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Planning Development

Planning Statement

S73 Application to vary Condition 2 of Planning Permission 2021/62/90800/W

Hinchliffe Mill, Water Street, Holmbridge, Holmfirth, HD9 2NX

Introduction

Planning permission is being applied for the variation of condition 2 (plans) at the above site. The original planning permission for 'Redevelopment And Change Of Use Of Former Mill Site To Form 19 Residential Units' as approved in August 2025 under the above reference number.

Condition 2 of that permission stated:

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

Reason: *For the avoidance of doubt as to what is being permitted, so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies 2 and 5 of the Holme Valley Neighbourhood Plan, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

Section 73 in The Planning Encyclopaedia states:

'(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted ...'

Section 73.05 in The Planning Encyclopaedia goes on to state:

'This section provides a different procedure for such applications from that applying to applications for planning permission and requires the local planning authority to consider only the question of the conditions subject to which planning permission should be granted. However, this does not permit them

to ignore the wider considerations affecting the grant of permission since a successful s.73 application results in a new permission and it must therefore be determined accordingly to the current development plan and other material conditions ...'

As such, only if new policies have been introduced / adopted, should the LPA take a different approach to the elements of the development granted previously.

Plans List to be amended

In order to implement the changes applied for (detailed above) the following plans from the previous approval are proposed to be substituted as per the table below.

Plans to be superseded from planning permission	Reference	New Plans/Documents	Reference
Overall Site Plan	3372 (0-) 623 Rev I	S73 Site Layout Plan	2559-0308-P01
Units 3 – 9 Mill Units	3372 (0-) 300 Rev E	Proposed Mill Conversion Floor Plans	2559-0302-P01
Units 3 – 9 Mill Units	3372 (0-) 301 Rev E	Proposed Mill Conversion Elevations	2559-0303-P01
Units 10/11/12/13/14/15 Housetype	3372 (0-) 403 Rev E	Plots 10 – 16 Streetscene	2559-0307-P02
Unit 16 housetype	3372 (0-) 623 Rev I	Type A Plans and Elevations	2559-0304-P03
		Type B Plans and Elevations	2559-0305-P03
		Type C Plans and Elevations	2559-0306-P03
Materials Schedule	3372 (SK) 15	Materials Schedule	2559 Issue 03
Proposed lower ground floor site plan	3372 (0-) 614 Rev D	Proposed Mill Floor Plans Proposed House Type A Proposed House Type B Proposed House Type C	2559-0302-P01 2559-0304-P04 2559-0305-P04 2559-0306-P04
Proposed ground floor site plan	3372 (0-) 615 Rev D	Proposed Mill Floor Plans Proposed House Type A Proposed House Type B Proposed House Type C	2559-0302-P01 2559-0304-P04 2559-0305-P04 2559-0306-P04
Proposed first floor site plan	3372 (0-) 6 if 17 Rev D	Proposed Mill Floor Plans Proposed House Type A Proposed House Type B Proposed House Type C	2559-0302-P01 2559-0304-P04 2559-0305-P04 2559-0306-P04
Proposed second floor site plan	3372 (0-) 6149 Rev C	Proposed Mill Floor Plans Proposed House Type A Proposed House Type B Proposed House Type C	2559-0302-P01 2559-0304-P04 2559-0305-P04 2559-0306-P04

NOTE RE: above table– The original and replacement plans have been drafted differently and hence the reason for the grouping / overlap of replacement plans.

Rationale for varying the plans

Following a review of the plans by the site purchaser and developer Holroyd Homes, amendments are submitted in relation to the following areas:

- **Mill conversion (Units 3 to 9)** – internally and externally to reflect the positive changes made through the submission of details to discharge Condition 4 (e) ¹ - i.e. the aim has been to for the changes to facilitate the retention of the features identified and to maximise the legibility, history and character of the building.
- **Amended house types for Units 10 to 16** - The applicant considers that it would be preferable from a saleability perspective to vary the internal layouts of these units more, in order to broaden the appeal of the units to prospective purchasers. Likewise, the external fenestration of the units is proposed to be slightly simplified and altered to ensure saleability and broader appeal in the market. However, the overall design ethos and quality remains unchanged in terms of merging contemporary elements with the industrial character and heritage of the site, together with the asymmetric pitched roofs and multi-paned windows that were previously present on the former manufacturing and storage sheds (as per 10.27 of the original committee report discussed below).

These proposed changes will be detailed and addressed in further detail below.

Mill conversion (Units 3 to 9)

The full changes are as follows and to help illustrate these changes better, two informal annotated sketch plans accompany this application for information purposes only.

The proposed changes mirror those made through the submission of details to discharge Condition 4 (e). The site has been assessed by heritage architect specialists Mark Hide Associates with the aim being for the changes to facilitate the retention of the features identified, and to maximise the legibility, history and character of the building. The report produced to accompany the recent Discharge of Conditions application is also enclosed with this application.

As such, these changes are viewed as being beneficial to the scheme and represent improvements when compared with the originally consented plans.

Roof

- Existing roof shape to be retained with flat infill section omitted from the new proposals.
- Large flat roof lights to be omitted and replaced with standard velux skylights over hallways.
- Skylights to be hidden from view and sited on internal South West roof pitch

¹ Condition 4 e stated: 'Heritage architect report setting out how internal and external heritage features (including but not limited to the cast iron structural pillars, pulley mechanisms, loading doors) are to be retained, exposed and restored alongside any internal floor plan alterations to enable such works. The development shall be implemented in accordance approved details'

- Solar panels to be incorporated on hidden SW internal roof pitch.

