



Planning Statement

Proposed Residential Development at Cellars Clough, Marsden

Client:
CS District Ltd

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Report reviewed by:

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1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of the applicant, CS District Ltd. The application seeks consent for a residential development comprising 75 dwellings (Use Class C3) with external amenity space, associated parking and access.

THE PROPOSALS AND CONTEXT

- 1.2 The site was formerly home to Cellars Clough Mills, which has since been demolished, leaving an area of cleared land. The site represents a brownfield site, and it has also been subject to a previous application for residential development.

- 1.3 The description of development is:

‘Construction of residential development comprising 75 dwellings (Use Class C3) with external amenity space / landscaping, associated parking, access, and other associated works’

THE APPLICANT

- 1.4 The applicant is an award-winning, Yorkshire based property developer, creating industry-leading, energy efficient apartments and houses predominantly across Leeds and Sheffield. They have identified the application site to be the next step in delivering high quality, sustainable homes for the local community to help tackle the climate emergency currently being faced.

- 1.5 The applicant draws together principles that create impactful places which work in synergy to accelerate carbon reduction, support happy, healthy homes and communities in beautiful places where people can thrive.

- 1.6 In order to delivery high quality homes, the applicant has built their own factory which utilises a state-of-the-art manufacturing process ensuring high performance, highly insulated homes that are up to 13 times more airtight than UK building regulations. In addition to having environmental and sustainable benefits, this also allows for a quicker and more efficient construction process.

- 1.7 The application site will play a pivotal role in Kirklees' journey toward becoming a low-carbon town, acting as a catalyst for sustainable development throughout the Yorkshire region.
- 1.8 Kirklees Council has a clear vision for Marsden, aiming to transform it into a more sustainable and thriving community. This vision is encapsulated in the Marsden Blueprint, a strategic plan focused on reducing traffic, improving air quality, creating local employment opportunities, and boosting economic growth. These initiatives align with the council's broader sustainability goals, which include fostering a sustainable economy, enhancing green spaces, and improving the overall quality of life for residents. The council's aspirations for Marsden reflect its commitment to sustainable economic development and clean and green principles, as outlined in its wider Environment Strategy.
- 1.9 The plan for Marsden is designed to create a healthier, more vibrant town that supports both environmental sustainability and community well-being, ultimately making it a model for sustainable development within the Kirklees district.
- 1.10 The applicants 'Little Kelham' and 'Kelham Central' projects in Kelham Island successfully acted as catalysts for the incredible transformation of this area from derelict industrial sites to a thriving creative hub. In 2018, the Academy of Urbanism recognized it as the 'Greatest Neighbourhood in the UK,' with the judges noting our restoration projects as a key factor in the area's transformation.
- 1.11 Furthermore, the applicant's Climate Innovation District in Leeds provides a strong example of the high-quality work they deliver. They have sought to create a community inspired by Scandinavian urban densities, achieving an exceptional standard of environmental performance. The housing is fully integrated with services, including accessible healthcare and schools, as well as offices and a manufacturing plant. The district as a whole is enriched by a diverse range of urban social spaces, designed to be open and welcoming to all.
- 1.12 The application site offers the potential to expand their success, unlocking even greater opportunities for transformation in Kirklees and beyond.

PURPOSE OF THE PLANNING STATEMENT

- 1.13 This Statement describes the proposals and examines the planning considerations which they raise. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, determination of the planning application must be made in accordance with the development plan, unless material considerations indicate otherwise.
- 1.14 This statement should be read in conjunction with the other documents submitted with the planning application. These are detailed in the next section.

CONTENT OF PLANNING APPLICATION

- 1.15 In order to evidence that the design has evolved from a full understanding of the physical and policy context, including social, economic and environmental sustainability considerations, this planning application is supported by numerous documents which demonstrate how the scheme responds appropriately to best practice in design and sustainability, as well as planning policy objectives and requirements. The documents submitted in respect of the scheme are:

- Abroricultural Impact Assessment prepared by Enzygo.
- Air Quality Impact Assessment prepared by Enzygo.
- Biodiversity Net Gain Assessment including metric and calculation prepared by Enzygo.
- Design & Access Statement prepared by Citu.
- Drainage Strategy prepared by Civic Engineers.
- Ecological Survey & Preliminary Ecological Assessment prepared by Enzygo.
- Fire Strategy Layout prepared by Citu.
- Flood Risk Assessment prepared by Civic Engineers.
- Flood Risk Sequential Assessment and Exceptions Test Report prepared by Zerum.
- Landscaping details prepared by Citu.
- Planning Statement prepared by Zerum.
- Site Waste Management Plan prepared by Citu.
- Statement of Community Involvement prepared by Zerum.

- Structural Survey Reports prepared by CIVIC.
- Sustainability Statement prepared by Citu.
- Transport Assessment prepared by Paragon.
- Travel Plan prepared by Paragon.
- Tree Survey prepared by Enzygo.

1.16 The application is also supported by a full set of plans and elevations, prepared by the applicant.

CONSULTATION

1.17 The applicant has engaged in pre-application dialogue with the Council with a series of meetings held prior to the application being submitted. This process has allowed the scheme to be amended in response to consultee and officer feedback and these discussions have influenced the evolution of the scheme into its final form.

STATEMENT STRUCTURE

1.18 The remainder of this statement:

- **Section 2** – Provides context and describes the site and its surroundings alongside details of any relevant planning history and consultation;
- **Section 3** – Describes the development proposals in detail;
- **Section 4** – Outlines the Development Plan framework, relevant national policy guidance and any material considerations;
- **Section 5** – Provides a detailed analysis of the main planning considerations and a summary of technical reports; and
- **Section 6** – Concludes by summarising the main points raised in this document.

2. Development Context

- 2.1 This section briefly describes the site, its surroundings and local setting, and outlines the relevant planning history of the site.

STATUTORY DEVELOPMENT PLAN

- 2.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, local planning authorities must make their determination in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site includes the Kirklees Local Plan Strategy Policies, adopted in February 2019, and the Kirklees Local Plan Allocations and Designations, also adopted in February 2019.

