demolition of Mill Building B does not occur until the programme for the new build is confirmed, in accordance with paragraph 217 of the NPPF.*

*While the site does sit in the setting of the Huddersfield Conservation Area, the proposals do not significantly impact on its setting.”*

## **8.7 K.C. Ecology (Comments following receipt of additional bat survey information during the course of the application)**

No objection, providing the following comments:

*“On the opposite site of the canal there is an LNR, which will highly unlikely be impacted during the development. Therefore, no issues are considered.”*

*“Building B and Building F were confirmed to have day roosts for bats. As a result, a Natural England EPS licence and appropriate mitigation method statement will be required.*



*Buildings C, D, D1, E, G and O were noted to not have any bat roosts observed. As a roost for these buildings cannot be completely ruled out, a PWMS [Precautionary Working Method Statement] will be conditioned.*

*Nesting swifts were noted during the surveys. Peregrines were also noted to nest on the site. An informative will be provided for this. Enhancements for swift boxes will also be added."*

*"As the site is originally on hardstanding, and the area of the canal with a small amount of habitat is to be impacted, resulting in the de minimis argument – the application is considered exempt from BNG."*

Conditions and informative notes recommended.

## 8.8 **K.C. Environmental Health**

### Contaminated Land

Phase 1 report received as part of originally-submitted information. Comments provided on submitted Phase 1 report. Conditions recommended, including submission of Phase 2 Intrusive Site Investigation Report and to cover remediation as necessary.

Further information (a Ground Investigation Report) has subsequently been received during the course of the application. Environmental Health were reconsulted following the receipt of this further information.

In response, Environmental Health have advised that: *"We largely accept the report, however we require further information on the gas regime at site"* and that their recommended conditions in their previous response remain.

### Air quality

Submitted Air Quality Impact/Mitigation Statement is noted, including mitigation proposals (electric vehicle charging points and a Travel Plan).

Condition recommended regarding electric vehicle charging points.

## 8.9 **K.C. Highways Development Management**

No objections subject to conditions.

Section 106 contributions requested as follows:

- Contribution to fund amendments to the Traffic Regulation Order (TRO) on Quay Street relating to waiting restrictions – £13,000.
- Travel Plan monitoring fee - £10,000

## 8.10 **K.C. Highways Structures**

Condition recommended, including following receipt of further information from applicants.

#### 8.11 **K.C. Lead Local Flood Authority (LLFA)**

*"The LLFA accepts the recommendations of the Flood Risk Assessment & Drainage Strategy to provide 50% betterment on existing surface water brownfield run-off rates and attenuation storage for the 1 in 100 year (plus 45% CC) including provision of an oil separator for the service yard.*

*The proposals in the FRA for Construction Phase drainage and the stated surface water flow routes for exceedance flows are both accepted by the LLFA"*

Some further information regarding drainage proposals would be required to be submitted for approval. Advice provided about what would be required and/or expected in that regard.

Support, subject to compliance with the requirements set out in the LLFA's comments, and a recommended condition requiring a scheme detailing foul, surface water and land drainage to be submitted and approved.

#### 8.12 **K.C. Public Health**

Submitted Rapid Health Assessment has been reviewed. Further information/clarification sought on some matters. Request that measures set out in comments are incorporated into Rapid Health Assessment and implemented.

Following the receipt of revised plans and additional clarification from the applicant, Public Health were re-consulted and advised that the fact that the developer had responded was encouraging, and that they had nothing further to add to their previous response.

#### 8.13 **K.C. Town Centre Regeneration**

Support, with the following comments provided:

*"This scheme is a cornerstone of the Council's adopted Station to Stadium Masterplan (2022) and sits at the heart of the West Yorkshire Health Innovation and Digital Tech Investment Zone (IZ). The IZ is one of only eight nationally, delivering a £160 million package of public investment over ten years to unlock private sector growth, jobs, and innovation. The Huddersfield IZ, and specifically the Station to Stadium Corridor, is central to our ambition to create a world-class health tech ecosystem, anchored by the University of Huddersfield's National Health Innovation Campus (NHIC).*

*The Council's vision for the town centre is clear: to drive high-value employment, research, and innovation-led growth. While residential development is a key aspiration for the wider town centre, this particular location is reserved for commercial, employment, and R&D uses to maximise the benefits of clustering and knowledge exchange. The proximity to the NHIC is critical, and the proposed scheme directly supports the Council's Inclusive Economy Strategy (2025), which prioritises health and life sciences.*

*Paxman Coolers Ltd is a globally recognised, innovative SME, headquartered in Huddersfield, with a strong partnership with the University. Their expansion and co-location adjacent to the NHIC will not only secure their future growth and job creation but will also catalyse further investment and innovation in the local health tech cluster. The scheme is time-sensitive, with both the business's operational needs and the availability of IZ grant funding from the West Yorkshire Combined Authority (WYCA) dependent on timely delivery. WYCA has confirmed that grant support is conditional on Paxman being the named occupier, reflecting the strategic importance of this project.*

*The wider economic benefits are significant: retention and growth of a key local employer, unlocking expansion for another Kirklees SME (Reliance Precision), and reinforcing Huddersfield's position as a centre for health innovation. The scheme also addresses the acute shortage of suitable industrial and innovation space in the town centre.*

*I would like to highlight the strategic significance of the IZ and the public/economic benefits of the scheme, the time-critical nature of the opportunity, the lack of alternative sites, and the importance of the WYCA grant in bridging the viability gap."*

*In conclusion, this proposal...is key to delivering the Council's economic and regeneration objectives for Huddersfield. I strongly encourage planning colleagues to give the appropriate significant weight to the strategic, economic, and public benefits of the proposal in their assessment."*

#### 8.14 **K.C. Trees**

No trees within the site and no need for any tree-related information. No objections.

#### 8.15 **K.C. Waste Strategy**

Additional and revised information has been received during the application in response to K.C. Waste Strategy's comments on the originally-submitted information, which included a request for additional information regarding waste storage, number and size of containers, capacity and design of waste storage compound(s), and waste collection.

In response to the additional and revised information received, the following comments have been received from K.C. Waste Strategy:

Confirmation is needed that proposed bin stores are large enough to hold the number of bins indicated.

Advice provided about specifications of bin stores.

Defer to Highways for technical analysis of road layouts and swept paths in respect of Refuse Collection Vehicle access. Comments provided about aspects that would need to be considered in that regard.

Conditions recommended regarding waste storage proposals and details of management and maintenance of refuse storage areas, including access for waste crews.

8.16 **The Mining Remediation Authority**

No objection. Informative notes recommended.

8.17 **West Yorkshire Archaeology Advisory Service**

Provided the following comments:

*“The engine house accommodated a type 2 McNaughted beam engine with gear drives to vertical shafts at the mill. Such an engine will have impacted on the interior of the engine house with feature (hoist points etc) on the walls and roof to aid in the construction and maintenance of the engine.*

*An examination and record should be made of the interior of the engine house to identify and record such features. This would likely be a photographic record.*

*Such a record should be made prior to any construction works starting in the engine house.”*

8.18 **West Yorkshire Police Designing Out Crime Officer**

No objection in principle. Advice provided regarding suggested crime reduction and prevention measures. Recommend condition.

8.19 **Yorkshire Water**

Condition recommended.

**9.0 MAIN ISSUES**

- Principle of development
- Heritage and Design
- Sustainable construction and climate change
- Residential amenity
- Highways and transportation
- Flood risk and drainage
- Ecology and biodiversity
- Trees
- Land stability
- Contaminated land
- Air quality
- Crime prevention
- Public Health
- Planning obligations
- Other matters
- Representations

**10.0 APPRAISAL**

Principle of development

- 10.1 The site is unallocated in the Local Plan. It is a previously-developed industrial/commercial site in an accessible location, close to Huddersfield town centre and nearby amenities and public transport connections.
- 10.2 The proposed development would incorporate elements of light industrial, research and development, and storage/distribution uses, all of which are considered acceptable in principle on this previously-developed site (subject to other material planning considerations, as set out below).
- 10.3 The proposed development would also include an element of office use (Use Class E(g)(i). Offices are amongst the 'main town centre uses' defined in the NPPF. However, in this instance, the proposed offices would be ancillary to the manufacturing/R&D elements of the proposed development, rather than stand-alone offices. As such, it is considered that the proposed office use would be acceptable in this out-of-centre location, and does not require a town centre sequential test or impact assessment.
- 10.4 In the light of the above, the principle of the proposed mixed-use development on the site is considered to be acceptable. However, this is subject to all other relevant material planning considerations, including with regards to the effects of the proposed development on designated heritage assets, highway safety, flood risk, ecology, residential amenity and other matters. Those matters are considered in detail below.

#### *Economic development*

- 10.5 The proposed development would provide a purpose-built facility for Paxman Coolers Ltd, including manufacturing, research & development, warehouse and office space. The submitted details state that Paxman Coolers Ltd 'are looking to re-locate and expand from their current premises at Fenay Bridge', and it is understood that the proposed development would accommodate the company's expansion proposals, on a site within the Huddersfield area. The details submitted by the applicants advise that:

*"The aim is to provide a 35% increase in Paxman's annual manufacturing output in West Yorkshire, as part of their business plan to capture more of the global Cryotherapy for Oncology market within the next five years".*

- 10.6 The details submitted by the applicants also state that:

*"the launch of Paxman's new smart manufacturing line (2026) will require the recruitment of 70 new staff (39 FTE in Huddersfield) with specialist expertise in digital manufacturing, engineering, and cryotherapy research".*

- 10.7 The site is close to Huddersfield University's National Health Innovation Campus, which is currently in the early stages of development nearby to the north west of the site. In that context, the details submitted by the applicants state that:

*"the expansion plans require specialist skills & expertise, so it imperative for Paxman to establish direct links with the region's academic base to "home-grow" this talent in collaboration with the University of Huddersfield".*

10.8 The submitted details state that:

*“Paxmans and Huddersfield University plan to establish a collaborative R&D and PhD programme (5 x PhD students per annum for 5 years = 25), alongside provision of bespoke CPD courses for existing and new staff. This will require ongoing access to the NHIC’s specialist facilities, particularly the Daphne Steele Building. Proximity to the campus is critical to minimise day-to-day business disruption, as key staff participate in outsourced training and R&D provision”.*

10.9 The applicants’ submissions also refer to grant funding from West Yorkshire Combined Authority (WYCA). A letter has been received from WYCA confirming that they are in receipt of a funding application from one of the applicants, for Investment Zone (IZ) funding for Turnbridge Mills. WYCA’s letter states that:

*“The Turn Bridge Mill development is situated within the Huddersfield IZ Cluster (Station to Stadium corridor) which is one of the three areas of West Yorkshire that benefit from IZ status. The IZ programme in Huddersfield is centred on the attraction of new inward investment in this specialised area and the expansion of existing SMEs, anchored by the University of Huddersfield’s National Health Innovation Campus development and its related expertise in key areas of research including AI, clinical diagnostics, skin integrity and infection prevention.*

10.10 It is understood that the proposed development would be dependent on receiving that IZ funding from WYCA. In their letter, WYCA have advised that the funding application is currently proceeding through the Combined Authority appraisal process.

10.11 The site is within the West Yorkshire IZ which, the Council’s Business and Economy team have advised, ‘focuses on the health tech and digital sectors’. The Town Centre Regeneration team advise that the IZ ‘and specifically the Station to Stadium Corridor’ is ‘central’ to their ‘ambition to create a world-class health tech ecosystem, anchored by the University of Huddersfield’s National Health Innovation Campus (NHIC)’.

