

**Former Dowker Works
Dowker Street
Milnsbridge
Huddersfield
HD3 4JX**

**PLANNING STATEMENT
NOVEMBER 2025**

REPORT CONTROL

Document type	Planning Statement
Project	Former Dowker Works, Dowker Street, Milnsbridge, Huddersfield, HD3 4JX
Client	Westshield Limited
Job Number	23-1582

Document Checking

Primary Author	Jack Wilkes
Contributor	
Reviewer	Matthew Wyatt

Revision Status

Issue	Date
Draft	06/11/2025
Final	07/11/2025

CONTENTS

1 INTRODUCTION

2 SITE CONTEXT

3 PROPOSED DEVELOPMENT

4 PLANNING POLICY CONTEXT

5 PLANNING ASSESSMENT

6 TECHNICAL MATTERS

7 CONCLUSION

/1 INTRODUCTION

- 1.1. This Planning Statement has been prepared by PWA on behalf of the applicant, Dulson/Lawton, Westshield / FCHO. It is submitted to Kirklees Council in support of a Full Planning Application for a proposed residential development at the Former Dowker Works, Dowker Street, Milnsbridge (hereafter "the site").
- 1.2. The application seeks permission for the "*Erection of 33 dwellings with associated access and landscaping.*" This proposal is a reduction in the number of dwellings previously approved on the site under application ref: 2023/62/92490/W.
- 1.3. This statement provides a comprehensive description of the site, its context, and the proposed development. It assesses the proposal against the relevant policies of the Kirklees Local Plan and the National Planning Policy Framework (NPPF).
- 1.4. The statement demonstrates that the proposal constitutes a sustainable form of development which accords with the development plan. It places significant weight on two key material considerations:
 - **Extant Planning Permission:** The site benefits from a recent, extant planning permission for 35 dwellings (Ref: 2023/62/92490/W). This establishes a "fallback" position for a 100% affordable housing scheme of a greater quantum than is now proposed.
 - **Housing Land Supply:** The Council cannot demonstrate a five-year supply of deliverable housing sites. The "*tilted balance*" at Paragraph 11(d) of the NPPF is therefore engaged.
- 1.5. It is concluded that these material considerations weigh decisively in favour of the development, and the proposal should be approved without delay.
- 1.6. This Planning Statement is supported by the following plans and technical documents:

Plans and Drawings (BTP Architects):

- Location Plan (DS-BTP-00-LP-DR-A-4016_100)
- Existing Site Plan (DS-BTP-00-XSP-DR-A-4016_101)

- Proposed Site Plan (DS-BTP-00-SP-DR-A-4016_105)
- House Type Floor Plans & Elevations (DS-BTP-... Series)
- Boundary Treatment Plan (DS-BTP-00-ZZ-DR-A-4016_106)
- Waste Management Plan (DS-BTP-00-SP-DR-A-4016_107)

Technical Reports:

- **Flood Risk Sequential Test** (PWA, 23/02/2024)
- **Flood Risk Assessment & Drainage Strategy** (AJP, AJP Ref: 223-043)
- **Transport Statement** (RHC, RHC-23-068-TS Rev A)
- **Stage 2 Geo-Environmental Report** (ARP, WSD/01r1)
- **Noise Impact Assessment** (Braiden Acoustics, Ref: 11140)
- **Ecological Appraisal & BNG Assessment** (Ostara, OES169_EA BNG Dowker Street_FINALv2)

/2 SITE CONTEXT

Site Location and Description

- 2.1. The application site (comprises a 0.52-hectare parcel of land at the Former Dowker Works, Dowker Street, Milnsbridge, Huddersfield, HD3 4JX. It is a brownfield, previously developed site that was formerly in industrial use but has been vacant and in a derelict condition since circa 2007.
- 2.2. The site is irregular in shape and is bounded by Armitage Road to the north, Dowker Street to the east, and George Street to the south. The western boundary is formed by the rear of commercial and residential properties fronting Market Street.
- 2.3. The site is located in a highly sustainable, built-up area and is adjacent to the Milnsbridge Local District Centre. The surrounding area is mixed in character, featuring predominantly residential properties to the north, east, and south, with some industrial and commercial premises also nearby on George Street and Market Street.
- 2.4. The site's topography slopes down from north to south. A key site constraint is the presence of the Longwood Brook, a main river, which runs in an underground culvert beneath the western part of the site.