- 2.3 The site is designated as Green Belt Land. This is considered in more detail later in this Statement, but given the historical use of the site, it constitutes a previously developed site within the Green Belt.

- 2.4 Section 4 below includes a comprehensive overview of the relevant Development Plan policies. The scheme's response to these policies is considered in Section 5.

SITE AND SURROUNDINGS

- 2.5 The site historically accommodated Cellars Clough Mill, which was established in 1888. The mill ceased operations in 1982, leading to its deterioration and remaining derelict for many years. It was eventually demolished as part of a previously approved scheme in 2019, with demolition completed by 2021, leaving a vacant, cleared site. The surrounding area is predominantly greenfield land. To the south, there is a small row of buildings, including a well-being center and a café. To the west, the site is bordered by Cellars Clough and Sparth Reservoir. The wider area offers various amenities, including a café, ponds, the river, and the canal.

- 2.6 The site is situated off an access road from the A62, located between Slaithwaite and Marsden, approximately 5 miles west of Huddersfield.
- 2.7 To note the is located in flood zones 1, 2 and 3. As set out in Section 3, the layout has been designed to ensure all buildings are outside of flood zone 3.
- 2.8 Details of the site location and strategic context can be found in the Design and Access Statement, produced by Citu.

SITE ACCESSIBILITY

- 2.9 The site benefits from excellent accessibility, being just 1.3 miles from Marsden town centre—a comfortable walking distance or a short bus ride away. Multiple bus routes, including the 383, 184, and 938, serve the area, ensuring convenient public transport options.
- 2.10 Marsden train station, also 1.3 miles from the site, offers direct rail connections to Huddersfield, Manchester Piccadilly, and York, further enhancing regional connectivity. Additionally, a bus stop just 500 meters from the site provides services to Marsden and Slaithwaite.
- 2.11 With these transport links, the site benefits from excellent accessibility making a range of local services and employment opportunities easily reachable for residents.
- 2.12 The accompanying Design and Access Statement and Transport Statement provide more detail in terms of the site’s connections and accessibility.

PLANNING HISTORY

- 2.13 The site has a lengthy planning history, with multiple applications submitted over the years, all aimed at regenerating the former Cellars Clough mill site. The most relevant application (ref. 2016/62/91573/W) was for the demolition of the existing redundant mill buildings and the erection of 55 dwellings, along with associated parking and access from Manchester Road. This application was approved on 19 June 2019 and was later implemented through Discharge

of Condition applications in March 2022 (ref. 2022/90904). This application has since been implemented and remains a material consideration in reviewing Citu’s proposals for the site. In addition, several applications have been submitted to vary conditions relating to the above-mentioned application (refs. 2020/70/90809/W and 2022/70/93041/W), with the most recent approved in August 2023.

2.14 As part of the previous application, the Local Planning Authority (“LPA”) viewed the site as being a previously developed / brownfield site within the Green Belt and therefore appropriate development.

2.15 Several other applications have been submitted, as detailed in Table 1 below.

Application Ref.	Details	Status
2013/62/90037/W	Alterations to the existing mill and erection of an extension to form 133 apartments, formation of associated parking for 190 cars, part demolition of the existing complex, and construction of a new access road with improvements to the site access off Manchester Road	Withdrawn
2011/62/91795/W	Extension to the time limit for previously approved planning permission (2007/62/93456/W1).	Approved October 2011
2007/62/93456/W1	Conversion of Mills 1,2,3 &4 and former officer to 101 dwellings units, 9 live/work units, residents gym, pool, shop, meeting room	Approved November 2008

	and bike store. Demolition of other buildings. Car Parking and Landscaping improvement to access road.	
2006/62/92095/W1	Conversion of Mills 1,2 & 3 Apartments, Demolition of Mill 4 and erection of new apartment block, demolition of other one and two story buildings and erection of apartment and car parking block, surface car parking, landscaping and improvements to access and access road (168 apartments in total).	Approved December 2006

STATEMENT OF CONSULTATION

- 2.16 The applicant has undertaken pre-application discussions with the local planning authority. Both the applicant and their professional advisors have sought to adopt a 'best practice' approach to both design and delivery. Pre-application discussions with Kirklees Council commenced in advance of the submission of the application and have informed the proposals. Further details on the public consultation are within the supporting Statement of Community Involvement.

2.17 Given the scale of the scheme and its compliance with plan policy, Citu are satisfied that an appropriately comprehensive process of pre-application consultation has been undertaken.

3. Description of Proposed Development

- 3.1 The preliminary sub-sections of this Statement have already touched upon the context and content of the application. More details are provided as part of the submitted Design and Access Statement prepared by Citu.
- 3.2 The application seeks consent for residential development comprising four rows of houses and three short rows of terraced homes, with all buildings being a mix of three stories. The proposed development includes a shared outdoor amenity garden and on-site parking.
- 3.3 The proposed site layout plan shows the extent of the proposed development in relation to the nearest roads, surrounding land uses and wider area. Careful thought has been given to ensure that the proposed scheme works with the surrounding land and respects both wider views of the development and its more immediate surroundings.

LAYOUT

- 3.4 Several iterations of the layout were considered, with the proposed design being deemed the optimal solution to address the site's various constraints. It provides adequate parking and creates a pleasant amenity space. The layout was revised to remove the two apartment blocks adjacent to the northern boundary. This adjustment ensures that sufficient amenity space is provided for residents and that the layout functions efficiently. Subsequent changes have been made to the layout to ensure that all buildings are outside of flood zone 3.
- 3.5 A linear layout has been adopted for the positioning of the buildings, placing the houses further from the adopted highway to enhance the living environment. Additionally, the landscaping and internal road design are thoughtfully integrated to create a seamless flow throughout the site.