10.12 Comments have been received from the Council’s Business & Economy team and Town Centre Regeneration team. Those comments are set out in the Consultee Responses section above, at paragraphs 8.5 and 8.13 respectively. They provide information regarding the wider context for the application site and the proposed development, including with reference to the Station to Stadium Enterprise Corridor and the West Yorkshire Investment Zone. They express support for the proposed development, and set out a number of benefits which generally echo those which have been set out by the applicants as quoted above. These include:

- The retention of a ‘key local employer’, Paxman Coolers Limited, and scope for them to continue to expand their business, within the Huddersfield area.
- Proximity to the University of Huddersfield’s NHIC, with reference to links between Paxman Coolers Limited and the University and the scheme’s contribution to wider strategic aspirations to support the clustering of health and life sciences within ‘a nationally designated Investment Zone focused on the health and life sciences which in turn

forms part of the Council's Station to stadium Enterprise Corridor'. The Town Centre Regeneration Team have commented that "the proximity to the NHIC is critical' and that they consider that Paxman Coolers Ltd's 'expansion and co-location adjacent to the NHIC will not only secure their future growth and job creation but will also catalyse further investment and innovation in the local health tech cluster'.

- Contribution to the regeneration of the area – The Business & Economy team have commented that 'The Station to Stadium Corridor Masterplan...envisages that the health and life sciences, anchored by the NHIC, can drive the regeneration of the area including Old Leeds Road through the development of complementary land uses'.

10.13 The applicants' submissions, and comments from the Council's Business & Economy and Town Centre Regeneration teams, also advise that the relocation of Paxman Coolers Ltd from their current site in Fenay Bridge would also free up space for the expansion of another local business (who, officers understand, are also the owner of their current premises) Reliance Precision (described in the Business & Economy team's comments as a 'local advanced manufacturing business').

10.14 In the light of the above, the proposed development would allow for the retention and continued expansion of an existing business, which specialises in health technology, within the Huddersfield area, with associated opportunities for employment growth. The site's location, and proximity to the University of Huddersfield's NHIC, would facilitate ongoing collaboration between Paxman Coolers Limited and the University, and would contribute towards wider strategic objectives of the IZ and the Station to Stadium Masterplan, including with regard to the anticipated clustering of health and life sciences, as part of the growth and regeneration of the area. The proposals would also free up space for the expansion of another local business on Paxman Cooler's existing site in Fenay Bridge.

10.15 The applicant has also provided a detailed list of claimed public benefits, within the document titled 'Planning and Listed Building Consent Statement Rev A – June 2025'. These are summarised<sup>2</sup> below, with officer comments where necessary:

#### Key Drivers and Paxman's Requirements

- **Relocation and Expansion:** Paxman requires an appropriately sized site in Huddersfield for relocation and expansion to avoid leaving the borough, securing existing jobs, and allowing for business growth over the next 15 years (A, C).

**Officer note:** As set out within the Business & Economy team's comments, alternative locations have been considered and discounted.

- **Proximity to Academia:** The proposed location must be adjacent to Huddersfield University and the National Health Innovation Campus (NHIC). This proximity is critical for establishing direct links to "home-grow" specialist talent for their expansion and the launch of a new smart manufacturing line (B, E).

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<sup>2</sup> The applicant's document details public benefits A-N and then Heritage benefits 1 – 5, which are noted in the summary list provided within the report.

- **Manufacturing Output:** The move aims to achieve a 35% increase in Paxman's annual manufacturing output in West Yorkshire to capture more of the global Cryotherapy for Oncology market (C).
- **Staffing & Skills:** The 2026 launch of the new manufacturing line requires recruiting 70 new staff (39 FTE in Huddersfield) with specialist skills in digital manufacturing and cryotherapy research, necessitating collaboration with the University to develop this talent locally (E).
- **R&D Collaboration:** Plans include a joint R&D and PhD program (5 PhD students/year for 5 years) and CPD courses, requiring ongoing access to NHIC facilities like the Daphne Steele Building, making site proximity vital (F).

**Officer note:** This is noted, and welcomed, but has not been verified or secured.

#### Regional and Financial Benefits

- **Job & Business Security:** The scheme will secure Paxman's long-term research and manufacturing presence in West Yorkshire (D).
- **Economic Boost:** It will support West Yorkshire Investment Zone objectives, boost the region's Health-tech assets, increase Med-tech research strengths, develop advanced engineering skills, and attract new students, graduates, and supply chain investors (G, H).

**Officer note:** These comments are collaborated by the details provided by the council's Business & Economy and Town Centre Regeneration teams.

- **Grant Funding Necessity:** The project requires substantial grant funding due to the high, expensive specification of a bespoke health-related manufacturing facility, which is otherwise unviable based on market rents. Missing the time-limited grant funding would prevent the development from proceeding (I, J).
- **JLB/Developer Certainty:** The single large end-user (Paxman) provides the necessary certainty for the developer (JLB) to move forward with the Turnbridge Mills redevelopment, securing funding streams, long-term rental income, and offering a solution to the ongoing liability crisis posed by obsolete and historic mill buildings (K, L).
- **Heritage & Stewardship:** The scheme supports JLB's ability to remain and continue stewardship of the listed mill and chimney (Building H), as no grant funding is available for its refurbishment (M).

**Officer note:** This point is noted however, for the avoidance of doubt, a formal 'enabling' argument has not been made and therefore no provisions have been secured or are recommended requiring funds be reallocated to the other heritage assets in the immediate vicinity.

- **Secondary Business Expansion:** Paxman's current Fenay Bridge site will be occupied by Reliance Precision Engineering, allowing Reliance to expand its operations and create an additional 80 jobs (total 300) (N).



## Heritage Matters

- **Supporting JLB's Stewardship:** The development is designed to support the ability of the landowner, JLB, to remain in the listed mill Building H and generate funds necessary for the ongoing repair and maintenance of the remaining historic structures, including the listed chimney (1).

**Officer note:** This point is noted however, for the avoidance of doubt, a formal 'enabling' argument has not been made and therefore no provisions have been secured or are recommended requiring funds be reallocated to the other heritage assets in the immediate vicinity.

- **Restoration of Building D:** Focus on the retention, repair, renovation, and reuse of Building D. This includes heritage enhancements like:
  - Returning the fenestration (windows) in the Engine House to their original form.
  - Reinstating the original loading doors.
  - Retaining and reconstructing the ashlar stonework from the boiler house arch base to improve the legibility of the building's original use (2).
- **New Office Building Design:** A new two-storey office (west of Building D) will be constructed using reclaimed natural stone and designed to visually relate to Building D (matching basement plinth, fenestration, and slated roof). This aims to improve the street scene, create a sense of enclosure, and help screen the new manufacturing building while forming a visual group with the listed structures (3).

**Officer note:** The re-use of natural stone, where feasible, is welcomed and may be secured via condition.

- **Aesthetic Enhancement of Building A:** The key facade of Building A will be enhanced by cladding it in stone with recessed walled window panels. This is intended to improve its aesthetics and help it better relate to and harmonize with the traditional mill complex (4).

**Officer note:** Good design is a base requirement. This is considered to have a neutral impact, and not amount to a 'public benefit'.

- **New Manufacturing Building:** The design of the new manufacturing building is simple, restrained, and utilitarian. It has been carefully detailed for a neutral impact on the historic environment, reflecting the complex's industrial function as identified by Historic England, while providing a key role in the site's sustainable future (5).

**Officer note:** Good design is a base requirement. This is considered to have a neutral impact, and not amount to a 'public benefit'.

- 10.16 The delivery of the identified benefits is, however, time sensitive and therefore the applicant contends that the permission needs to be secured imminently. This is due to:

- Paxman are required to vacate their current premises in the coming year. Having considered various locations, no appropriate alternative accommodation or site in Huddersfield has been identified. Accordingly, if the proposed development is not implemented in time, Paxman are likely required to consider alternative locations, including outside of Huddersfield / Kirklees.
- The project, as proposed, is only viable with the inclusion of grant funding. West Yorkshire Combined Authority are intending to provide the required grant funding, as part of their Investment Zone grant programme, however as is typical with grant funding processes this is time limited.
- Notwithstanding the proposals to demolish the buildings on site, failure to secure a viable use will lead to their continued degradation, which will in turn increase future repair and/or maintenance costs. Due regard should also be given to recent increases in building costs generally.

10.17 Officers, giving due regard to the applicant's submission and supportive information provided by colleagues elsewhere in the council, are of the view that the scheme would generate significant economic benefits that would amount to a wider public benefit. Economic activity forms one of the three overarching objectives of the planning system, the others being social and environmental objectives (which will be considered, where relevant, in this report. The NPPF defines the economic objective as:

*an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

10.18 Paragraph 85 of the NPPF states:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.*

10.19 This is built upon by paragraph 87, which sets out:

*87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for:*

*a) clusters or networks of knowledge and data-driven, creative or high technology industries; and for new, expanded or upgraded facilities and infrastructure that are needed to support the growth of these industries (including data centres and grid connections);*

*b) storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation; and*

*c) the expansion or modernisation of other industries of local, regional or national importance to support economic growth and resilience.*

10.20 Turning to the Local Plan, policy LP2 states:

*All development 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, as set out in the four sub-area statement boxes below:*

Specific to Huddersfield, the following strengths and opportunities for growth are identified and are relevant to the proposal:

- Good access to the M62, particularly from the north. Frequent bus network connecting Huddersfield town centre to outlying areas of the town and to other areas in Kirklees and elsewhere in West Yorkshire.
- Priority in Kirklees Economic Strategy to revitalise Huddersfield town centre. The University of Huddersfield and Kirklees College potentially attracting investment.
- Frequent rail services to major cities across the north of England from Huddersfield station, as well as services to other towns in Kirklees and West Yorkshire.
- Strong and innovative manufacturing sector linked to educational establishments.
- The River Holme, River Colne, Huddersfield Narrow Canal and Huddersfield Broad canal, with the Aspley Marina and Waterfront Quarter can provide attractive settings for development and attract investment.

10.21 The proposed development is considered to take advantage of all of the above strengths and opportunities. While not within the defined boundary of Huddersfield Town Centre, it is 'edge of centre', and in practice immediately accessible to the town centre and all of its advantages, including strong public transport links and local highway network. As noted, the proposal would support the establishment and growth of the Investment Zone, having cumulative benefits from local businesses and the University, while also contributing to the wider revitalisation of Huddersfield Town Centre and more immediate environment around Quay Street.

10.22 Policy LP2 also identifies challenges to growth. This includes flat areas being prone to flooding and poor air quality in certain areas, which will be considered where relevant within this report. Of particular note, however, is the acknowledgement that 'Some historic buildings are in poor condition'. Assessment of this matter, and wider heritage implications, will form a key consideration for this assessment.

- 10.23 Overall, the proposal is considered to strongly adhere to the aims and objectives of Policy LP2, through promoting the Local Plan's vision of place shaping for Huddersfield.
- 10.24 Other policies in the Local Plan also add weight in favour of sustainable economic development. These include:
- LP3 requires that new development be located so as to reflect;
    - o the settlement's size and function; and
    - o place shaping strengths, opportunities and challenges for growth; and
    - o spatial priorities for urban renaissance and regeneration; and
    - o d. the need to provide for new homes and jobs;
  - LP3 continues that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account various criteria. Of relevance to this proposal are:
    - o delivering the housing and job requirements set out in the Local Plan;
    - o ensuring that opportunities for development on brownfield (previously developed) sites are realised early in the plan, subject to maintaining a five-year supply of housing land and to delivering the overall housing and jobs requirements
  - LP7 establishes the requirement that proposals will ensure the best use of land and buildings. This includes encroaching the efficient use of previously developed land in sustainable locations provided, that it is not of high environmental value, and also encouraging the reuse or adaptation of vacant or underused properties;
  - LP9 states that the council will work with partners to accelerate economic growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy. Wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. The policy establishes a threshold of 3,500sqm of new commercial floorspace, where the LPA will seek to secure an agreed training or apprenticeship programme with applicants. As the proposal falls below this, such provision cannot be reasonably sought. In instances where the development does not trigger one of the above thresholds then wherever feasible the Council will seek to secure alternative education or training programmes with the applicant. The applicant's submission makes reference to such programmes, although these are noted to be preliminary plans which is understandable at this stage of the proposal. A condition for details of what the programmes entail is therefore recommended.
- 10.25 The proposal is considered to adhere with the establishes aims and objectives of the above listed policies.