External Doors, Windows and Garage Doors

- Nine existing window openings to be retained as opposed to the original proposals to convert to French door openings.
- Number of panes in windows and doors reduced.
- French doors proposed to be of a style more in keeping with the proposed window designs.
- Garage doors to be recessed back inside garages to be subservient to the main elevation. Doors to be industrial style roller shutters to reflect the history of the building.
- Lower Ground Floor header heights to doorways and garage doors to vary as per existing arrangement, rather than to one set height as approved.
- Blocked up window openings at Lower Ground Floor level to be reinstated in Plot 9.
- Existing archway and lightwell to Plots 8 and 9 on SW elevation to be retained.

Loading Bays

- Loading bays to SW and NE elevations to be retained with suitable timber doors installed.
- Plot 6 to be re-handed to allow retention of loading bay doors.
- Existing cast iron balcony on SW elevation to Plot 6 Master Bedroom to be retained.

Mill Chimney

- Proposals to create living accommodation on middle and top floors omitted and chimney to be retained in original form.

South East Elevation Extension

- Proposed extension omitted from new plans with minor alterations proposed to create new door openings.

Internal Alterations

- Party walls moved over slightly to allow existing cast iron columns to be exposed within properties.
- Plot 6 re-handed to allow retention of loading bays.
- Plot internal layouts amended generally throughout to improve saleability.

Retention of Other Historical Features

- Bearing boxes retained on NW and NE elevations.
- Cast iron hopper on NW elevation to be retained.
- Cast iron brackets on NW and NE elevations retained.
- Cast iron gutters retained and refurbished.
- Retention of structural cast iron columns and beams throughout.
- Retention of roof trusses in original form.

In assessing the previous scheme, the officer's report to committee stated:

10.30 In respect of the Mill, its conversion is welcome as this will bring an important historic building back into use. External alterations to the Mill are mostly sympathetic to the character of the building and allow its significance to be retained.....

10.31 The proposal for multi-paned windows reflects the industrial character of the building, although we would suggest that the number of panes in each window and external doors are reduced, with the loading doors shown on the elevation drawings and the pulley mechanism retained in the wall above these doors. We would recommend that the loading doors are designed to reflect the style of the historic doors. Again, these details are to be secured by condition.

In relation to the quoted committee report paragraphs above, the amended plans not only fulfil the issues mentioned as being important ones in the assessment of the case, but also the proposed alterations retain more of the historic fabric of the mill building, as well as providing more sympathetic changes in the fenestration treatments. The request to reduce the number of panes per window/ door has also been fulfilled.

In the light these proposed changes, it remains our view that the proposals provide heritage *benefits*², in compliance with Local Plan Policy LP35, NPPF paragraphs 214 & 215, and Policy 3 of the Holme Valley NDP (Conserving and Enhancing Local Heritage Assets).

Amended house types for Units 10 to 16

The approved layout and arrangement is to be retained for plots, gardens and garages as approved. The contemporary industrial design ethic is also fully retained, including the north light off-set roof style retained for the houses and garages. The previously agreed high quality materials palette will also be retained (see new Materials Schedule drawing).

The proposed changes are:

- Large feature style fenestrations to be front and rear elevations to be retained. Omission of very large cantilevered glazed elements to front and rear elevations and replaced with more proportionate feature full height glazing.
- All other window openings to be simple and secondary in style, however the vertical 'industrial' emphasis is retained.
- Small elements of reclaimed brick paneling to window openings on front elevation to be introduced to mirror those on NW elevation of mill.
- Ashlar stone string course introduced at first floor level.
- Recessed external entrance porch areas omitted and replaced with internal entrance lobbies.
- Corrugated black roofing to be used for garage roofs with black roller shutter doors to accent the industrial style palette.
- Single storey flat roof extensions proposed to rear of plots 15 and 16 to create a broader housing mix and variety in terms of saleability. Black standing seam profile cladding to be introduced to these rear extensions.
- Internal layouts changed throughout, again to add variety and appeal to a broader market (no habitable room windows and side elevations as per previously approved plans).

² As opposed to 'harm' – either 'substantial' or 'less than substantial' with reference to the NPPF

- Recessed / revised black solar panels to be incorporated into SW roof pitches to satisfy SAP requirements, and to provide a modern interpretation of the large roof glazing previously present on the now demolished north light mill buildings.

In assessing the previous scheme, the officer's report to committee stated:

10.27 The proposal's new-build dwellinghouses have been designed to merge contemporary elements with the industrial character and heritage of the site. This is manifested in the combined architectural detailing of traditional materials, alongside asymmetric pitched rooves and multi-paned windows that once were present on the former 20th Century manufacturing and storage sheds that previously occupied the wider site. In respect of materials, all of the new-build elevations are to be finished in stone sourced from a local quarry, thereby ensuring a high quality appearance that is sustainable and reflective of the local vernacular.

The amended plans remain in accordance with the Council's key objectives quoted from the committee report paragraphs above – i.e.

- merging contemporary elements with the industrial character and heritage of the site;
- proposing asymmetric pitched rooves and multi-paned windows that once were present on the former buildings occupying the site;
- finished in local natural stone, ensuring a high quality appearance that is sustainable and reflective of the local vernacular.

In the light these proposed changes, it again remains our view that the proposals provide heritage and design benefits, in compliance with Local Plan Policies LP24, LP35; NPPF paragraphs 214 & 215; and Policy 2 of the Holme Valley NDP (Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design).

Finally, we acknowledge that a Deed of Variation will be required in relation to the existing section 106 agreement, should this application be approved. This will be submitted under separate cover as the application progresses.

We therefore respectfully request that this Section 73 application is granted.

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January 2026