- 3.6 Parking will be located to the south of the site, effectively screened by the proposed residential dwellings and existing vegetation in order to minimise the visual impact.
- 3.7 The layout of the proposed development features west and east facing homes, maximising solar gain and natural light, thereby reducing energy consumption and enhancing residents' quality of life. The strong, linear, three-storey pitched-roof structures are positioned perpendicular to the canal and river, providing expansive views through the site.
- 3.8 The aim of the scheme is to create a modern, high-quality development that responds to and respects the character of the surrounding area, while fostering a strong sense of place. The proposal offers an opportunity to redevelop a previously developed parcel of land within the Green Belt, revitalising an area that has been disused for an extended period.

ACCOMMODATION

- 3.9 The proposed development will offer 75 houses. These apartments have been designed to deliver high-quality, modern residential living in accordance with nationally recognized space standard.
- 3.10 The proposed mix is:
- 29x 2 beds
 - 36x 3 beds
 - 10x 4 beds.
- 3.11 The proposed mix responds to identified needs and draws on the applicant's experience with other developments of a similar scale.
- 3.12 The houses will have open plan kitchen and living spaces; and large windows and doors to allow natural light and provide good views. All dwellings are well-proportioned and provide a pleasant living environment.

SCALE AND DESIGN

- 3.13 The proposed development has been designed with influence from Marsden's historic industrial buildings. The scale of the buildings reflects the industrial heritage of the site, ensuring that the new homes sit comfortably within their surroundings.
- 3.14 The proposed design, featuring three-storey buildings arranged in a linear formation, enhances the development's strong, cohesive character. This approach allows the structures to blend seamlessly into the landscape, fostering a harmonious relationship between the new buildings and their environment.
- 3.15 The proposed development thoughtfully responds to its surrounding context, with a bold and cohesive architectural presence that will establish a distinct visual identity. The design's striking forms will draw attention from multiple vantage points, including along the railway routes between Manchester and Leeds, thereby enhancing the site's visibility and reinforcing its connection to the broader region.
- 3.16 The design of the dwellings has been thoughtfully crafted, with a material palette that is bold yet harmonises with the natural colours of the site, reflecting the tones of the mill buildings and surrounding landscape. Sustainable, high-performance materials have been selected to ensure longevity, durability, and minimal environmental impact. These materials complement the overall form and massing of the project, offering a contemporary interpretation of the site's industrial heritage.
- 3.17 Further detail on the design approach and detailing is set out in the submitted Design and Access Statement.

PARKING AND ACCESS

- 3.18 Parking for 116 vehicles, including 4 disabled spaces, is located to the south of the site. Vehicular access is provided via Manchester Road. The close

proximity of the parking to the dwellings enhances natural surveillance, in line with Secured by Design principles.

3.19 The building will be accessible to both vehicles and pedestrians via an access point on Manchester Road. There will also be new pedestrian links which create connections between the canal towpath, the river, and the wider landscape. A dedicated pathway from the canal to the Wild Café and Coach House Wellbeing Centre enhances access to these important community amenities.

3.20 The proposed development includes a total of 206 secure cycle parking spaces, provided at the ends of each block and adjacent to the canal wall in secure cycle storage.

REFUSE STRATEGY AND SERVICING

3.21 Communal bin storage for general and recycled waste will be provided at designated points along the shared surface.

3.22 The site's waste strategy aims to achieve a 20% reduction in total waste through community-led initiatives and the promotion of sustainable lifestyle choices.

3.23 Communal bins will be located throughout the development to support effective waste sorting, reduce contamination and landfill waste, encourage shared responsibility and eco-conscious habits, and enable optimised collection while preventing overflow. Each household will have access to 180 litres of storage capacity per waste type. To future-proof the development, additional capacity has been allocated for food waste collection. Composters will also be provided alongside the bin provision to support organic waste management.

4. Planning Policy

PLANNING AND COMPULSORY PURCHASE ACT 2004

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 This chapter therefore considers the relevant national planning policy and guidance which form a material consideration in the determination of this application, and the development plan which consists of the Kirklees Local Plan Strategy Policies, adopted in February 2019, and the Kirklees Local Plan Allocations and Designations, also adopted in February 2019.

NATIONAL PLANNING POLICY

- 4.3 The National Planning Policy Framework (“NPPF”) is a material consideration in planning decisions. It has a clear presumption in favour of sustainable development at its heart (para 10). Sustainable development means that the planning system pursues economic, social and environmental objectives (para 8), although they are not criteria against which every decision can or should be judged (para 9).
- 4.4 Local planning authorities should approach decisions on proposed development in a positive and creative way, with decision-makers at every level required to seek to approve applications for sustainable development where possible (para 39).
- 4.5 The presumption in favour of sustainable development means that local planning authorities should, without delay, approve development plans that accord with an up-to-date development plan, and where the relevant policies are out-of-date, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when

assessed against the policies in the NPPF (para 11). Footnote 8 attached to paragraph 11 confirms that for applications involving the provision of housing, 'out of date' includes situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

- 4.6 Section 5 seeks to deliver a sufficient supply of homes in support of the government's objective of significantly boosting the supply of homes (para 61) including for those with particular needs such as those requiring affordable housing (para 63). Small and medium sized sites are recognised as making an important contribution to meeting housing need and local planning authorities should support the development of windfall sites, giving great weight to the benefits of using suitable sites within existing settlements for homes (para 73).
- 4.7 Paragraph 78 states that local planning authorities should identify and update, on an annual basis, a supply of specific, deliverable sites sufficient to provide a minimum of five years' worth of housing. This should be measured against their housing requirement as set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The NPPF requires local authorities to have an up-to-date Local Plan and strategic housing policies, or to have reviewed or updated them within the past five years. Where this has not been done and the policies are considered out of date, the fallback position is that the local authority must demonstrate a five-year housing land supply.
- 4.8 As stated above section 5 emphasis the importance of local authorities having an up-to-date Local Plan and strategic housing policies. Unless these strategic policies have been reviewed and confirmed as not requiring an update, they will be considered out of date. In such cases, local housing need is used as the basis for assessing whether a five-year supply of specific, deliverable sites exists. This should be calculated using the standard method set out in the national planning practice guidance.