- 10.26 Bringing together all of the above references policies from both the NPPF and Local Plan, as noted, the site is within the Investment Zone and would be sited near the University of Huddersfield's developing Health Innovation Campus. The development therefore has the potential to be a key catalyst to support the compound growth of, and investment into, the Investment Zone, University, and nearby businesses, as well as the wider Huddersfield Town Centre. This in turn is expected to promote local innovation and, through cumulative benefits, promote high levels of productivity amongst businesses. Due regard is especially given to the consultation comments provided by K.C. Business and Economy and K.C. Town Centre Regeneration, as set out in section 8 of this report.
- 10.27 The proposal would deliver substantial local economic benefits, which carries significant weight in favour of the proposal, complying with the aims of policies LP2, LP3, LP7, and LP9 of the Kirklees Local Plan, and the objectives of Chapter 6 (Building a strong, competitive economy) of the NPPF.
- 10.28 Notwithstanding the above, it is considered reasonable to highlight that there are also significant negatives of the proposal, relating primarily to heritage harm, which need to be carefully considered on the planning balance against the identified benefits. The heritage implications of the proposal are considered below.

#### Heritage and design

- 10.29 Comments received from consultees and other interested parties regarding heritage matters are noted and have been taken into account as part of the assessment of the application.
- 10.30 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 'shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

#### *Heritage assets affected*

##### *(i) Grade II listed building – Spinning Block, Turnbridge Mills (Hirst's Mill)*

- 10.31 This grade II building (Building B), is a former cotton mill spinning block, built in 1871-1873. It is six storeys tall, with an additional basement storey at canal level to the east.
- 10.32 The list description states that it is listed for reasons relating to its architectural interest, including with reference to:
- *"the good quality of its design and form, with decorative detailing including ashlar lintel bands and projecting sill bands to the main body of the building, and Italianate-style windows to the projecting stair tower";*
  - *"the legibility of its interior layout and the fireproof structure, which retains cast-iron columns, cast-iron beams and segmental brick jack-arches"; and*

- *“as a good example of a C19 stone-built cotton mill in West Yorkshire, an area more commonly associated with the wool and worsted industries”.*

10.33 The list description also states that it is listed for reasons relating to its group value:

*“for its strong functional, visual and historical relationship with the chimney at SE 14942 16846 (Grade II), and visual group value with John L Brierley’s Mill to the south side of Quay Street (Grade II) and the scheduled Turn Bridge across the Huddersfield Broad Canal.”*

10.34 The significance of the listed Spinning Block building is therefore drawn from its architectural interest, including those elements identified in the list description as quoted above and its distinctive functional and industrial character, reflective of its role in the regional textile industry. It also draws its significance from its contribution to the group value of the collection of former mill buildings and associated structures (including the listed chimney and the scheduled Turn Bridge) including its visual and, in some cases, functional relationships to those other historic structures, which remain legible and contribute to the interest, understanding and significance of this historic group of industrial structures and their industrial context in this part of Huddersfield.

*(ii) Grade II listed building – Chimney*

10.35 The chimney at the Turnbridge Mills site dates from around 1872. The list description states that it is listed for its architectural interest as ‘a good example of elegant architectural treatment applied to a utilitarian industrial structure in the mid-Victorian period’ and for its group value with the buildings of Turnbridge Mills, including with reference to the grade II listed building to the south of Quay Street. The list description also identifies that the chimney ‘forms a prominent landmark feature of Huddersfield’s skyline and contributes to the setting of the adjacent scheduled Turn Bridge’.

10.36 Insofar as it relates to this application, the grade II listed chimney draws its significance from its architectural interest and from its contribution to the group value of the collection of historic mill buildings and associated structures at Turnbridge (including the grade II listed building, ‘Hirst Mill’ (Building B) and the scheduled Turn Bridge) and its visual and, in some cases, functional relationships to those other historic structures, which remain legible and contribute to the interest, understanding and significance of this historic group of industrial structures and their industrial context in this part of Huddersfield.

10.37 As part of that wider group of historic buildings at Turnbridge Mills, the grade II listed building, ‘Spinning Block, Turnbridge Mills (Hirst’s Mill)’ (Building B) forms part of, and makes a positive contribution to, the setting of the grade II listed chimney.

*(iii) The setting of grade II listed building – John L Brierley’s Mill*

10.38 John L Brierley’s Mill is a 7 storey, stone-built, mill building on the southern side of Quay Street opposite the site, dating from the mid-19<sup>th</sup> century.

10.39 John L Brierley’s Mill is part of, and contributes to the group value of, the wider group of historic mill buildings and associated structures at Turnbridge (including the listed chimney and scheduled Turn Bridge). As such, the

application site, including the grade II listed 'Spinning Block, Turnbridge Mills (Hirst's Mill)' (Building B) and the grade II listed chimney, forms part of, and makes a positive contribution to, the setting of the grade II listed building, John L Brierley's Mill.

*(iv) The setting of the Turn Bridge Scheduled Monument*

- 10.40 The Turn Bridge which crosses the canal to the east of the site is understood to date from the mid 19<sup>th</sup> century, and is a scheduled monument.
- 10.41 The Turn Bridge is part of, and contributes to the group value of, the group value of, the wider group of historic mill buildings and associated structures at Turnbridge. As such, the application site, including the grade II listed 'Spinning Block, Turnbridge Mills (Hirst's Mill)' (Building B) and the grade II listed chimney, forms part of, and makes a positive contribution to, the setting of the Turn Bridge scheduled monument.

*(v) The setting of the Huddersfield Town Centre Conservation Area*

- 10.42 The site is outside, but close to, the boundary of Huddersfield Town Centre Conservation Area. The site is a former industrial site associated with the growth of the area during the 19<sup>th</sup> century, and can be glimpsed from the edges of the Conservation Area. As such, it is considered that the site is within the setting of the Conservation Area.

*The proposed development and its effects on the significance of designated heritage assets*

- 10.43 The proposed development would include the complete demolition of the grade II listed Spinning Block (Building B). It would therefore result in the total loss of this designated heritage asset.
- 10.44 It is considered that the total loss of this designated heritage asset would constitute substantial harm in the terms of the NPPF. This is considered below.
- 10.45 The total loss of the listed Spinning Block building would also result in harm to the setting of the grade II listed chimney within the site, as it would remove the building with which that chimney was associated, and thus significantly erode the understanding and legibility of that listed chimney within its wider historic context.
- 10.46 The total loss of the listed Spinning Block building would also dilute the wider historic context of the other structures in this group of historic industrial buildings, and the legibility and understanding of this group of historic buildings within that context, thus eroding the group value of that wider group of buildings. It would therefore also harm the settings of the grade II listed building, John L Brierleys Mill, and the Turn Bridge scheduled monument.
- 10.47 Building B is prominently located adjacent to the canal. The conservation officer has identified that:

*"Its scale, massing, and architectural detailing establish a strong relationship with the waterway and adjacent structures, reinforcing the cohesive industrial setting."*

- 10.48 As part of the proposed development, the area currently occupied by Building B would be replaced by a hard-surfaced service yard and parking and turning area, to be used by large industrial/commercial vehicles. As such, it would create a gap in the currently continuous group of historic industrial buildings alongside the canal and, as the conservation officer has advised, *“a substantial alteration to key views of the site, diminishing the sense of enclosure and continuity along the canal frontage”*.
- 10.49 The Conservation officer has also advised that the proposed removal of Building B *“would weaken the spatial and historical relationship between the remaining buildings, eroding the overall legibility and heritage value of the site”*. It is considered that the demolition of the tall, distinctive and prominent listed mill building (Building B) with a commercial yard area would not preserve the character, legibility or experience of this historic group of buildings, particularly when viewed from the scheduled Turn Bridge and from the canal towpath to the east of the site. This would contribute to the harm to the settings of other listed buildings within the group.
- 10.50 Following pre-application discussions between the Council and the applicants, and in accordance with the advice offered, Building D, the former mill/office/workshop/engine house building on the Quay Street frontage in the southern part of the site, is proposed to be retained, refurbished and converted as part of the proposed development. The Conservation officer has noted that, although Building D is not listed, it *“retains a historic relationship with the mill complex and contributes positively to the streetscape”*. The retention of Building D does not, in itself, justify or compensate for, the proposed demolition and loss of the grade II listed building, Building B. However, its retention would help to preserve part of the historic built frontage on Quay Street on the approach to the scheduled Turn Bridge, and the Conservation officer has advised that:

*“The retention of Mill Building D provides a valuable compromise and some mitigation, helping to preserve the group value of the site, a sense of enclosure and the industrial character of the area.”*

- 10.51 The Conservation officer has advised that:

*“Buildings C, G and E are considered to have low heritage significance, and their loss is not anticipated to result in a substantial impact on the setting of the identified heritage assets”*.

- 10.52 However, given the proximity of Building C to the grade II listed chimney within the site (and as parts of Building C may be physically attached to the listed chimney) works to demolish Building C could affect the listed chimney. To address this, the Conservation officer has recommended a condition requiring a detailed assessment report, including confirmation of the structural relationship between the chimney and Building C, and measures to ensure the protection and preservation of the chimney during and after demolition works. A condition to this effect is therefore recommended if permission is granted, to ensure that the listed chimney is satisfactorily protected during the proposed works. As the chimney would be close to the proposed service yard entrance, it is recommended that the requirements of the condition include measures to protect the chimney from vehicles using the service yard entrance as part of the proposed development.



- 10.53 The Conservation officer has advised that Buildings N and F “are considered to have no heritage value”. Therefore, it is considered that the demolition of Buildings N and F would therefore not result in heritage harm.
- 10.54 The proposed new buildings would be relatively simple and functional in appearance, with walls in natural stone with dark grey cladding panels above, and a grey roof, and would follow the horizontal lines of Building D, which is proposed to be retained as part of the development. The Conservation officer has also noted that *“the window design complements Building D and does not detract from the original buildings”*.
- 10.55 With regard to the proposed new buildings, the Conservation officer has advised that:
- “While the design is simple and respectful, it is not exceptional; therefore, the justification for replacing a listed building with a lesser design should be carefully considered”*
- 10.56 Therefore, although the proposed new buildings would be simple and functional in their appearance, reflecting their intended use as a modern manufacturing, research and warehouse facility, it is considered that they would not preserve or enhance the settings of the nearby designated heritage assets (the listed chimney, listed John Brierley’s Mill and scheduled Turn Bridge), compared with the listed Building B which is proposed to be demolished. Consequently, this aspect of the proposed development would contribute to the harm to the settings of those nearby listed buildings, which would need to be weighed against the benefits of the proposed development.
- 10.57 The Conservation officer has advised that “where possible, the reuse of original mill stone would enhance the design” of the proposed new building. The submitted details indicate that it is proposed to re-use stone and slates from the demolition of the existing buildings, and a condition requiring materials to be approved, including the re-use of existing materials on site, is recommended if permission is granted.
- 10.58 The Conservation officer has also made recommendations regarding the shutters on the proposed new building and the window design on retained Building D. It is recommended that a condition is attached if permission is granted, requiring details of windows, doors and shutters to be approved.
- 10.59 A new substation is proposed in the north western part of the site, close to the Old Leeds Road street frontage. Following the receipt of revised plans during the application, its walls are now proposed to be constructed in stone. However, its appearance, including its very shallow pitched roof, would not be reflective of the prevailing character and appearance of nearby buildings within the wider street scene, and although the functional requirements associated with the substation are noted, it is considered that improvements to its design would be required, given its very prominent location within the street scene. It is considered that this matter, requiring a high-quality design of the building (including roof design), may be addressed via a suitably worded condition, which is recommended.
- 10.60 Although the site is within the setting of the Huddersfield Town Centre Conservation Area, it is considered that the proposed development would not affect its setting, taking into account the distance between the site and the conservation area.

- 10.61 Drawing those threads together, for the reasons given, it is considered that the proposed development would result in substantial harm to Building B due to its total loss. It is also considered that the proposed development would result in less than substantial harm to the setting of the grade II listed chimney within the site, the setting of the grade II listed building, John L Brierleys Mill, and the setting of the Turn Bridge scheduled monument. This is considered below.