Environmental and Heritage Designations

- 2.5. The site is located entirely within the Milnsbridge Conservation Area.
- 2.6. It is also located within the setting of designated heritage assets, most notably Milnsbridge House (Grade II* Listed), which is situated opposite the southeastern corner of the site, and the Grade II Listed buildings at 8 and 8a Dowker Street.
- 2.7. In flood risk terms, the majority of the site is located within Flood Zone 2, with a small part in Flood Zone 3.

Relevant Planning History

- 2.8. The site has a significant and recent planning history which forms a key material consideration for this application.

- 2.9. Planning permission was granted by Kirklees Council on 14th August 2025 (**Ref: 2023/62/92490/W**) for the *"Erection of 35 dwellings with associated access and landscaping"*.
- 2.10. This permission was granted subject to 38 conditions and a Section 106 legal agreement. The S106 agreement secured a £10,000 contribution for a Traffic Regulation Order and the establishment of a management company.
- 2.11. This extant permission (the "fallback scheme") establishes the principle of residential development on the site for a 35-unit, 100% affordable housing scheme. The council's committee report confirmed this was the only viable tenure for the site.
- 2.12. Critically, this approval resolved all key technical matters, including:
- **Flood Risk:** The 35-unit approval was granted following the submission and acceptance of the Flood Risk Sequential Test prepared by PWA.
 - **Heritage Impact:** The Council concluded that the public benefits of the 100% affordable scheme clearly outweighed the less-than-substantial harm to the heritage assets.
 - **Biodiversity Net Gain:** The approval secured an on-site Biodiversity Net Gain of over 10% for habitat units, which was secured via Condition 21.
- 2.13. This extant permission is a lawful and deliverable "fallback" position. The current application proposes a minor reduction in the number of dwellings from this approved scheme. The principle of the development, and the acceptability of its impacts, are therefore firmly established.

/3 PROPOSED DEVELOPMENT

- 3.1. This application seeks full planning permission for the *"Erection of 33 dwellings with associated access and landscaping."*
- 3.2. The proposal represents a minor reduction of one dwelling from the 35-unit, 100% affordable housing scheme approved under the extant permission Ref: 2023/62/92490/W. The development has been designed to align closely with the principles established in that "fallback" approval.

Housing Quantum, Mix and Tenure

- 3.3. Consistent with the basis upon which the 2023 "fallback" permission was approved, the proposal is for a 100% affordable housing scheme. The viability of the site was fully assessed during the previous application, and it was accepted by the Council that a 100% affordable tenure was the only viable delivery model for this brownfield site.
- 3.4. The proposed 33 dwellings comprise a mix of houses and cottage flats, broken down as follows:
 - 12 x 1-Bedroom Dwellings
 - 16 x 2-Bedroom Dwellings
 - 6 x 3-Bedroom Dwellings

Access, Layout and Parking

- 3.5. Vehicular access to the site will be taken from a single new access point on Dowker Street. This arrangement is identical to the access strategy approved under the 2023 permission.
- 3.6. The internal layout arranges the dwellings in terraced rows, with active frontages onto Dowker Street, George Street, and Armitage Road. This reflects the established urban grain of the Milnsbridge Conservation Area and was a key design principle supported by the Council in the previous approval.
- 3.7. A central spine road provides access to two private parking courts, located in the northern and southern parts of the site.

- 3.8. The submitted Transport Statement (Ref: RHC-23-068-TS Rev A) demonstrates that the site is in a highly sustainable location with excellent access to local services and public transport.