- 4.9 Section 8 seeks inclusive and safe places which promote social interaction and support healthy lifestyles (para 96). Paragraph 104 states that existing sports and recreational buildings and land should not be built on unless an assessment has been undertaken which clearly shows that it is surplus to requirements; or the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.
- 4.10 Section 9 of the NPPF seeks sustainable transport, with promotion of walking, cycling and public transport (para 109). Patterns of growth should support this objective, with significant development being in locations which are or can be made sustainable (para 110). Local parking standards should take into account the accessibility of the development, availability of public transport and the type of development (para 112).
- 4.11 The NPPF states that development should only be prevented on highway grounds if there would be an unacceptable impact on highway safety or severe cumulative highway impacts (para 116).
- 4.12 Section 11 requires planning decisions to promote an effective use of land, particularly within settlements (paras 124-5). Paragraph 125 requires decisions to give substantial weight to the value of using suitable brownfield land within settlements for homes and to promote and support the development of under-utilised land, especially in meeting housing needs. Decisions are required to reflect changes in the demand for land (para 127).
- 4.13 Development should be supported where it makes efficient use of land, taking into account the identified need for different types of housing; the availability of infrastructure and services including the scope to promote sustainable travel; the desirability of maintaining and area's prevailing character and setting, or of promoting regeneration and change; and the importance of securing well-designed places (para 129). Developments should make optimal use of the potential of each site (para 130).

- 4.14 Section 12 of the NPPF identifies good design as ‘a key aspect of sustainable development’ (para 131). Developments must function well over their lifetimes; be visually attractive with good architecture and layout; be sympathetic to local character while not discouraging innovation or change; establish or maintain a strong sense of place; include effective landscaping; and provide a high standard of amenity (para 135). Development of poor design should be refused (para 139).
- 4.15 New development should seek to reduce greenhouse gas emissions through means such as location, orientation and design (para 164) and to minimise energy consumption (para 166). Major developments should incorporate sustainable drainage systems unless there is clear evidence of this being inappropriate (para 181). If significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated or compensated for, permission should be refused (para 193). Planning policies should ensure development is suitable for its location in terms of ground conditions (para 196) and potential effects of pollution (para 198).
- 4.16 Section 13 of NPPF sets out the importance of Green Belts and how they are focused on preventing urban sprawl. Paragraph 154 part g) sets out the development within the Green Belt will be considered in appropriate unless *“limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.”*
- 4.17 Paragraph 155 sets out that development of homes in the Green Belt should not be regarded as inappropriate where all the following apply:
- “a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
- b. There is a demonstrable unmet need for the type of development proposed;*

c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework

d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156–157 below."

4.18 Paragraph 156 sets out that major development involving the provision of housing should follow the 'Golden Rules' and compliance with Golden Rules should be given significant weight in favor of permission. The rules are as follows:

"a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67–68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;

b. necessary improvements to local or national infrastructure; and

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces."

KIRKLEES LOCAL PLAN STRATEGY AND POLICIES (2019)

4.19 The following policies are considered relevant to this application:

- Policy LP1 – Presumption in favor of sustainable development
- Policy LP3 – Location of new development
- Policy LP7 – Efficient and effective use of land and buildings
- Policy LP11 – Housing mix and Affordable Housing
- Policy LP19 – Strategic transport infrastructure
- Policy LP20 – Sustainable travel
- Policy LP21 – Highways and access
- Policy LP22 – Parking
- Policy LP24 – Design
- Policy LP27 – Flood risk

- Policy LP28 – Drainage
- Policy LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing water environment
- LP43 – Waste management hierarchy
- LP47 – Healthy, active and safe lifestyles
- LP52 – Protection and improvement of environmental quality
- LP59 – Brownfield sites in the Green Belt

4.20 The most relevant policies are considered in more detail below.

4.21 Policy LP1 states that, in considering development proposals, the council will adopt a positive approach that aligns with the presumption in favor of sustainable development as outlined in the NPPF. Proposals that comply with the policies in the Kirklees Local Plan will be approved without delay, unless there are overriding material considerations that suggest otherwise.

4.22 Policy LP3 requires development proposals to consider the size and function of the settlement, as well as the place-making strengths, opportunities, and challenges for growth. It also emphasises spatial priorities for urban renaissance and regeneration, and the need to provide new homes and jobs. Development will be permitted where it supports the sustainable delivery of housing.

4.23 Policy LP7 encourages the efficient use of previously developed land in sustainable locations, provided the land is not of high environmental value. It also supports access to adjoining undeveloped land, enabling future development. The policy specifies that residential development should achieve a minimum net density of 35 dwellings per hectare.

- 4.24 Policy LP11 states that housing proposals should be of high quality and design, contributing to the creation of mixed and balanced communities based on the latest evidence of housing needs. All housing proposals must provide a mix of sizes and tenures suitable for different household types, reflecting changes in household composition in Kirklees.
- 4.25 This includes addressing the needs of those with specialist requirements. For schemes of more than 10 dwellings or those covering 0.4 hectares or more, the housing mix should align with the household proportions in need of housing, ensuring a balance of house sizes and tenures. The council will negotiate with developers to include affordable housing in plans for developments of over 10 units, including self-contained residential units. The affordable housing requirement should be 20% of the total units on market housing sites. This proportion may be reduced where viability evidence shows development costs that would hinder the project. However, higher proportions of affordable housing are encouraged.
- 4.26 Policy LP20 outlines how the Council will support development proposals that are accessible by alternative modes of transport, such as public transport, cycling, and walking. For new residential developments, it emphasises the importance of proximity to local facilities or the integration of opportunities for daily activities on-site. The policy also highlights the need for development proposals to promote sustainable travel.
- 4.27 Policy LP24 emphasises that good design should be at the heart of all development proposals. It states that proposals can achieve this by incorporating high levels of sustainability, ensuring that form, scale, and layout respect and enhance the character of the area, and contributing to the improvement of the natural environment.
- 4.28 Policy LP27 states that proposals within Flood Zone 3a must incorporate flood mitigation measures, such as compensatory storage, which should be identified and assessed through a site-specific Flood Risk Assessment. Additionally, all development proposals must be supported by an appropriate site-specific Flood Risk Assessment in accordance with national planning policy. This assessment must consider all sources of flooding outlined in the

Strategic Flood Risk Assessment and demonstrate that the development will remain safe throughout its lifetime, taking climate change into account. Furthermore, the proposal must not increase flood risk elsewhere and should, where possible, contribute to its reduction. Where necessary, appropriate mitigation measures should be proposed.