*Substantial harm – loss of Spinning Block (Building B)*

- 10.62 Paragraph 212 of the NPPF states that:

*“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

- 10.63 Paragraph 213 of the NPPF states that any harm to, or loss of the significance of a designated heritage asset should require clear and convincing justification.

- 10.64 Paragraph 213 of the NPPF also states that *“substantial harm to or loss of grade II listed buildings should be exceptional”*.

- 10.65 Paragraph 214 of the NPPF states that:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 10.66 When considering proposals which would lead to substantial harm to (or total loss of significance of) a designated heritage asset, Paragraph 214 therefore sets out 2 separate tests that are to be considered, on an either/or basis. Specifically:

- Whether ‘it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss’; or
- Whether all of the tests in a), b), c) and d) of Paragraph 214 apply.

Only one of the above tests need be passed, to demonstrate compliance with paragraph 214, not both. These matters are considered below, starting with the tests in a), b), c) and d) of Paragraph 214.

- 10.67 As part of the application, the applicants have submitted information which seeks to explain and justify the proposed development, including the proposed demolition of the listed building (Building B).
- 10.68 The submitted information includes a Sequential Options Assessment, which considers various alternative options for the (re)development of the site, including options that include the retention and conversion of the listed mill building, Building B, for alternative uses, and viability assessments for those options, as well as for the proposed development. The submitted details also include information regarding marketing of the site which has been carried out. Additional information, considering other potential options including further options relating to potential residential use on the site, has been submitted during the application.
- 10.69 The options considered in the applicants' submissions include:
- 'Do nothing' options – a 'Do Nothing – External refurbishment only' option and a 'Do Nothing – External & Internal Refurbishment' option (which refers to 'repairs to external envelope of William Hirst Mill (Building B) and associated buildings (C, D & G) to provide structurally sound and watertight buildings with basic internal improvements to allow occupation for storage uses');
  - Re-use of ground floor of Building B for retail and retention of existing tenants on upper floors of Building B, with external refurbishment of buildings C, D, D1 and G for storage use (Option 3a));
  - Re-use of ground floor of Building B for retail with refurbishment of its upper floors, and of Buildings C, D, D1 and G to provide 'high-quality office space' (Option 3b));
  - Conversion of Building B for residential and retail use and retention of Buildings C, D, D1 and G to provide additional residential accommodation (Option 3c));
  - Options similar to Options 3a, 3b and 3c above, but with demolition of buildings C, D, D1 and G to create a forecourt for landscaping and parking;
  - Office conversion;
  - Residential scheme to retain Building B with ground floor retail and the conversion of the upper floors to residential, together with development of three new-build 6 storey residential buildings;
  - Renovation and conversion of existing buildings to residential accommodation with retail on the ground floors, with the addition of new-build light industrial;
  - The proposed Paxman Coolers Limited development.
- 10.70 The applicants' Sequential Options Assessment and viability information has been assessed by an independent assessor ('the independent assessor') on behalf of the local planning authority.
- 10.71 The independent assessor has provided comments regarding the various scenarios in the options set out by the applicants, and has queried some of the figures and assumptions in some respects. However, in their overall

conclusion, the independent assessor has advised that 'the options which have been considered all indicate non-viability' and that 'none of the options presented are viable without grant funding, including those that incorporate Paxman Coolers and demolition of the Hirst Mill'. They also conclude that 'options remain dependent fundamentally on market demand and values improving and the securing of grant funding'.

- 10.72 Criterion a) of NPPF paragraph 214 requires consideration of whether 'the nature of the heritage asset prevents all reasonable uses of the site'.
- 10.73 In that regard, the independent assessor has noted that the listed building proposed for demolition, Building B, is currently occupied with the exception of the top floor, and that it is understood that 'the owners have served notice on the tenants to vacate'. The independent assessor comments that buildings including Building B 'have been in occupation and have been paying a rent' (although it is noted elsewhere in the independent assessor's report that some of the other buildings are currently vacant).
- 10.74 The Conservation officer has also noted that the lower floors of Building B are occupied at present, 'but the tenants have been served notice and are relocating.' The Conservation officer has commented that 'the existing tenants pay below market rent, which has not generated sufficient income to fund essential repairs'.
- 10.75 The independent assessor has noted details submitted as part of the application regarding the current status of the buildings, including a Condition Appraisal and a Structural Appraisal, which identify repair works for the buildings, and costs of repair. The independent assessor's report states: *"It has not been possible to fully interrogate the cost assessment of the items and whilst they may have been graded C or D [identified by the independent assessor as 'being those which are in greatest need of attention'] – are less costly options available which could help maintain building B."* It then goes on to say:

*"The buildings are suffering from obsolescence, and it is clear that if all the works that are identified then this is a significant sum and given the status of the likely market would be difficult to justify without grant support to cover the deficit between the costs and then ultimate end value."*

- 10.76 The Conservation officer has commented that:

*"Over the years, various options have been explored to bring the building back into full use; however, none have proven viable or attracted sufficient market interest to secure a development partner. While residential conversion has been considered, the building's industrial location makes it an unattractive proposition, and market evidence demonstrates that such schemes in historic buildings in Huddersfield are not viable without significant gap funding... Furthermore, any conversion would require substantial internal alterations, including the installation of a second staircase and an additional lift, representing significant cost implications that further undermine feasibility"*

10.77 The independent assessor's report notes that "the Applicant has confirmed that the process of finding a viable development option has been conducted over a period of over 15 years" but that Building B was not listed during that time. They have therefore commented that "within the options presented, the retention of the heritage asset was not perceived as a priority" and suggest that "If an options assessment was to be conducted anew, a more holistic assessment in terms of the heritage buildings would be adopted via an approach which works through", amongst other things:

- *"an emphasis on exploring the retention of the Listed assets" including "exploring how the owner's wider estate could accommodate Paxman Coolers and the retention of the Hirst Mill, for instance with the use of the car parking land",*
- *"options which are likely to generate the highest returns need to be more fully explored"; and*
- *"an understanding of building condition and likely costs. There is a complex of buildings and open areas (e.g. yard and car parking) which are in different conditions and the least viable elements, which are not listed, could be removed to create opportunities for new development, more fully exploring options which are likely to generate the highest returns".*

10.78 A similar approach was suggested to the applicants at pre-application stage with regard to taking a holistic site-wide approach to consider whether the proposed Paxman Coolers development could be accommodated whilst retaining the key historic buildings.

10.79 In conclusion on Paragraph 214 criterion a), the independent assessor's report notes:

*"There have been a significant number of options presented. Many of these have included retention of buildings which are currently not in use due to condition and cost of enveloping works have been incorporated into these assessments. A potential alternative approach could exclude the least viable elements and at the same time explore uses which can generate higher returns".*

10.80 It is noted that the applicants have considered various options for the potential re-use and redevelopment of the site, including the retention and re-use of Building B, and that the independent assessor has commented that the options that have been submitted would be non-viable without grant funding. However, in the light of the independent assessor's comments, it is considered that, based on the information submitted, it has not been fully demonstrated that all options have been fully considered with the starting point as, and focus on, a heritage-led scheme addressing the matters listed above.

10.81 With regard to criterion b) of Paragraph 214, the applicants have provided details of marketing of the site which has taken place. The independent assessor notes that 'it would appear that interest has been limited'.

10.82 However, in the context of the information provided regarding the marketing carried out, the independent assessor also notes criterion c) of Paragraph 214, which refers to whether "not for profit, charitable or public ownership is demonstrably not possible". In that context, the applicants have stated that they have approached Historic England to investigate whether funding would be available to preserve Building B, but that they were advised that no such funding was available.

10.83 The Conservation officer has commented that:

*“The applicant has demonstrated efforts to market the property over a substantial period; however, interest has been minimal. They have explored funding opportunities through bodies such as Historic England and the West Yorkshire Combined Authority (WYCA), but these sources do not provide sufficient funds to bridge the viability gap required to retain Mill Building B.”*

10.84 However, the independent assessor has referred to several other sources of potential funding which may be available, including some which, they not, would not be available to ‘private commercial entities’ but would be available to, for example, charitable trusts or public sector organisations.

10.85 The independent assessor notes that the marketing activity referred to by the applicants “did not identify any interest from a community/charitable organisation”. However, they also comment that ‘it is not clear whether the marketing efforts were actively directed at charities or other organisations that may specialise in the restoration of heritage buildings. It is also work noting that funding is available to such organisations”.

10.86 The Conservation officer has advised that ‘given the significant roof repairs currently required and the ongoing maintenance costs, it is highly unlikely that a charity or not-for-profit organisation could feasibly take on the building and sustain its upkeep.’

10.87 However, as it is not clear whether any marketing was carried out which specifically sought to identify groups or organisations which may have specialised in historic building conversions, and may have been eligible for funding to support such works, it is not possible to conclude with certainty that ‘no viable use of the heritage asset can be found...through appropriate marketing that will enable its conservation’ (Paragraph 214 criterion b)) or that ‘conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible’ (Paragraph 214 criterion c)).

10.88 Therefore, although the submitted information seeks to address the criteria in the second part of Paragraph 214 of the NPPF, there are some areas where it is considered that it has not been fully demonstrated that the requirements of criteria a), b) and c) of NPPF paragraph would be met.

10.89 Matters relating to the benefits of the proposed development are discussed further below with reference to the first part of paragraph 214 of the NPPF. However, even if the harm of the loss was considered to be outweighed by the benefits of bringing the site back into use (as required by criterion d) of paragraph 214), it is considered that it has not been fully demonstrated that the requirements of criteria a), b) and c) would be met. Consequently, as all of the criteria in the second part of Paragraph 214 are required to be met, those criteria do not provide support for the substantial harm and total loss of significance of Building B that would arise from its demolition.

10.90 It is reiterated, as identified in paragraph 10.66, that Paragraph 214 hosts two tests, which require an either / or assessment. Only one test must be passed, for a development to comply with Paragraph 214.

- 10.91 It is therefore necessary to consider whether the requirement in the first part of Paragraph 214 would be met and whether 'it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.
- 10.92 As set out in the paragraphs 10.5 – 10.27 of this report, including with reference to information submitted by the applicants and comments received from the Council's Business & Economy team and Town Centre Regeneration team, the proposed development would result in a number of significant economic benefits, that in turn would amount to a significant public benefit. In summary, those economic benefits would include:
- The retention of a 'key local employer', Paxman Coolers Limited, and scope for them to continue to expand their business, which specialises in health technology, via a purpose-built development, within the Huddersfield area.
  - Proximity to the University of Huddersfield's NHIC, with reference to links between Paxman Coolers Limited and the University in terms of training for employees in specialist skills, and the scheme's contribution to wider strategic aspirations to support the clustering of health and life sciences within 'a nationally designated Investment Zone focused on the health and life sciences which in turn forms part of the Council's Station to stadium Enterprise Corridor'.
  - Potential for the development to act as a 'catalyst' for further investment in the area as part of the formation of a 'local health tech cluster'.
  - Contribution to the regeneration of the area.
  - Freeing up accommodation at Paxman Coolers Limited's current site in Fenay Bridge, for the expansion of another local business.
- 10.93 The applicants have also set out other suggested benefits, as detailed in paragraph 10.15. While not all the points raised by the applicant would amount to public benefits, aspects of the information, when corroborated by the input from Council's Business & Economy team and Town Centre Regeneration team, contribute to the LPAs understanding of the proposal and the various benefits it would have.
- 10.94 The proposed development would also include the retention, repair and refurbishment of Building D, one of the other historic buildings on the site, thus securing a long-term future for that historic building, and preserving part of the historic building frontage along Quay Street on the approach to the Turn Bridge (together with the grade II listed John L Brierley's Mill to the south), as part of the wider setting of those designated heritage assets. While Building D is not Listed, it is a historic building that contributes to the setting of the adjacent listed buildings while adding to the historic unbroken frontage along Quay Street. Its retention therefore adds further positive weight to the proposal (albeit it only modest weight, when compared to the high degree of harm being otherwise caused to the historic environment).
- 10.95 On this, the conservation officer has commented:
- "One type of funding that is available is from the West Yorkshire Combined Authority (WYCA), but this is reliant on Paxmans relocating to this site within the designated Investment Zone adjacent to the new National Health Innovation Campus. Without this funding Building D would not receive any investment and the long-term future of all the heritage assets*