Scale, Appearance and Landscaping

- 3.9. The proposed dwellings are predominantly two-storey in height. Some plots are designed as three-storey to the rear to accommodate the site's natural topography, a design solution accepted in the 2023 approval.
- 3.10. In keeping with the sensitive heritage context and the requirements of the fallback approval (Conditions 24 and 25), the dwellings will be finished in a high-quality palette of materials. This includes the use of natural stone on prominent elevations and natural or artificial blue slate for all roofing.
- 3.11. The scheme incorporates communal green spaces, private gardens, and new tree and hedgerow planting as detailed on the submitted landscaping plan.

/4 PLANNING POLICY CONTEXT

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2. The Development Plan for Kirklees consists of the adopted Kirklees Local Plan (2019).
- 4.3. The National Planning Policy Framework (NPPF) is a significant material consideration. As the Council cannot demonstrate a five-year housing land supply, the policies in the NPPF, particularly the presumption in favour of sustainable development (the "tilted balance"), are of paramount importance in this decision.
- 4.4. This section summarises the key national and local plan policies relevant to the determination of this application.

Kirklees Local Plan (2019)

The adopted Development Plan for Kirklees, with which the application must be determined in accordance with, consists of two primary documents:

- Local Plan – Strategy & Policies (Adopted 2019): This document sets out the overarching strategic vision, objectives, and the suite of development management policies for the district.
 - Local Plan – Allocations & Designations (Adopted 2019): This document contains the detailed site allocations and defines the boundaries of specific policy designations, such as Conservation Areas or Green Belt.
- 4.5. On the Allocations & Designations plan, the site itself is unallocated for a specific use. It is, however, identified as being within the Milnsbridge Conservation Area.
 - 4.6. The following policies from the Strategy & Policies document are the most relevant to the assessment of this proposal:
 - LP1 - Presumption in favour of sustainable development: This policy reflects the presumption in the NPPF.
 - LP2 - Place shaping: Seeks high-quality design that reinforces local distinctiveness.

- LP3 - Location of new development: Prioritises development on previously developed land within existing urban areas.
- LP7 - Efficient and effective use of land and buildings: Requires development to achieve a net density of at least 35 dwellings per hectare.
- LP11 - Housing mix and affordable housing: Requires 20% of dwellings on sites of this size to be affordable. The proposal for 100% affordable housing significantly exceeds this policy requirement.
- LP21 - Highways and access: Requires that safe and suitable access can be achieved.
- LP24 - Design: States proposals should respect and enhance the character of the townscape and heritage assets.
- LP27 - Flood risk: Steers new development to areas with the lowest risk of flooding.
- LP28 - Drainage: Requires proposals to manage surface water drainage effectively.
- LP30 - Biodiversity and geodiversity: Requires development to minimise impacts and provide net gains for biodiversity.
- LP35 - Historic environment: Requires development affecting a heritage asset to conserve or enhance its significance. It reflects the NPPF's tests for assessing harm.
- LP52 - Protection and improvements of environmental quality: Requires assessment of issues including land contamination and noise.
- LP53 - Contaminated and unstable land: Requires sites to be suitable for their new use and not be adversely affected by contamination.

National Planning Policy Framework (NPPF) 2024

The NPPF sets out the Government's planning policies for England. Key policies relevant to this proposal include:

- Chapter 2. Achieving sustainable development: The Framework outlines three overarching objectives: an economic, a social, and an environmental objective. The *"presumption in favour of sustainable development"* is at the heart of the Framework.
- Chapter 4. Decision-making: This chapter outlines how applications should be determined. Crucially, it states that for decision-taking, where housing delivery has fallen below 75% of the requirement, the *"tilted balance"* is engaged. This means permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits"*.
- Chapter 5. Delivering a sufficient supply of homes: The Framework policies support the Government's objective of *"significantly boosting the supply of homes"* and that great weight should be given to the benefits of using previously developed (brownfield) land.
- Chapter 8. Promoting healthy and safe communities: Policies support the creation of safe, inclusive, and high-quality-of-life developments.
- Chapter 9. Promoting sustainable transport: This chapter encourages development in locations that are or can be made sustainable, to minimise journey lengths.
- Chapter 11. Making effective use of land: Policies state that local authorities should *"promote and support the development of under-utilised land and buildings"* and encourage the *"optimal use"* of the potential of each site.
- Chapter 12. Achieving well-designed places: The NPPF places great emphasis on good design, stating that it is *"a key aspect of sustainable development"*.
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change: This chapter directs development away from areas at highest risk of flooding (the Sequential Test).
- Chapter 15. Conserving and enhancing the natural environment: Policies state that planning decisions should *"protect and enhance sites of biodiversity value... and pursue opportunities for securing measurable net gains for biodiversity"*.

- Chapter 16. Conserving and enhancing the historic environment: This chapter requires applicants to describe the significance of any heritage assets affected. It states that "*great weight should be given to the asset's conservation*" and sets out the test for weighing less-than-substantial harm against the "*public benefits*" of a proposal.

/5 PLANNING ASSESSMENT

- 5.1. This section assesses the proposed development against the key planning policies and material considerations outlined in Section 4.0.
- 5.2. The primary material considerations guiding this assessment are:
- The Council's lack of a five-year housing land supply, which engages the *"tilted balance"* under NPPF Paragraph 11(d).
 - The extant planning permission for 35 dwellings on the site (Ref: 2023/62/92490/W), which represents a deliverable *"fallback"* position.
- 5.3. The assessment will demonstrate that the proposal's substantial public benefits are not significantly and demonstrably outweighed by any adverse impacts.

The Principle of Development & Housing Supply

- 5.4. The principle of residential development on this site is firmly established by the *"fallback"* permission for 35 dwellings. This application proposes a scheme of a lesser quantum (33 dwellings) and is therefore acceptable in principle.
- 5.5. The site is a vacant, previously developed (brownfield) site within a sustainable urban location and main settlement. Its redevelopment for housing is fully supported by Local Plan policies LP3 and LP7, and NPPF Chapter 11, which promotes the effective use of under-utilised land.
- 5.6. Crucially, the Council cannot demonstrate a five-year supply of deliverable housing sites. This triggers the presumption in favour of sustainable development. The proposal will make a valuable and immediate contribution to the Council's housing supply, a benefit which must be afforded *"substantial weight"* in the planning balance.

Affordable Housing

- 5.7. Local Plan Policy LP11 requires 20% affordable housing on a site of this scale.

- 5.8. The proposal is for a 100% affordable housing scheme. This social benefit is identical to the *"fallback"* approval, which the Council's officer concluded was the only viable model for the site.
- 5.9. The delivery of 33 affordable homes significantly exceeds the policy requirement and represents a public benefit which weighs heavily in favour of the application.

Heritage and Design

- 5.10. The proposal is located within the Milnsbridge Conservation Area and affects the setting of nearby Listed Buildings. The assessment must therefore be made in accordance with policy LP35 and NPPF Chapter 16.
- 5.11. The 2023 *"fallback"* permission (for a larger 35-unit scheme) already conducted this assessment. The Council concluded that the development would result in *"less-than-substantial harm"* to the heritage assets, and that this harm was *"clearly outweighed"* by the significant public benefits of delivering a 100% affordable housing scheme on a derelict brownfield site.
- 5.12. This current 33-unit proposal is of a near-identical scale, massing, and high-quality material palette (natural stone, slate roofing) as the approved scheme. The established planning balance therefore remains valid. The harm remains less-than-substantial, and the public benefits continue to clearly outweigh that harm, in full accordance with the NPPF (Chapter 16).