- 4.29 Policy LP32 states that development proposals should consider and seek to enhance the landscape character of the area, with particular attention to the appearance of rivers and canals, as well as the patterns of woodlands, trees, and field boundaries.
- 4.30 Policy LP52 states that development proposals should enhance the existing environment. Where an increase in pollution—such as noise, vibration, or light, are expected, these impacts must be assessed, and appropriate measures incorporated to prevent or minimise pollution. This ensures that the quality of life and well-being of people are not unacceptably affected, and that there are no unacceptable impacts on the environment.
- 4.31 Policy LP59 states that development proposals, including full redevelopment, on existing brownfield sites in the Green Belt will generally be acceptable, provided they do not exceed the existing footprint and do not lead to the loss of land with high environmental value that cannot be mitigated or compensated for. It also emphasises that all proposals should adhere to relevant design policies to ensure that the development does not significantly detract from its Green Belt setting.

OTHER MATERIAL CONSIDERATIONS

- 4.32 Other material policy considerations include:
- National Planning Practice Guidance (“NPPG”)
 - Affordable Housing and Housing Mix SPD (2023)
 - Housebuilder Design Guide SPD (2021)

- 4.33 The NPPG is a material consideration in the determination of planning applications. It states that good design is integral to sustainable development and requires the creation of places that work well for everyone and are adaptable for the long term. It identifies key design issues including local character, safe efficient streets, crime prevention, access and inclusion, and cohesive and vibrant neighbourhoods. Developments should be functional, adaptable, resilient, distinctive character, permeable to movement and should support mixed uses.
- 4.34 The Affordable Housing and Housing Mix SPD provides guidance on housing mix and policy, aiming to ensure the provision of affordable housing in new developments while meeting local housing needs. The SPD outlines key principles, including achieving an appropriate housing mix, when affordable housing is required, the types of affordable housing needed, and how it should be designed and delivered.
- 4.35 The Housebuilder Design Guide SPD outlines the Council's vision for high-quality residential design, aimed at enhancing the standard of housing in the district and aligning with the Local Plan Vision. Its primary objective is to ensure that future housing developments in the district are designed to a high standard, promoting inclusivity and contributing to the creation of vibrant, well-designed communities.

5. Planning Assessment

5.1 This chapter considers the principal issues that are relevant to the application:

- The principle of development.
- Green Belt considerations.
- Affordable housing and planning obligations.
- Design.
- Heritage Impact.
- Highways.
- Technical considerations including trees, drainage, flood risk, ecology, biodiversity net gain and ground.

PRINCIPLE OF DEVELOPMENT

5.2 The principle of development on this site is firmly established, as it benefits from an extant planning permission for residential use. This existing consent provides a clear precedent for development, confirming the site's suitability in planning terms. Whilst the proposed development seeks to increase the number of houses on the site, the proposal remains consistent with the established use and does not introduce any materially new impacts that would warrant a departure from the approved scheme.

5.3 Furthermore, the proposal must be considered in the context of the local planning authority's current inability to demonstrate a five-year supply of deliverable housing sites, as required by paragraph 74 of the NPPF. The most recent available evidence suggests that the LPA can only demonstrate a housing land supply of approximately 3.96 years. In such circumstances, paragraph 11(d) of the NPPF states that the presumption in favour of sustainable development applies, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

5.4 The increase in the number of dwellings is considered both appropriate and necessary in light of the pressing need to boost housing delivery in Kirklees. The revised layout and design demonstrate that the site can comfortably accommodate the proposed uplift without resulting in overdevelopment or giving rise to any unacceptable impacts on neighbouring amenities, local infrastructure, or environmental quality.

- 5.5 This site is deliverable and capable of contributing positively to the local housing supply in the short term. Its location is sustainable, with access to key local services and infrastructure. The proposed development will support the council's objective of boosting the supply of homes, particularly in a context of ongoing under-delivery.
- 5.6 There are no overriding constraints that would prevent development from proceeding. All technical matters, including access, drainage, and design, have either been previously resolved through the earlier consent or are capable of being addressed through the current application.
- 5.7 In summary, the principle of development is acceptable due to the site's planning history, its sustainable location, and the significant weight that should be given to the delivery of housing in the absence of a five-year land supply. The proposal accords with national guidance and local planning policy and should be supported accordingly.

GREEN BELT CONSIDERATIONS

- 5.8 As previously mentioned, part of the site is designated as Green Belt. Section 13 of the NPPF outlines the approach that must be followed when proposing development on Green Belt land to ensure it is not considered inappropriate development.
- 5.9 Paragraph 154, part (g), specifies that development in the Green Belt will be considered inappropriate unless it involves the partial or complete redevelopment of previously developed land, which would not cause substantial harm to the openness of the Green Belt. Given that the site was previously home to a mill, it constitutes previously developed land and this was accepted by the LPA as part of the previous planning application on the site.
- 5.10 The NPPF defines previously developed land as land that was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. Therefore, even though all previous buildings on the site have been demolished, it still qualifies as previously developed land.
- 5.11 Consideration therefore needs to be given as to whether the construction of 75 new houses would cause substantial harm to the openness of the Green Belt. The starting point would be a comparison with the previously approved scheme for 55 new dwellings.