*on this site could be brought into question. So, allowing the demolition of one mill and retaining another with the funding to repair the building and bring it back into full use could be seen as a positive compromise. This opportunity may not occur again and would leave the whole site in danger.”*

The conservation officer continues, in their conclusion:

*“Overall, Conservation and Design are supportive of the scheme; however, the loss of Mill Building B would constitute substantial harm to the group of properties on Quay Street. This harm may be outweighed by the public benefits of the proposal, which represents the optimum viable use of the site. There are concerns that if this scheme isn’t implemented then the site may become redundant, and buildings left vacant and partially sub-let. Which will have a negative impact on the whole area and the heritage assets. This scheme is viable and can bring the site fully back into use.*

*Although the demolition of Mill Building B is significant, the development plans have evolved considerably since the original pre-application stage. The retention of Mill Building D provides a valuable compromise and some mitigation, helping to preserve the group value of the site, a sense of enclosure and the industrial character of the area.”*

- 10.96 Weighing all these factors in the whole requires a fine balance of the material planning considerations, to come to a reasoned conclusion.
- 10.97 There is no question that proposal would cause substantial harm to a heritage asset, through its total loss, which carries significant weight against the proposal on the planning balance, as set out in the above section. However, there are also concluded to be clear substantial public benefits from the proposed re-development of the site, as set out in paragraphs 10.5 – 10.27.
- 10.98 While it is accepted that the applicant has not clearly demonstrated compliance with the tests of 214a)-d), the details provided by the applicant (and corroborated by council consultees) and input offered from the external independent assessor has likewise (notwithstanding their conclusion on points 214a)-d), do indicate to officers that there is limited reasonable prospect of an alternative use coming forward. The justification provided in favour of the proposal is considered clear and convincing and the applicant has reasonably tied the loss of the facility to the public benefits: the public benefits that have been identified cannot be delivered without the loss of Building B. Accordingly, the loss of the building is concluded to be necessary to facilities the proposal which, as set out, is time sensitive.
- 10.99 As such, officers conclude that the proposal complies with the first test of paragraph 214 of the NPPF, and that the proposal's total loss of Building B is necessary to achieve the identified substantial public benefits and are exceptional (taken as a whole) circumstances, which would, on a fine planning balance, outweigh the identified harm to the historic environment.
- 10.100 If minded to approve, as suggested by the Conservation officer, a condition is necessary for Condition for Building Recording for buildings B, C, E and G prior to their demolition, if approval is recommended. Also, a condition for recording of Engine House Building (Building D) prior to works taking place on that building is recommended, as requested by West Yorkshire Archaeology Advisory Service. This is consistent with the requirements of NPPF paragraph



218 – *“Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”*. Finally, a condition has also been recommended by the Conservation Officer for Interpretation Board(s) to be provided on site (potentially field to building D), which should “explain the history of the site and illustrate its evolution, ensuring the loss of Mill B is recorded and understood by the public”. This is considered appropriate and would provide a small amount of mitigation for the accepted loss, and therefore this condition is recommended by officers.

*Less than substantial harm – settings of grade II listed Chimney, grade II listed John L Brierley Mill and scheduled Turn Bridge*

10.101 Paragraph 215 of the NPPF states that:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

10.102 The public benefits of the proposed development are set out in paragraphs 10.5 – 10.27. As has been considered above, the public benefits are considered to be significant, and outweigh the identified substantial harm to building B. Considering the less than substantial harm, both in isolation and cumulative with the substantial harm, officers are of the view that the public benefits would outweigh the less than substantial harm, and that are and convincing justification has been provided for the harm (as set out in the above section).

#### *Heritage conclusion*

10.103 NPPF paragraph 217 states that: *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”*. This is assessed in the Planning Obligations section (paragraphs 10.198 – 10.213).

10.104 As a summary, it is imperative that the proposed public benefits be delivered to justify the demolition. Without the public benefits, the substantial (and less than substantial) harm to the heritage assets would be caused without reason, which would be wholly unacceptable. However, by clear necessity, the demolition of building B must take place early in the operation of the site’s development works (i.e., before the new building can be built and operated). It is therefore considered reasonable and necessary to secure a package of obligations, within a Section 106 agreement, to control aspects of the development. The following information is recommended to be required, prior to demolition commencing:

- a) *The lease agreement to be signed between the owner and the intended occupant (the two applicants in this case);*

- b) *Confirmation of the agreement for grant funding from West Yorkshire Combined Authority (WYCA);*
- c) *Confirmation of the arrangement and agreement of any other external funding which would be necessary to allow the development to take place (e.g. from a bank);*
- d) *Other specified works had been carried out and completed on site, including structural stabilisation works to Building D.*

As noted above, this is further elaborated within paragraphs 10.198 – 10.213. However, it is concluded that the above package would provide the highest level of reasonable certainty that the public benefits would be secured and delivered, post demolition. This high level of means great weight can be attributed to the identified heritage assets.

10.105 The above security should also be considered alongside the conditions that have been recommended through this report, and are summarised in section 12.

10.106 The concerns raised by the Canal & River Trust are noted. The proposed works would result in a negative change in setting of the Huddersfield Broad Canal, through the loss of Building B and the less than substantial harm to the setting of the other listed building, which currently contribute to the attractiveness when walking along the canal. While the harm of this adds further weight against the proposal, it is not considered to contribute to outweighing the public benefits that have been identified.

10.107 Due regard has been given to the policy requirements of Policies LP24 and LP35, the requirements of Chapter 16 of the National Planning Policy Framework, and the obligations imposed by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

10.108 Weighing all the matters considered above, it is concluded that, subject to the recommended Section 106 agreement provisions and conditions, on a careful weighing of the planning balance the identified harm to the historic environment (substantial and less than substantial, weighed together) would be clearly and justifiably outweighed by the exception public benefits that have been identified within the application. Accordingly, the application is deemed to comply with the policies and tests identified in the above paragraph.

#### Sustainable construction and climate change

10.109 A Climate Change Statement has been submitted as part of the application. It sets out various measures to be included as part of the proposed development to reduce energy demand and water street, use renewable or low carbon energy sources and limit carbon consumed through the construction process. Those measures listed include:

- Installation of solar PV panels;
- Installation of air source heat pump;
- Installation of air con and ventilation with heat recovery;
- Energy efficient building materials;
- Re-use of stone and slates from the demolition of the existing buildings; and
- Rainwater harvesting.

- 10.110 The proposed measures are noted and considered to be acceptable. A condition requiring the development to be carried out in accordance with the submitted Climate Change Statement is recommended in the event that the application was to be approved.
- 10.111 Although PV panels are indicated on the submitted Roof Plan, they are not shown on the submitted elevations drawings and little information has been received regarding those PV panels. It is therefore recommended that a condition requiring full details of the proposed PV panels to be submitted and approved prior to their installation is included if permission is granted.
- 10.112 The proposed demolition of numerous buildings as part of the proposed development would result in embodied carbon emissions associated with the demolition of those buildings. This has not been quantified as part of the application. However, the details submitted by the applicants indicate that it is proposed to re-use existing materials (stone and slates) from the demolition as part of the proposed development. If the proposed development including the demolition of those buildings is considered acceptable, it is recommended that a condition is attached to require the re-use of materials as proposed, in the interests of sustainability and to minimise such effects associated with the demolition. It is also recommended that provisions for measures relating to the sustainable disposal of construction waste are included as part of a Construction Environmental Management Plan, for which a further condition is also recommended.
- 10.113 The with reference to measures to be taken to reduce air pollution associated with the proposed development, the submitted Climate Change Statement also refers to the proposed installation of electric vehicle (EV) charging points and a Travel Plan. These matters are considered further in the Air Quality section below.
- 10.114 For the reasons given, subject to the conditions recommended above, it is considered that the proposed development would accord with Local Plan Policy LP24(d), which requires high levels of sustainability through, amongst other things, considering the use of innovative construction materials and techniques, including reclaimed and recycled materials; providing charging points to encourage the use of electric and low emission vehicles, and considering the use of renewable energy. It is considered that the proposals would also accord with the NPPF which states that the need to mitigate and adapt to climate change should be considered in assessing planning applications, taking into account the full range of potential climate change impacts.

#### Residential Amenity

- 10.115 The site is located in an area which is predominantly characterised by commercial and industrial development, with university buildings approved to the north west. However, there are residential uses slightly further away to the west, on Southgate. As set out above, permission has also been granted for the change of use of Crown House on Southgate (around 100-120m from the site at its closest point) into student living accommodation (application reference: 2022/93932). That extant planning permission is a material consideration in the assessment of this application.

- 10.116 Taking into account the distance of at least 100m between the proposed development and nearby existing and approved residential properties, it is considered that the proposed development would not have significant adverse effects on the amenity of the occupants of those residential properties with regard to outlook, light or privacy.
- 10.117 The proposed uses in this case include uses within Use Classes E(g) and B8. Uses within E(g), including insofar as they relate to Research and Development and Industrial Processes are, by definition, uses 'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'<sup>3</sup>. However, the proposed use would also incorporate an element of B8 (storage and distribution use) and external parking, access and service yard areas.
- 10.118 It is noted that the site is in commercial use at present, with other commercial uses nearby. The service yard for the proposed development would also be located in the eastern part of the site, which would be furthest from the existing and approved residential properties to the west of the site, and separated from them by the proposed new buildings. It is also noted that the submitted application form states the proposed operating hours as 0600-1900 hours Monday to Friday, and 0800-1600 hours on Saturdays, Sundays and Bank Holidays. This has been discussed with the Environmental Health Officer (EHO) and, on the basis of the site's existing use, the nature of other surrounding uses, the details of the proposed development and the proposed operating hours, it is considered that the proposed development would be acceptable with reference to any potential effects on the amenities of nearby existing and prospective residential occupants, including in the Crown House site if that was developed as permitted. However, this is on the basis of the operating hours proposed, and a condition restricting the hours of operation to those applied for is therefore considered necessary.
- 10.119 Subject to a condition to that effect, it is considered that the proposed development would not have an unacceptable adverse impact on the amenities of the occupants of nearby residential properties.
- 10.120 It is therefore concluded that the proposed development would accord with Policy LP24 of the Local Plan insofar as it requires proposals to provide a high standard of amenity for future and neighbouring occupiers, and with the NPPF, which states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

#### Highways and transportation

- 10.121 A Transport Statement and Travel Plan have been received as part of the application.
- 10.122 The Highways Development Management (DM) officer has advised that the forecast traffic generation associated with the proposed development is not expected to have any detrimental effect on the existing network, and is therefore considered acceptable.
- 10.123 A total of 49 parking spaces are proposed within the site in association with the proposed development. Most of those spaces would be provided in the northern part of the site, where the existing garage building is proposed to be demolished. That parking area would be accessed via existing vehicular access points from Old Leeds Road, and would provide 33 parking spaces, including 5 EV charging spaces.