Planning Balance

- 5.13. The Council's lack of a five-year housing supply means the *"tilted balance"* (NPPF, Chapter 4) is engaged. Permission must be granted unless adverse impacts significantly and demonstrably outweigh the benefits.
- 5.14. The proposal delivers substantial public benefits, including:
- The delivery of 33 new homes in a sustainable location, which carries *"substantial weight"*.
 - A 100% affordable housing scheme, which delivers a critical social benefit and carries great weight.

- The regeneration of a vacant, derelict brownfield site, which aligns perfectly with national and local policy.

5.15. The *"fallback"* permission (2023/62/92490/W) confirms that the *"less-than-substantial"* harm to heritage assets is clearly outweighed by these public benefits. All technical matters relating to access, ground conditions, noise, and flood risk are demonstrably acceptable and can be managed by the same conditions as the 2023 approval.

5.16. The proposal fully aligns with the development plan and the NPPF. It is a sustainable development for which there are no adverse impacts that would significantly and demonstrably outweigh its clear and substantial benefits.

/6 TECHNICAL MATTERS

- 6.1. This section provides a summary of the technical reports submitted in support of the application, which demonstrate that the proposal is acceptable and that all potential impacts can be appropriately mitigated.
- 6.2. The technical assessments are largely identical to those submitted and approved under the earlier "*fallback*" permission (Ref: 2023/62/92490/W). As this proposal is for a lesser quantum of development (33 units vs. 35 approved), the impacts will be reduced, and the principles of the approved mitigation strategies remain valid.

Access and Transport

- 6.3. A Transport Statement (TS) has been prepared by RHC (Ref: RHC-23-068-TS Rev A). The TS assesses the site's accessibility, the suitability of the proposed access, and the impact of the development on the local highway network.
- 6.4. The TS concludes that the site is in a highly sustainable location, with good access to local amenities and public transport links, reducing reliance on the private car. The proposed new access onto Dowker Street is shown to be safe and suitable.
- 6.5. The 35-unit fallback scheme was deemed acceptable by the Highway Authority, subject to a S106 contribution for a TRO. As this 33-unit proposal will generate marginally less traffic, its impact is, by definition, acceptable and compliant with policy LP21.

Ground Conditions and Contamination

- 6.6. A comprehensive Stage 2 Geo-Environmental Report has been prepared by ARP Geotechnical Ltd (Ref: WSD/01r1). The report confirms the findings of the 2023 investigation, identifying elevated levels of arsenic, lead, PAHs, and chrysotile asbestos in the made ground, consistent with the site's former industrial use.
- 6.7. The report concludes that the site can be made safe for its proposed residential use. It proposes a clear remediation strategy (Appendix G) involving the provision of a 0.6m clean cover blanket in all garden and landscaping areas, with a hard break layer at the base.

- 6.8. This is the same strategy deemed acceptable under the 2023 "fallback" approval, which was subject to standard phased contamination conditions (Conditions 13-15 and 35). The proposal is therefore acceptable and compliant with Local Plan Policy LP53.

Flood Risk and Drainage

- 6.9. A Flood Risk Assessment & Drainage Strategy (FRA) has been prepared by AJP (Ref: 223-043). The site is in Flood Zone 2, and the 2023 "fallback" approval for 35 units established the acceptability of the development in this location.
- 6.10. As part of that approval, a Flood Risk Sequential Test (dated 23/02/2024), was accepted by the Council. As this application is for a lesser quantum of development, the principles of that Sequential Test remain valid, and no further test is required.
- 6.11. The FRA proposes a surface water drainage strategy based on attenuation and a restricted discharge rate of 5.0 l/s into the public combined sewer in Dowker Street, as agreed with the LLFA. This strategy was accepted under the "fallback" permission and secured by conditions (e.g., Condition 10). The proposal is therefore compliant with policies LP27 and LP28.