- 5.12 The previously approved scheme comprised two five storey high apartment blocks adjacent to the northern boundary, one detached dwelling and four short rows of terraces to be sited parallel to the southern boundary. The proposed development subject to this application would primarily consist of four rows of houses and three short rows of terrace houses. All houses would be a mix of three storeys in height.
- 5.13 When comparing the approved scheme with the revised scheme, the built form and volume are considered to be similar, or to have a lesser impact, as all buildings remain at three storeys in height. It is therefore concluded that the proposals would not result in any substantial impact on the openness of the Green Belt and are, accordingly, in compliance with Paragraph 154(g) of the NPP
- 5.14 Furthermore, as mentioned in earlier sections, the site has been subject to several planning applications, with the most relevant being approved in June 2019 for the demolition of the existing redundant mill buildings and the erection of 55 dwellings, along with associated parking and access (application reference 2016/91573). This was followed by a variation to the permission approved in August 2023 (application reference 2022/93041). This application has been implemented and remains a material consideration for the current proposal. The Council has previously considered this site to be previously developed/brownfield land within the Green Belt, and therefore, appropriate for development.

AFFORDABLE HOUSING AND PLANNING OBLIGATIONS

- 5.15 The proposed development will be subject to consideration of planning obligations and affordable housing contributions in line with national and local policy. This includes Local Plan Policies LP11 (housing mix and affordable housing) and LP63 (new development and infrastructure). These policies require developments to provide an appropriate proportion of affordable homes and/or financial contributions, unless robust evidence demonstrates that such requirements would render the scheme unviable or where other significant planning benefits are being delivered.
- 5.16 In this case, contributions will be reviewed during the course of the planning application process and assessed against the scope of other works and improvements that form part of the scheme. Any obligations must be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and

reasonably related in scale and kind, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations (2010, as amended).

- 5.17 It is recognised that the delivery of affordable housing remains a key priority within Kirklees to address local housing needs. However, this must be balanced against the viability of the scheme and the delivery of other site-specific benefits such as infrastructure enhancements, environmental improvements, or regeneration objectives. Accordingly, the level and type of planning obligations will be subject to detailed negotiation and agreement with the LPA, ensuring compliance with local plan policies, while facilitating a deliverable and sustainable development outcome.

DESIGN

Layout

- 5.18 One of the core principles of the design is permeability, ensuring that the proposed development integrates seamlessly with the surrounding landscape. The layout has been carefully designed to create new connections and enhance accessibility and movement for pedestrians. Existing pathways and public rights of way within the site are retained and improved, reinforcing the development's role as an integral part of the wider Marsden area.
- 5.19 The layout has been designed to prioritise east-west roof orientations to maximise photovoltaic (PV) energy generation. The development's strong, linear, three-storey pitched-roof structures are positioned perpendicular to the canal and river, creating visual corridors that frame views toward the hills and Manchester Road to the south, and the Colne Valley to the north. These visual connections enhance the development's integration with its natural surroundings and the wider community, reinforcing both landscape and townscape connectivity.

Scale

- 5.20 The scale of the buildings has been carefully considered to reflect the industrial heritage of the site. The three-storey terraces provide a mix of two- and three-bedroom homes, each with private patios set within communal gardens. The gabled roof forms create a

cohesive and visually striking composition along the canal, referencing the site's industrial past and the local vernacular in a contemporary manner.

- 5.21 This bold yet unified architectural approach establishes a distinct visual identity for the development. The forms are designed to be appreciated from multiple vantage points, including the railway routes between Manchester and Leeds, enhancing the site's visibility and its connection to the wider region. Overall, the development has been sensitively designed so that its scale and massing are in harmony with the surrounding area, making a positive contribution to the local environment.

Appearance

- 5.22 The material palette has been carefully chosen to be bold while remaining rooted in the natural tones of the site, reflecting the brickwork of the historic mill buildings and the surrounding landscape. Sustainable, high-performance materials have been specified to ensure durability, longevity, and minimal environmental impact.
- 5.23 The selected materials complement the overall form and massing of the development, providing a contemporary interpretation of the site's industrial heritage. The four-bedroom homes located on the eastern part of the site adopt the same colour and material palette as the terraces, ensuring a cohesive and harmonious overall design.
- 5.24 Overall, it is clearly demonstrated through the submitted plans and Design & Access Statement that this application seeks to deliver a development of the highest design quality. The proposals are guided by the aim of creating a sustainable community and are fully in line with both national and local planning policy.

HERITAGE

- 5.25 The application site does not contain any listed buildings and is not within a conservation area. However the following listed buildings / structures are within close proximity of the site:

- Stubbins Farmhouse and Barn (Grade II)
- Huddersfield Narrow Canal; Bridge Over Outlet to Sparth Reservoir (Grade II)
- Huddersfield Narrow Canal; Pig Tail Bridge

- 5.26 The layout of the proposed development, topography of the surrounding area, and existing landscape features means that the visual impact of the proposal on these nearby listed buildings / structures will be limited and less than significant. The heritage impact of the previous scheme was considered acceptable in planning terms and it is considered that the same conclusions can be reached with the proposed development. As such the proposal is in accordance with the requirements of the NPPF.

HIGHWAYS

- 5.27 A Transport Assessment has been prepared by Paragon Highways in support of this planning application. The proposed residential development includes upgrading the existing access from the A62 Manchester Road, incorporating a right-turn lane. The current access serves a wellness spa and café. The proposed access previously approved under planning application ref. 2016/62/91573/W. That approval established visibility splays of 2.4 metres (X-distance) by 120 metres (Y-distance) in both directions, demonstrating that the access is safe and suitable for its intended use.
- 5.28 The proposed car parking provision comprises 116 spaces, allocated as follows: one space per dwelling for the 29 two-bedroom units; one space per dwelling for five of the three-bedroom units; two spaces per dwelling for the remaining 31 three-bedroom units; and two spaces per dwelling for the ten four-bedroom units. Pedestrian and cyclist access to the site will be provided via the upgraded access off the A62 Manchester Road. As part of these upgrades, a 2-metre footpath will extend to the access bridge into the development, enhancing safety for all users, particularly pedestrians. On-site cycle parking will be accommodated in dedicated bike stores, with a total of 206 spaces provided in double-stacked racks.
- 5.29 Servicing of the site will be accommodated via the upgraded access from the A62 Manchester Road. This provides safe and convenient access for all service vehicles, including refuse collection vehicles and fire tenders. The site layout allows vehicles to turn safely within the development and exit in a forward gear, ensuring efficient and secure manoeuvring.
- 5.30 In accordance with both national and local planning policy, the proposed development seeks to promote the use of sustainable transport. This is demonstrated through the provision of cycle parking, the design of pedestrian routes, and a layout that encourages

residents to walk and cycle. The development is also well connected to existing public transport, further supporting sustainable travel. It should be noted that the proposed access has previously been deemed acceptable under recent planning approvals. In addition, in line with local planning policy, electric vehicle (EV) charging infrastructure will be provided on site.