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<sup>3</sup> Schedule 2, Part A, Class E.(g) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

- 10.124 A further 10 parking spaces, including 1 disabled parking bay, would be located adjacent to the proposed new building and accessed via a re-located vehicular entrance point from Quay Street. The other 6 spaces, including 1 disabled parking bay, would be located within the proposed service yard area in the eastern part of the site.
- 10.125 The Highways DM officer has advised that a parking accumulation exercise has been carried out, which also considered other parking outside the site boundary but within the wider 'Turnbridge Mills' site, which includes further land and buildings on the northern and southern sides of Quay Street. The Highways DM officer has advised that 'the parking accumulation exercise determines that a total demand for parking associated with this application is 45 spaces', and that the level of parking provision proposed is considered acceptable.
- 10.126 The proposed development includes the creation of a new vehicular access at the eastern end of Quay Street, adjacent to the Turn Bridge Scheduled Monument. That new vehicular access would serve the proposed service yard area and, as such, would be expected to be used by large service vehicles. The Highways DM officer has advised that 'it has been demonstrated that service vehicles including an articulated vehicle of 16.5m in length can access/egress the site in forward gear'.
- 10.127 The Highways DM officer has noted that proposed highway improvements have been included as part of the Transport Assessment. However, the Highways DM officer has advised that, notwithstanding the submitted details of highway improvements, it is considered that, given the proximity of the service yard access to the Turn Bridge, the proposed measures 'would not be appropriate at this location and therefore not deemed necessary'.
- 10.128 However, the Highways DM officer has advised that the proposed works to create the new vehicular access to the proposed service yard area, and to relocate an existing vehicular access point to provide access to the proposed parking area further along Quay Street to the west, would necessitate alterations to the existing waiting restrictions on Quay Street to accommodate those new and relocated access points. The Highways DM officer has advised that this would require alterations to the existing on-street Traffic Regulation Order (TRO). As those alterations to the TRO would arise as a result of the proposed development, the Highways DM officer has advised that a sum of £13,000 would be required from the developer to cover the relevant costs associated with altering the TRO. This sum would need to be secured via a Section 106 agreement. This is considered further in the Planning Obligations section below.
- 10.129 Following comments from the Council's Waste Strategy officer based on the originally-submitted information, revised plans have been received which show waste storage facilities within the proposed service yard area. The Highways DM officer has advised that swept paths for service/delivery vehicles have been provided, including internal turning.
- 10.130 The Waste Strategy officer has sought clarification that the proposed bin storage would be large enough to hold the number of bins proposed. Based on the recommended dimensions provided by the Waste Strategy officer, it appears that the refuse storage areas indicated may be slightly smaller than those recommended sizes. To ensure that the appropriate amount of refuse

storage is provided, without affecting the areas available for vehicular access and turning within the service yard area, it is recommended that a condition is attached if permission is granted for the proposed development, requiring full details of the proposed refuse storage arrangements to be submitted and approved, including security measures, as recommended by the Waste Strategy officer.

- 10.131 On that basis, it is considered that satisfactory access could be provided for refuse collection vehicles to enter the site to collect refuse and waste. However, as the proposals would be dependent on refuse vehicles entering the site to collect refuse and waste, it is recommended that a condition is included requiring details of the management and maintenance of refuse storage areas and the arrangements for access for waste crews, to ensure that such collections are managed appropriately.
- 10.132 The submitted site plan indicates a cycle shelter for the storage of 10 cycles. This is considered acceptable, and a condition requiring full details of the proposed cycle storage shelter, and that it is provided and retained as part of the development, is recommended.
- 10.133 A Travel Plan has been submitted as part of the application. The Highways DM officer has recommended a condition requiring a full travel plan to be submitted for approval following the occupation of the proposed development. The Highways DM officer has also advised that a Travel Plan Monitoring Fee of £10,000 would be required, and would need to be secured via a Section 106 Agreement. This is considered further in the Planning Obligations section below.
- 10.134 Local Plan Policy LP17 states that proposed development schemes along the Leeds Road/St Andrew's Road corridor from the Stadium to the Town Centre shall include enhanced pedestrian and cycling linkages between the Stadium and the Town Centre. However, given the nature of the site, there is considered limited opportunity to provide a direct enhanced pedestrian and cycling linkages between the Stadium and the Town Centre as part of the proposal. Furthermore, given the evident viability issues, it is not deemed reasonable to seek a planning contribution (or similar) to contribute to other schemes that may be in progress.
- 10.135 There is a proposed Core Walking and Cycling Route along the canal to the east of the site, as defined in the Local Plan. The proposed development would not directly affect the canal towpath, which is on the opposite side of the canal from the site, and it would be possible for pedestrians and cyclists to access the canal towpath from the site, via the Turn Bridge at the end of Quay Street. It is therefore considered that the proposed development would not affect or prejudice the core walking and cycling network as defined in the Local Plan, and would not conflict with the requirements of Local Plan Policy LP23 in that regard.
- 10.136 The Highways Structures officer has recommended a condition requiring details of the proposed demolition/modification of existing building retaining walls abutting Quay Street and the design of any new building retaining walls adjacent to the highway. Further information has been received from the applicants in response to the Highways Structures officer's recommended condition. The Highways Structures officer was reconsulted following receipt of that further information, and has advised that the recommended condition is still required. Therefore, it is recommended that the condition is attached if planning permission is granted for the proposed development.

- 10.137 For the reasons given, in the light of the comments received from relevant consultees and subject to the conditions recommended above and the inclusion of planning obligations as part of a Section 106 agreement to cover the cost of necessary TRO amendments and a Travel Plan Monitoring Fee, it is considered that the proposed development would not have significant implications for highway safety and would be acceptable with regard to access, highways and transport matters.
- 10.138 It is therefore concluded that the development would accord with Local Plan Policies LP20, LP21 and LP22. Amongst other things, those Policies state that proposals should include measures to encourage the use of sustainable travel options, that Travel Plans will normally be required for all major planning applications in accordance with current guidance, that new development will 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, that proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network, and that car parking provision in new developments will be determined by factors including the availability of public transport, the accessibility of the site, location of the development, and the type, mix and use of the development. It is also considered that the proposals would not conflict with the specific requirements of Policies LP17 and LP23 as set out above.
- 10.139 With regard to highways and transportation matters, it is also concluded that the proposed development would not conflict with the NPPF, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

#### Flood risk and drainage

- 10.140 The Environment Agency (EA) has confirmed that 'most of the site falls within flood zone 1 including the two new buildings proposed as part of the application'. The EA has also advised that:

*"the existing mill building, which is to be converted, and the proposed service yard adjacent to the canal falls marginally within flood zone 3, however, we agree with the FRA that the site remains dry during the design flood event"*

The EA has advised that they have no objections to the proposal, and that they do not consider it is necessary to condition the proposals.

- 10.141 Paragraph 175 of the NPPF states:

*"The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk)".*

10.142 This is further clarified in the Planning Practice Guidance (Flood risk and coastal change chapter, Paragraph Reference ID: 7-027-20220825), which states that:

*"In applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied".*

10.143 As the EA has advised that they 'agree with the FRA that the site remains dry during the design flood event', it is considered that the requirement in Paragraph 175 of the NPPF (that the FRA 'demonstrates that no built development within the site boundary, including access or escape routes...would be located on an area that would be at risk of flooding') is met. Therefore, no sequential test has been requested in this case.

10.144 The submitted Flood Risk Assessment and Drainage Assessment has been reviewed by the Lead Local Flood Authority (LLFA). The LLFA's comments state that:

*"The LLFA accepts the recommendations of the Flood Risk Assessment & Drainage Strategy to provide 50% betterment on existing surface water brownfield run-off rates and attenuation storage for the 1 in 100 year (plus 45% CC) including provision of an oil separator for the service yard".*

10.145 The LLFA has identified that further information is required with regard to some aspects of the drainage proposals. However, the LLFA has advised that it supports the application subject to compliance with relevant requirements identified by the LLFA in its comments, and condition requiring a detailed design scheme for foul, surface water and land drainage to be submitted, approved and then implemented.

10.146 Yorkshire Water has advised that the submitted Flood Risk Assessment and Drainage Assessment 'requires amendments', and have provided more detailed comments in this regard. However, Yorkshire Water has also recommended a condition requiring further details regarding surface water drainage works.

10.147 In the light of the comments received from the LLFA and Yorkshire Water, it is considered that the further information requested could be covered by appropriately worded condition(s) if permission was granted.

10.148 The Canal & River Trust has noted that the proposed surface water drainage details, shown in the submitted Flood Risk Assessment, 'shows that the proposed HGV yard will utilise existing outfalls to drain surface water to the canal' and has advised that, 'due to the use of the yard by large vehicles, there is a significant risk that this could result in the creation of a pathway which would allow hydrocarbons to enter the canal', which could result in water pollution. The Canal & River Trust has therefore requested that 'the surface water drainage proposals are amended to ensure that the risk of pollution is adequately addressed', but has advised that 'the provision of revised drainage



arrangements could be reserved through the use of appropriately worded condition(s).' It is therefore considered that such a requirement could be incorporated as part of a condition requiring drainage details to be submitted and approved, as suggested.

- 10.149 In the light of the above, and subject to the recommended condition(s), it is considered that the proposed development would be acceptable with regard to flood risk and drainage matters.
- 10.150 It is therefore considered that the proposed development would not conflict with Local Plan Policies LP27, LP28 or LP34 which, amongst other things, require proposals to be supported by an appropriate site specific Flood Risk Assessment taking into account all sources of flooding, require that for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven, and state that proposals must ensure no deterioration of water courses of water bodies.

### Ecology and biodiversity

#### *Designated sites, habitats and protected species*

- 10.151 The site is adjacent to (and a small part of the eastern part of the site is within) a Local Wildlife Site. The Council's Ecology officer has reviewed the proposals and, with reference to the Local Wildlife Site, has recommended a condition requiring a Construction Environment Management Plan: Biodiversity to be submitted, to include mitigation and precautionary measures for the local wildlife site. In the light of the Ecology officer's comments, it is considered that a condition to that effect would be necessary to avoid adverse effects on the Local Wildlife Site.
- 10.152 The Ecology officer has also advised that, on the opposite side of the canal there is a Local Nature Reserve which, they advise 'will highly unlikely be impacted during the development'. They have advised that 'therefore, no issues are considered' in that regard.
- 10.153 Additional bat survey information has been received from the applicants during the course of the application. The submitted information has been reviewed by the Ecology officer.
- 10.154 Based on the submitted information, the Ecology officer has advised that Building B and Building F (both of which are proposed to be demolished) were confirmed to have day roosts for bats. On that basis, the Ecology officer has advised that a Natural England European Protected Species licence and appropriate mitigation method statement will be required, and has recommended a condition stating that no works are to commence until the Council has first received a copy of the EPS licence and mitigation method statement. In the light of the Ecology officer's comments and the Council's legal duties with regard to protected species, it is considered that such a condition would be necessary if permission was granted for the development.
- 10.155 Based on the submitted information, the Ecology officer has advised that buildings C, D, D1, E, G and O 'were noted to not have any bat roosts observed'. However, the Ecology officer has advised that, as a roost in these buildings cannot be completely ruled out, a Precautionary Working Method Statement with regard to bats be conditioned. A condition to that effect is therefore recommended.

- 10.156 The Ecology officer has advised that nesting swifts were noted during the surveys and that peregrines were also noted to nest on the site. They have recommended a condition requiring the provision of swift boxes as part of the development, as a biodiversity enhancement measure, and an informative regarding nesting birds. A condition relating to nesting birds is recommended if planning permission is granted for the proposed development.
- 10.157 In the light of the Ecology officer's comments, and subject to the recommended conditions, it is considered that the proposed development would be acceptable with regard to its effects on biodiversity and ecology, and would provide satisfactory biodiversity enhancements.

#### *Strategic Green Infrastructure Network*

- 10.158 The site is adjacent to part of the defined Strategic Green Infrastructure Network (River Colne Corridor), and a small area of land in the eastern part of the site is within the Strategic Green Infrastructure Network, as defined in the Local Plan. Policy LP31 of the Local Plan states that, within the Strategic Green Infrastructure Network, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide. It also states that development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure that various requirements specified in the Policy are met.
- 10.159 The site is currently occupied by buildings and hard surfacing, including the area which is slightly within and immediately adjacent to the Strategic Green Infrastructure Network. As part of the proposed development, a small area of new planting is proposed alongside the canal in the eastern part of the site, within/adjacent to the Strategic Green Infrastructure Network. In those regards, compared with the existing development on the site, it is considered that the proposed development would retain the site's contribution to the function and connectivity of the green infrastructure network and would incorporate some new green infrastructure, in accordance with requirements (i) and (ii) of Policy LP31.
- 10.160 As set out in the Highways and transportation section above, the site is close to the proposed core walking and cycling network, and pedestrian and cycle connections would be possible from the site to that proposed network (which runs along the eastern side of the canal to the east of the site), via the Turn Bridge at the end of Quay Street. Therefore, it is considered that the proposed development would integrate into existing and proposed cycling and walking routes to an acceptable degree, consistent with the requirements of part (iii) of Policy LP31.
- 10.161 As set out above, the proposals are considered acceptable with regard to the protection of existing biodiversity and ecology, subject to conditions, including a condition requiring biodiversity enhancement measures. It is therefore considered that the scheme would satisfactorily protect and enhance biodiversity and ecological links, in accordance with the requirements of part (iv) of Policy LP31.
- 10.162 It is therefore considered that the proposed development would not have an adverse impact on the Strategic Green Infrastructure Network or conflict with the requirements of Local Plan Policy LP31, subject to the recommended conditions.