Ecology and Biodiversity Net Gain (BNG)

- 6.12. An Ecological Appraisal has been submitted by Ostara Ecological Services (Ref: OES169). The report identifies the baseline habitats and assesses the potential for protected species.
- 6.13. The report concludes that the site is of low ecological value, with negligible potential for bat roosts or reptiles. It recommends precautionary measures for nesting birds, which can be secured by condition.
- 6.14. The BNG assessment within the report concludes that the proposed layout will result in an on-site biodiversity net loss of -21.21% (a -0.15 unit loss).
- 6.15. To mitigate this deficit and ensure full compliance with Local Plan Policy LP30 and the NPPF (Chapter 15), the applicant proposes to deliver the required 10% biodiversity net gain via an off-site contribution.

- 6.16. This represents a change from the 2023 *"fallback"* approval, which secured the net gain on-site. However, delivering the gain off-site is a recognised and acceptable mechanism under the BNG framework. It allows for a more efficient site layout on this constrained brownfield site while still delivering the same, fully policy-compliant biodiversity outcome.
- 6.17. The final BNG unit deficit and the associated financial contribution to secure the off-site units can be agreed upon during the application process and secured via a suitable planning condition or a Section 106 legal agreement.

Noise Impact

- 6.18. A Noise Impact Assessment (NIA) has been submitted by Braiden Acoustics (Ref: 11140). The NIA identifies the dominant noise source as road traffic from the surrounding network.
- 6.19. The report concludes that the desired internal noise levels for habitable rooms and bedrooms can be achieved with standard 4mm double glazing. External garden amenity areas are also shown to be within the recommended 55 dB limit.
- 6.20. The earlier *"fallback"* approval included Condition 22, requiring the submission of a noise mitigation scheme. The proposal is acceptable and compliant with policy LP52, subject to a similar condition.

/7 CONCLUSION

- 7.1. This Planning Statement has been prepared by PWA on behalf of Dulson/Lawton, Westshield / FCHO. It is submitted in support of a Full Planning Application for the erection of 33 dwellings with associated access and landscaping at the Former Dowker Works, Dowker Street, Milnsbridge.
- 7.2. This statement has demonstrated that the Council cannot demonstrate a five-year supply of deliverable housing sites. Consequently, the *"tilted balance"* as set out in the NPPF (Chapter 4) is engaged. Planning permission must be granted unless any adverse impacts of doing so *significantly and demonstrably* outweigh the benefits.
- 7.3. The proposal will deliver substantial public benefits, which this statement has afforded significant and great weight:
- The delivery of 33 new homes in a sustainable urban location, making a vital contribution to the Council's housing supply.
 - The provision of a 100% affordable housing scheme, a benefit of great weight that significantly exceeds the 20% requirement of Local Plan Policy LP11.
 - The regeneration of a vacant, derelict brownfield site, which is a core objective of both the NPPF (Chapter 11) and Local Plan Policy LP3.
- 7.4. This statement has also established that the site benefits from a deliverable extant planning permission (Ref: 2023/62/92490/W) for 35 dwellings. This *"fallback"* approval confirms that the principle of the development, the access strategy, and the planning balance (weighing heritage harm against public benefit) are all acceptable to the Council.
- 7.5. The assessment has demonstrated that all technical matters relating to access, ground contamination, noise, and flood risk are acceptable and can be fully mitigated by conditions, identical to those imposed on the *"fallback"* approval. The proposal will fully mitigate its ecological impact and achieve a 10% biodiversity net gain, in accordance with Local Plan Policy LP30 and the NPPF, via an off-site contribution. This is a recognised and acceptable mitigation method which will be secured by a planning condition or a Section 106 legal agreement.

7.6. In light of the above, the adverse impacts do not significantly and demonstrably outweigh these benefits. The proposal is consistent with the Development Plan and the NPPF, and PWA respectfully requests that planning permission is granted.



2 Lockside Office Park
Lockside Road
Preston
PR2 2YS

01772 369 669

www.pwaplanning.co.uk