- 5.31 In summary, the development aligns with the NPPF by addressing transport considerations from the earliest stages, ensuring that potential impacts on the transport network are mitigated and opportunities to promote sustainable modes of travel, including walking, cycling, and public transport, are maximized.

TECHNICAL CONSIDERATIONS

Sustainability

- 5.32 A Sustainability Report has been prepared by Citu in support of this planning application. The report outlines how the proposed development will adopt a fabric-first approach, using the Passivhaus Planning Package (PHPP) software to analyse and refine the dwellings' fabric performance. This approach delivers increased insulation, improved airtightness, reduced thermal bridging, and appropriate ventilation, while also addressing the fundamentals of building orientation and dwelling layouts.
- 5.33 Green space across the site has been maximised to enhance biodiversity and to promote the health and wellbeing of both residents and the wider community. In addition, every building will be equipped with PV panels to generate renewable energy, thereby reducing the site's operational carbon footprint.
- 5.34 The scheme's layout has been carefully designed to minimise car dominance and encourage sustainable modes of travel such as walking and cycling. This creates safe, attractive streets that support social interaction and play, while also significantly increasing the amount of soft landscaping visible from the dwellings.
- 5.35 The proposed development will seek to innovate through the integration of renewable energy generation systems. Drawing on experience from previous schemes, where microgrids have been implemented to optimise energy use across the development, Citu will explore similar opportunities at the application site. As part of the detailed

design stage, Citu will also assess the potential to advance the scheme towards achieving net zero operational energy.

- 5.36 The site proposes to have an EV charging point for each household.
- 5.37 With respect to material selection, the proposed development will prioritise responsibly and ethically sourced materials. Citu's timber frame factory works closely with its supply chain to ensure that all timber is sustainably sourced. In addition, the factory makes use of waste and by-products from the timber industry, further reducing material inefficiency. The use of timber frame and cladding materials offers significant benefits over more traditional methods of construction. Being lighter, these materials allow for optimised foundations, which in turn reduce the embodied carbon associated with groundworks.
- 5.38 As outlined above and within the Sustainability Statement, Citu's proposal places sustainability at the heart of the development. Through its design, landscaping, placemaking, and integration of renewable technologies, the scheme will enable occupants to reduce their carbon footprints both passively and actively. The proposed measures will also deliver significant benefits for occupant health and wellbeing.
- 5.39 Accordingly, the development demonstrates clear compliance with local planning policies, including LP24 and LP26, and should therefore be considered acceptable from a sustainability perspective.

Flood Risk and Drainage

- 5.40 A Flood Risk Assessment and Drainage Strategy have been prepared by CIVIC in support of the application. The assessment identifies that the Site lies within Flood Zones 1, 2 and 3. The design flood event has been defined as the 1 in 100-year fluvial flood, incorporating the relevant climate change allowance. A review of the Environment Agency's Recorded Flood Outlines and Historic Flood Map datasets confirms that there have been no recorded flood incidents on the Site.
- 5.41 Given the high risk of fluvial flooding and medium risk of surface water flooding, it is necessary for the proposed development to incorporate appropriate mitigation measures. Site levels will therefore be raised a minimum of 300mm above the modelled

- flood level for the 1% AEP event, inclusive of a 30% climate change allowance, in accordance with Environment Agency standing advice.
- 5.42 Finished floor levels (FFLs) are proposed at 162m AOD, providing a minimum freeboard of 1.08m above the modelled design flood level at the western end of the site, increasing to 2.11m at the eastern end. In addition, a minimum freeboard of 0.79m will be maintained above the 0.1% AEP event plus a 20% climate change allowance.
- 5.43 Access route levels will also be set at least 300mm above the modelled design flood level. This approach ensures that all properties are protected from fluvial flooding and that safe access is maintained at all times
- 5.44 To ensure that properties are protected from fluvial flooding, existing site levels will be raised. This has the potential to increase flood risk elsewhere as a result of the displacement of on-site flood storage. To mitigate this risk, an assessment of the flood storage volume during the design flood event has been undertaken, based on the modelled river levels for the 1% AEP event plus climate change allowance. The modelling indicates that approximately 476m³ of floodwater could be displaced during such an event. To address this, it is proposed that land beyond the site boundary, but within the Client's control, will be reprofiled to provide compensatory flood storage equivalent to the volume lost on site.
- 5.45 The proposed surface water drainage strategy will incorporate Sustainable Drainage Systems (SuDS). Pervious pavements, comprising reinforced gravel and reinforced grass surfacing, will be used to intercept and treat surface water run-off, which will then be conveyed through a network of perforated below-ground pipes. The sub-base beneath these porous surfaces will provide a degree of surface water attenuation; however, due to variations in external site levels, additional below-ground storage will be required. To address this, it is proposed to install twin 1500mm perforated pipes surrounded by clean stone, which will provide the necessary attenuation capacity while also functioning as collection drains for the porous surfacing above.
- 5.46 Surface water discharge from the development will be restricted to greenfield runoff rates for the equivalent site area, calculated at 4.9 l/s. Attenuation will be designed to accommodate a 1 in 100-year storm event, inclusive of a 45% climate change allowance. Where practicable, SuDS features will be incorporated to enhance water quality prior to

discharge. Surface water will ultimately be directed to the River Colne. With the inclusion of the proposed mitigation measures outlined above, the development is considered to accord with both national and local planning policy in relation to flood risk and sustainable drainage

- 5.47 As demonstrated by the Flood Risk Assessment (FRA) and Drainage Strategy, although the site is sensitive in relation to flooding, careful consideration has been given from the outset to incorporating appropriate mitigation measures within the design. These measures ensure that the proposed development is acceptable in terms of flood risk and drainage, as evidenced by the detailed assessments set out above.