## *Biodiversity Net Gain*

10.163 There is a mandatory requirement for new developments to achieve a 10% Biodiversity Net Gain (BNG). This is subject to several exceptions<sup>4</sup>, including the 'de minimis exception', which is that the development does not impact an onsite priority habitat, and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero; and less than 5 metres in length of onsite linear habitat.

10.164 In this case, with reference to BNG the Ecology officer has advised that:

*"As the site is originally on hardstanding, and the area of the canal with a small amount of habitat is to be impacted, resulting in the de minimis argument – the application is considered exempt from BNG".*

10.165 BNG legislation includes a requirement, in specified circumstances, for onsite habitat which existed on a specified date prior to the submission of an application to be taken into account as 'existing' onsite habitat for the purposes of BNG, even if that habitat had been removed between that specified date and the submission of a planning application. The Tree Officer has commented that there appear to have been some small trees 'lining the car park on the Watergate and Quay Street side, but that more recent aerial photos show that these trees are no longer present'. However, it is understood that the (now-removed) trees referred to by the Tree Officer were on land that is within the blue line boundary on the submitted Location Plan, and would not have been within the red line site boundary for this application. Therefore, as they would not have been within the current application site boundary, it is not considered necessary to consider those previously-existing trees as 'existing' on-site habitat for the purposes of BNG.

10.166 Accordingly, as the site is currently occupied by buildings and hard surfacing, and in the light of the Ecology officer's comments above regarding the area of canal habitat to be impacted, it is considered that the 'de minimis exemption' would apply. Therefore, there is no requirement for the proposed development to provide the mandatory 10% BNG in this case.

### *Ecology and biodiversity – conclusion*

10.167 For the reasons given, and subject to the recommended conditions, it is considered that the proposed development would not have adverse implications for biodiversity or ecology, and would provide biodiversity enhancements. It is therefore concluded that the proposed development would not conflict with the requirements of Policy LP30 of the Local Plan which, amongst other things, states that proposals will be required to minimise impact on biodiversity and incorporate biodiversity enhancement measures, or with the requirements of Policy LP31 with regard to the Strategic Green Infrastructure Network as set out above. It would also not conflict with the NPPF, which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

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<sup>4</sup> Set out in The Biodiversity Gain Requirements (Exemptions) Regulations 2024

### Trees and Landscaping

- 10.168 The Tree Officer has noted that there are no existing trees within the site, and has advised that they have no objections. As there are no existing trees on site, the proposed development would not have any impacts on trees or their associated amenity value, and no conditions are considered necessary in relation to any tree protection during works on site.
- 10.169 As proposed, the site would be predominantly covered by buildings and hard-surfaced parking, access and servicing areas, as it is currently. However, a small area of new landscaping, including tree planting, is proposed alongside the canal, to the east of the proposed service yard. Whilst the scale and extent of that area of planting would be limited, it would nonetheless provide some softening of the boundary between the canal and that service yard area.
- 10.170 The Conservation officer has advised that the proposed re-use of the boundary wall from Building B 'is welcomed as it retains an element of the site's historic character' and that the area adjacent to the proposed service yard (where Building B is proposed to be demolished) 'presents an opportunity for a high-quality landscape design'. The Conservation officer has advised that:

*"This should incorporate high quality materials and lighting that reflect the site's industrial heritage, while softening the hard edge of the service yard".*

- 10.171 A condition is therefore recommended requiring full details of the proposed landscaping of that area, including details of its future maintenance, if permission is granted for the proposed development. A condition is also recommended requiring details of any new boundary treatments proposed, including any gates to the proposed service yard, to ensure that they are appropriate to the site's surrounding street and canal frontages.
- 10.172 In the light of the above, and subject to the recommended conditions regarding landscaping and boundary treatments, it is considered that the proposed development would be acceptable with regard to trees and landscaping.
- 10.173 In those regards, it is therefore considered that the proposed development would not conflict with Local Plan Policy LP33, which states that the Council will not grant planning permission for developments which threaten trees of significant amenity, and would accord with Local Plan Policy LP24.i., which requires developments to ensure the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits. It is also considered that the proposals would not conflict with the NPPF insofar as it states that planning decisions should ensure that existing trees are retained wherever possible.

### Land stability

- 10.174 A Phase 1 Desk Study Report has been submitted as part of the application. The Mining Remediation Authority has noted that report, and that it includes a section which assesses the risk posed by mining legacy. On the basis of the submitted information, the Mining Remediation Authority has confirmed that it has no objection to the proposed development, but has requested a number of informative notes be included on the decision, including with reference to other separate permissions and/or agreements which may be required from the Mining Remediation Authority.

- 10.175 In the light of the Mining Remediation Authority's comments, and subject to the inclusion of the recommended informative notes as footnotes on the decision notice if permission is granted for the development, it is considered that the proposed development would be acceptable in this regard.
- 10.176 The comments received from the Mining Remediation Authority also refer to the potential for mine gases to exist where coal resources or coal mine features exist at shallow depth or at the surface. This has been considered further as part of the Environmental Health Officer's assessment regarding contaminated land matters, which is considered further in the Contaminated Land section below.
- 10.177 Based on the originally-submitted details, the Canal & River Trust advised that:
- "Hirst Mill [Building B] currently forms part of the canalside wall, and it is proposed to retain part of this as the site boundary. Demolition of the mill could impact the stability of the retained wall below, as the demolition of the mill building could alter support to the wall. Modification may therefore be required to ensure that the wall will remain stable".*
- 10.178 The Canal & River Trust therefore requested details of structural calculations 'to demonstrate that the retained wall will be stable', and advised that those details could be reserved through the use of pre-commencement condition(s).
- 10.179 Further information has been submitted by the applicants, in the form of a Structural Engineer's letter, in response to the Canal & River Trust's comments in this regard. The Canal & River Trust was re-consulted in the light of that additional information.
- 10.180 The Canal & River Trust noted the additional report, and commented that:
- "Our review of the report confirms that a solution to allow for the retention of the wall has not yet been identified."*
- 10.181 The Canal & River Trust also identified a number of matters on which they consider further information is still required regarding this aspect of the proposals. They have therefore advised that their original comments on this part of the scheme remain, and have requested further information, including structural calculations. They have confirmed that the details could be reserved via pre-commencement condition, and have advised of the information that would be required in that regard.
- 10.182 In the light of the Canal & River Trust's comments, it is recommended that a condition be included if permission was granted, requiring those further details to be submitted and approved, to ensure that the design and specification of the wall was acceptable with regard to the stability of that part of the site, before any development took place.
- 10.183 For the reasons given, and subject to the recommended conditions and informative notes, it is considered that the proposed development would accord with Policy LP53 of the Local Plan with regard to unstable land, which states that development on land that is unstable will require the submission of an appropriate land stability risk assessment and that, for developments identified as being at risk of instability, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the instability does not have the potential to cause harm to people or the environment.

### Contaminated land

- 10.184 A Phase 1 Desk Study Report was received as part of the application as originally submitted. The Phase 1 report has been reviewed by the Environmental Health Officer (EHO), and they recommended conditions to cover relevant contaminated land matters, including the submission of a Phase 2 Intrusive Site Investigation Report, and Remediation Strategy if necessary, and to cover any necessary remediation of the site thereafter.
- 10.185 A Phase 2 Ground Investigation Report has subsequently been received from the applicants. This has been reviewed by the EHO, who has identified queries regarding some aspects of the report, and has recommended the same conditions as in their original comments, including the submission of a Phase 2 report (which would need to be updated to address the EHO's comments regarding the submitted report).
- 10.186 In the light of the above, and subject to the recommended conditions to ensure that contaminated land matters are satisfactorily considered, and addressed as necessary, it is considered that the proposed development would be acceptable in this regard.
- 10.187 It is therefore considered that the proposed development would accord with Local Plan Policy LP53 with regard to contaminated land, which states that development on land that is contaminated or suspected of being contaminated will require the submission of an appropriate contamination assessment, and that where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination does not have the potential to cause harm to people or the environment. It is also considered that the proposals would not conflict with the NPPF, which states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination.

### Air quality

- 10.188 An Air Quality Impact / Mitigation Statement has been received as part of the application. The document has been reviewed by the EHO, who has noted its content and the suggested mitigation measures therein, which include the provision of electric vehicle charging points and a Travel Plan. The EHO has advised that the number of EV charging points proposed would be acceptable, and has recommended a condition requiring their provision.
- 10.189 Subject to a condition requiring the provision of EV charging points, as recommended by the EHO, and a condition to secure the provision of a full Travel Plan once the development was complete and occupied, as recommended by the Highways DM Officer, it is considered that the proposed development would be acceptable with regard to Air Quality matters.
- 10.190 It is therefore considered that the proposed development would accord with Policy LP51 of the Local Plan which, amongst other things, states that development will be expected to demonstrate that it is not likely to result in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people, and that development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact.

- 10.191 It is considered that the proposed development would not conflict with the NPPF, which states that opportunities to improve air quality or mitigate impacts should be identified.

#### Crime prevention

- 10.192 The West Yorkshire Police Designing Out Crime Officer (DOCO) has reviewed the proposals and has made a number of recommendations for measures to be incorporated as part of the development with regards to crime prevention and optimising the safety and security of the proposed development. The Police DOCO has advised that they have no objection in principle to the application, but request the inclusion of a planning condition for security measures.
- 10.193 In the light of the Police DOCO's comments, and subject to a suitably-worded condition to that effect, it is considered that the proposals would be acceptable and consistent with the requirements of Local Plan Policy LP24, which requires that proposals should promote good design by ensuring, amongst other things, that the risk of crime is minimised by enhanced security and well-designed security features. It would also be consistent with the NPPF, which states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

#### Public Health

- 10.194 A completed copy of the Council's Rapid Health Impact Assessment (RHIA) template has been submitted as part of the application. The document was reviewed by the Council's Public Health officer, who has noted the inclusion of a Travel Plan, the employment proposed, references to proposed links to the University Health Innovation Hub, and climate change mitigations proposed. The Public Health officer also made some suggestions and identified some areas where further information was requested, including whether outdoor seating could be included, to provide opportunities for employees to access open space during breaks (noting the site's proximity to the canal), and a request for consideration to be given to suicide prevention measures, with reference to low roof heights.
- 10.195 In response, revised plans have been received from the applicant, which include the proposed provision of a small area of seating in the eastern part of the site. Further clarification has also been provided about roof heights and restrictions proposed as part of the development to prevent unauthorised access onto roofs within the site.
- 10.196 Public Health were re-consulted following the receipt of revised, and have advised that the fact that the Developer had addressed the original consultation response was encouraging, and they had nothing further to add to the original response. On that basis, it is considered that the proposals would be acceptable in this regard, and would accord with Local Plan Policy LP47, which seeks to enable healthy, active and safe lifestyles, including by increasing access to green spaces to promote health and mental well-being, and with the NPPF which states that planning decisions should ensure that developments create places which promote health and well-being.

### Planning obligations

10.197 The Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) set out the statutory tests that all planning obligations must meet. These are echoed in paragraph 58 of the NPPF, which states 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.

10.198 Should planning permission be granted, Officers recommend that the Section 106 agreement should cover the following:

#### Restrictions on the demolition of the listed building (Building B)

10.199 For the reasons set out above, the proposed development would result in substantial harm to the listed building known as 'Spinning Block, Turnbridge Mills (Hirst's Mill)' (Building B) due to the total loss of that listed building.

10.200 For the reasons given, the proposed works would also result in less than substantial harm to the settings of other designated heritage assets, specifically the two grade II listed buildings known as 'Chimney at SE 14942 16846' and 'John L Brierleys Mill', and the Turn Bridge scheduled monument.