Trees

- 5.48 An Arboricultural Report has been prepared to support this Planning Statement. A tree survey, undertaken by Enzygo Ltd. in June 2025 in accordance with BS 5837:2012, recorded 70 individual trees and tree groups across the site. The majority are native species, ranging from semi-mature to mature, and are generally of low to moderate landscape value. Three trees were identified as being of high value.
- 5.49 A small number of trees located along the northern boundary are protected by a Tree Preservation Order issued by Kirklees Council. The proposed development has therefore been designed to retain as many trees as possible, with the aim of minimising impacts on the site's amenity, the surrounding landscape character, and the site's ecological value. Priority will be given to the retention of trees identified as being of high or moderate value, those subject to legal protection, and any trees considered to be of considerable age (ancient trees).
- 5.50 Overall it is considered that the scheme follows the principles established with the previous application and will try to limit the impact on existing vegetation as much as possible.

Biodiversity Net Gain

- 5.51 A Biodiversity Net Gain (BNG) Design Stage Report has been prepared to support this planning application. The assessment concludes that the proposed development would result in a net loss of 3.81% in habitat units and a 29.49% loss in hedgerow units. These

calculations are based on baseline habitats identified in the Preliminary Ecological Appraisal (PEA), and on the proposed habitat creation and enhancement measures detailed within the BNG Metric and Landscape Plan.

- 5.52 The report confirms that no irreplaceable habitats are present within the site. Although there are no habitats of very high distinctiveness, a reedbed of high distinctiveness is located in the western part of the site. In this context, the Trading Rules have been satisfied for habitat units of Very High distinctiveness, and for hedgerow units of Very High, Medium, Low, and Very Low distinctiveness.
- 5.53 The report notes that additional biodiversity enhancement measures are proposed which are not captured within the Statutory Biodiversity Metric. These include the installation of bird and bat boxes.
- 5.54 Whilst the proposed development has been guided by the required spatial allocations for housing, roads, and access routes, it has sought to prioritise opportunities to maximise biodiversity value and support local and national biodiversity strategies through a sensitively designed Landscape Plan. This includes public open spaces composed of meadows, amenity grassland, community growing areas, individual trees, hedgerows, and a play area. In addition, the onsite reedbed, stream, and most existing hedgerows are to be retained. The BNG implications will be discussed in more detail with the LPA during the course of the planning application.

Ground and UXO

- 5.55 A Ground Investigation Report has been prepared in support of this application. The site is reported to be underlain by Alluvium, comprising clay, silt, sand and gravel. Immediately to the north of the site, River Terrace Deposits (sand and gravel) are recorded, with the underlying solid geology identified as Carboniferous Millstone Grit (Marsden Formation), consisting of sandstone interbedded with siltstone and mudstone.
- 5.56 Previous investigations on the site identified made ground, comprising demolition rubble, to depths of between 0.2m and 3.1m below ground level (bgl). This material was found to overlie very soft to firm clays and medium dense gravels, interpreted as alluvial deposits. Mudstone and sandstone bedrock was recorded at depths of between approximately 2m and 4m bgl.

5.57 Overall, it is concluded that there are no contamination issues that would preclude the development coming forward.

Air Quality

5.58 An Air Quality Baseline Assessment has been undertaken as part of this application. The assessment identified that the proposed development has the potential to generate impacts at nearby sensitive locations during both the construction and operational phases.

5.59 During construction, impacts could arise from fugitive dust emissions. These were assessed in accordance with Institute of Air Quality Management (IAQM) methodology. With the implementation of good practice dust control measures, residual construction-phase impacts were predicted to be not significant.

5.60 During operation, impacts could arise from additional road traffic emissions. These were assessed against local authority screening criteria, which confirmed that, based on anticipated traffic generation, impacts would be not significant. The site is also not located within or adjacent to an area identified as experiencing elevated pollutant concentrations. Accordingly, on-site exposure impacts for future occupiers were also screened as not significant.

5.61 In summary, the assessment concludes that air quality impacts associated with the proposed development are not significant and do not represent a constraint to the grant of planning permission.

6. Conclusions

- 6.1 This statement has described the proposal and set out the planning policy framework against which it is to be assessed.
- 6.2 The scheme has been considered against the policies of the current development plan and national government policies and guidance. It has been illustrated that the proposal conforms to the criteria set out in these policies. This report clearly demonstrates that the proposed development has policy support and is aligned with national policy.
- 6.3 The proposal will generate the following benefits:
- Delivers 75 high quality dwellings in a pleasant development, sustainably located with suitable parking and high levels of amenity.
 - Provides dwellings of a size and tenure which directly respond to identified need, including accessible dwellings.
 - Upholds amenity for existing and future residents.
 - Generate an environmental improvement through the insertion of an active use on a vacant site which could otherwise generate antisocial behaviour.
 - Provides financial investment in the site and area.
 - Creates new jobs associated with the construction phase.
- 6.4 The principle of residential use on the site is fully suitable as shown by the previous approval on the application site. Whilst the proposed development seeks to increase the number of houses on the site, this is considered acceptable especially in the context of delivering additional housing in Kirklees.
- 6.5 The NPPF makes it clear that there is a 'presumption in favour of sustainable development' running through the decision-taking process. The proposed development is consistent with the NPPF's core principles. The scheme has been designed to a high standard and is in a sustainable location and is providing crucial homes. This report clearly demonstrates that the principle of development is acceptable.
- 6.6 Statute requires that this application be determined in accordance with the development plan unless material considerations dictate otherwise. This proposal satisfies all relevant national and local policy considerations.