10.201 As set out in the Heritage section above, the applicants have put forward a series of benefits of the proposed development, to be weighed against the harm to designated heritage assets which has been identified. The benefits put forward relate only to the specific development, and the intended occupant, proposed in this case.

10.202 As is detailed in paragraphs 10.5 – 10.27, it has been concluded by officers that the public benefits would clearly and justifiably outweigh the identified harm to the historic environment. However, as indicated in paragraph 10.103, paragraph 217 of the NPPF states that:

*"Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".*

10.203 In light of this, it is considered that a Section 106 Agreement would be necessary that required certain conditions to be met with regard to the delivery of the proposed development, to provide a reasonable level of certainty to the Council that the scheme would take place as proposed, before the Council would permit Building B to be demolished.

10.204 In that regard, it is considered that the Section 106 should require the following conditions to be met, (and confirmation provided to, and agreed by, the Council that each had been met), before Building B could be demolished:

- a) The lease agreement to be signed between the owner and the intended occupant (the two applicants in this case);
- b) Confirmation of the agreement for grant funding from West Yorkshire Combined Authority (WYCA);



c) Confirmation of the arrangement and agreement of any other external funding which would be necessary to allow the development to take place (e.g. from a bank);

d) Other specified works had been carried out and completed on site, including structural stabilisation works to Building D.

10.205 Each of these is considered in turn below.

*a) Lease agreement to be signed between owner and intended occupant*

10.206 As a number of the benefits put forward by the applicants are specific to the proposed development which is being proposed by, and is intended to be occupied by, Paxman Coolers Ltd, it is considered necessary to require that the lease agreement between Paxman and the owner is signed, and evidence of this provided to the Council, before Building B was demolished, to ensure that the development would be occupied by the intended occupant to which those benefits relate.

*b) Confirmation of grant funding from West Yorkshire Combined Authority (WYCA)*

10.207 Details submitted by applicants advise that the proposed development would only be viable if WYCA funding is provided. If that is the case, it would be necessary to ensure that the WYCA funding, which has been referred to as being necessary to allow the development to take place, had been agreed before Building B was demolished. Otherwise, if WYCA funding not agreed/confirmed before Building B demolished, it could create a situation where Building B could be demolished but then the 'necessary' WYCA funding is never confirmed / received. Therefore, without the necessary funding, the benefits which had been put forward to justify demolition of Building B, and to justify the associated harm to the settings of other designated heritage assets, would never be delivered, but listed building would have gone.

10.208 It is therefore expected that evidence of the funding being agreed, in the form of contractual commitment or similar, is provided to officers prior to demolition commencing.

*c) Confirmation of any other external funding necessary to allow the development to take place*

10.209 It is understood that, in addition to the WYCA funding, other external credit funding (from a bank) would also be required in order for the proposed development to be carried out. As with the WYCA funding, if that other external funding was not arranged and agreed by the body providing that funding before Building B was demolished, it could create a situation where Building B could be demolished but the scheme which was argued to provide benefits to justify its demolition, and to justify the associated harm to designated heritage assets, would never take place, but listed building would have gone.]

10.210 As above, solid evidence in the form of a contract or similar would be expected to be provided, prior to demolition commencing.

*d) Other specified works to be carried out and completed, including structural stabilisation works to Building B*

- 10.211 The benefits which have been put forward by the applicants in support of the proposed development include the proposed retention and conversion of Building D, one of the other historic buildings on the site. On the basis of the submitted details, there are understood to be structural issues with Building D. Therefore, if weight is to be attached to the retention and conversion of Building D as part of the heritage and planning balance in this case, it is considered reasonable and necessary to require that necessary works were carried out to stabilise Building D and ensure that it would be capable of retention and conversion as part of the scheme (and that any benefits arising from its retention would thus be delivered), and that those stabilisation works were carried out before Building B was demolished.
- 10.212 For the reasons given, it is considered that the obligations set out above would be reasonable, proportionate, related to the specific development proposed, and necessary to make the development acceptable. It is therefore considered that these obligations would meet the tests for planning obligations in the CIL Regulations and the NPPF.

### Highways

- 10.213 Highways Development Management (DM) have advised that the proposed access arrangements for the development would necessitate changes to the existing waiting restrictions on Quay Street. Highways DM have advised that a contribution of £13,000, to fund amendments to the Traffic Regulation Order (TRO) for the waiting restrictions on Quay Street, would therefore be required.
- 10.214 The requirement to change the waiting restrictions would arise as a result of the proposed development. Consequently, it is considered that the inclusion of a planning obligation requiring a contribution of the necessary fee to cover the implementation of those amendments to the relevant TRO would meet the relevant tests in the CIL Regulations and the NPPF for planning obligations. It is therefore recommended that a planning obligation to cover this matter should be included as part of a Section 106 agreement if permission is granted.

### Travel Plan Monitoring Fee

- 10.215 Highways DM have advised that:

*“An interim Travel Plan has been submitted; this will require further work with the Councils Travel plan coordinator and will require Travel Plan monitoring fees of £10,000 payable via a section 106 agreement to facilitate its full implementation.”*

- 10.216 As set out above, a condition is recommended requiring the submission of a full Travel Plan following the occupation of the proposed development. In the light of the Highways DM officer's comments above, a Travel Plan monitoring fee of £10,000 is required to contribute to the Council's costs in monitoring progress of the Travel Plan. The fee is based on the floorspace of the proposed development, in accordance with the Council's Travel Plan Guidance, and would be £2,000 per annum for the first five years after opening, therefore a total of £10,000.

- 10.217 It is considered that the requirement for a Travel Plan Monitoring Fee would meet the tests for planning obligations in the CIL Regulations and the NPPF, in that it would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. It is therefore recommended that a planning obligation to cover this matter should be included as part of a Section 106 agreement if permission is granted.
- 10.218 The applicant has agreed to the Heads of Terms for the Section 106 Agreement, as set out above, via email dated 19/11/2025, with the officer recommendation to delegate back a recommendation for approval, subject to finalising the S106 document.

#### Other Matters

##### *Minerals*

- 10.219 The application site is within a Mineral Safeguarding Area relating to Sand and Gravel with Sandstone and Surface Coal Reserves, as identified in the Local Plan. Policy LP38 of the Local Plan therefore applies. This states that surface development will only be permitted within a Mineral Safeguarded Area in specified circumstances.
- 10.220 Officers are satisfied that, based on the circumstances of the site in this case, which is a constrained, previously-developed site occupied by buildings, it would not be reasonably possible to extract minerals from this site in this instance.

#### Representations

- 10.221 All representations received have been taken into account and addressed in the relevant sections of the report above.

### **11.0 CONCLUSION**

- 11.1 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.
- 11.2 The proposal would demolish a Grade 2 Listed building, Hirst Mill (referred to as Building B in this report). It was listed recently, 25/03/2025 (following receipt of this application). This would cause a total loss of its heritage significance. Furthermore, its removal would cause less than substantial harm to other nearby listed buildings (Grade 2) and a scheduled monument, while also affecting the visual amenity enjoyed on the Huddersfield Broad Canal. These amount to substantial and clear negatives of the proposal, with the Kirklees Local Plan, National Planning Policy Framework, and Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) setting clear requirements to ensure appropriate consideration and weight is given to any identified harm to heritage assets.
- 11.3 Notwithstanding the above, officers consider that the applicant has clearly demonstrated and justified that the proposed application would result in notable economic benefits that would amount to significant public benefit through the proposed works. This includes through the retention of skilled

employment and high-tech business in the district while acting as a catalyst of investment in the Investment Zone. Furthermore, it would support the delivery of the Council's wider Station to Stadium Enterprise Corridor aspirations. While the applicant has failed to demonstrate that a viable use of the heritage asset itself cannot be found in the medium term, it is clear from the submitted information that the site faces large viability constraints that would make its reuse difficult. The identified public benefits are dependent on the demolition of Building B.

- 11.4 These benefits are however time sensitive, bearing in mind the need for the intended occupier, Paxman, to relocate imminently, and the availability of necessary grant funding. Therefore, delays are likely to result in the identified public benefits being lost.
- 11.5 In light of the above, on the fine balance of planning considerations, officers conclude that the application has demonstrated compliance with the relevant tests of Paragraph 214 of the National Planning Policy Framework, where it comes to considering complete loss of a heritage asset (and paragraph 215 in relation to impacts of less than substantial harm to the other assets). This is dependent on the recommended Section 106 provisions and conditions being secured and imposed, to ensure that the public benefits identified can be reasonably expected to come forward.
- 11.6 Due regard has been given to the other material planning considerations relevant to the proposal. This includes the potential impact on nearby residents, the highway network, local ecology, and drainage, among various others. In summary, the proposal would not negatively impact on these considerations (in part subject to condition) and has demonstrated compliance with the relevant local and national policies in these regards.
- 11.7 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS**

- 1. Three years to commence development.
- 2. Development to be carried out in accordance with the approved plans and specifications.
- 3. Building recording of Buildings B, C, E and G prior to their demolition.
- 4. Building recording of engine house prior to works commencing to that building.
- 5. Submission of demolition method statements for Buildings B and C.
- 6. A detailed structural report on the grade II listed chimney within the site, including analysis of how removing surrounding buildings may affect its stability, details of measures to protect the chimney during construction and demolition works and following completion of the development, and details of construction of new wall alongside the chimney.
- 7. Submission of details of all external materials, to include provision for re-use of stone and slate from demolition of existing buildings.
- 8. Details of doors, windows and shutters to new building, and any new and/or replacement doors and windows to Building D.
- 9. Details of proposed photovoltaic panels.

10. Submission of Phase 2 Intrusive Site Investigation Report
11. Submission of Remediation Strategy
12. Implementation of Remediation Strategy (and unexpected contamination)
13. Submission of Verification Report
14. Restriction on operating hours to 0600-1900 hours Monday to Friday inclusive, and 0800-1600 hours on Saturdays, Sundays and Bank Holidays.
15. Submission of detailed drainage scheme.
16. Details of proposed demolition/modification of existing building retaining walls abutting Quay Street, together with design of any new building retaining walls adjacent to the highway to be submitted.
17. Submission of Construction Environmental Management Plan to include highways matters, pollution prevention plan for the canal, and measures for the sustainable disposal of waste from demolition and construction on site.
18. Access to the site to be provided in accordance with submitted details prior to first occupation.
19. Laying out of proposed car parking areas.
20. Submission of details for cycle storage provision within the site.
21. Submission of Full Travel Plan within 3 months of first occupation of the development.
22. Installation of electric vehicle charging points.
23. Submission of details of refuse storage areas.
24. Submission of details of proposed maintenance and management of refuse storage areas, including arrangements for access to be provided for waste crews on collection days.
25. Development to be carried out in accordance with submitted Climate Change Statement.
26. Submission of details relating to retaining walls adjacent to the canal, including matters specified in comments from the Canal & River Trust.
27. Submission of European Protected Species Licence and mitigation method statement in relation to bats.
28. Submission of Precautionary Working Method Statement in respect of bats.
29. Submission of Construction Environmental Management Plan: Biodiversity, to include mitigation/precautionary measures relating to the Huddersfield Broad Canal Local Wildlife Site.
30. Submission of Biodiversity Enhancement Management Plan, to include installation of 6no. swift boxes as part of the development.
31. Timing of works outside bird nesting season unless relevant checks first carried out by an Ecologist.
32. Submission of scheme of security and crime prevention measures to be incorporated as part of the development.
33. Submission of hard and soft landscaping details, including: boundary treatments (including any gates to the proposed service yard); surfacing materials to hard-surfaced areas; and details of proposed planting and landscaping to service yard adjacent to the canal, together with details of arrangements for future maintenance and management of that area.
34. 5-year replacements for new trees and planting.
35. Interpretation boards to explain the history of the site, including with reference to Building B which is proposed for demolition.
36. Details of new substation if satisfactory design not submitted prior to committee.

37. A condition for details education or training programmes to be delivered.

## **Background Papers**

### Application and history files

Available at: [Planning application details | Kirklees Council](#).

### Certificate of Ownership

Certificate B signed.