

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 73**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO  
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING  
CONDITIONS PREVIOUSLY ATTACHED**

<b>Reference No:</b>	2026/70/90162/W
<b>Site Address:</b>	Hinchliffe Mill, Water Street, Holmbridge, Holmfirth, HD9 2NX
<b>Description:</b>	Variation of condition 2 (plans and specifications) of previous permission 2021/90800 for redevelopment and change of use of former mill site to form 19 residential units (within a conservation area)
<b>Recommending Officer:</b>	Victor Grayson

**DECISION – Section 73 Variation of Condition – Approve**

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

Nick Hirst

***AUTHORISED OFFICER***

Date: 20-Apr-2026

## Officer Report

### Site Description

The application site is largely as per the description provided in section 2.0 of the committee report (dated 08/12/2022) for application 2021/90800, although vegetation has been cleared from some of the site.

### Description of Proposal

Under this Section 73 application, the applicant proposes (in brief):

- Units 3 to 9 (mill conversion) – Internal and external amendments, including retention of more existing features than was previously proposed. 5x 3-bedroom units would become 4-bedroom units.
- Units 10 to 16 (newbuild dwellings) – Amended house types including amendments to internal layouts and fenestration, addition of rear extensions, and introduction of brick panels, solar panels, corrugated black roofing material and black standing seam profile cladding. 2x 4-bedroom units would become 3-bedroom units.

No changes are proposed to units 1, 2, 17, 18 and 19.

The overall number of dwellings would not change, nor would the proposed typologies.

The applicant proposes the variation of the drawings approved under condition 2 of planning permission 2021/90800 (granted on 20/08/2025), which 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.*

The 2025 permission was for the redevelopment and the change of use of the former mill site to form 19 residential units. The approved development included seven dwellings in the converted mill building, seven dwellings to northeast of the former mill building, and a further five detached dwellings along the site's southeast edge.

### History of negotiations/amendments received

In response to queries raised by officers, the applicant's agent has:

- Submitted floorspace figures on 04/02/2026.
- Provided further arguments in support of the proposed unit size mix on 09/04/2026.
- Responded to the draft list of conditions on 15/04/2026.
- On 17/04/2026, responded regarding the inclusion of an additional requirement under condition 4, and confirmed that the floorspace figures (provided on 04/02/2026) were GIA.

## **Relevant Planning History**

2021/90800 – Planning permission granted 20/08/2025 (subject conditions and a Section 106 agreement) for redevelopment and change of use of former mill site to form 19 residential units.

2025/93383 – Discharge of Conditions application relating to conditions 4 (design and appearance), 5 (archaeological investigation), 6 (boundary treatments), 9d (flood proofing), 10 (drainage scheme), 11 (flood routeing), 12 (temporary drainage scheme), 13 (lighting design strategy - biodiversity), 14 (Phase II Intrusive Site Investigation Report), 18 (electric vehicle charging), 19 (Construction Environmental Management Plan), 20 (highway retaining walls), 21 (surface water attenuation in highway), 22 (materials for retaining walls), 23 (Tree Protection Plan), 24 (Waste Management Plan), 25 (temporary waste arrangements), 26 (highway condition survey), 27 (re-surfacing scheme), 28 (parking layby scheme), 30 (CEMP: Biodiversity) and 31 (Landscape Ecological Design Strategy). Split decision issued 09/04/2026:

Details approved pursuant to the following conditions (subject to advice regarding the further requirements of the conditions, where appropriate):

- 5 (archaeological investigation)
- 11 (flood routeing)
- 12 (temporary drainage scheme)
- 13 (lighting design strategy - biodiversity)
- 14 (Phase II Intrusive Site Investigation Report)
- 18 (electric vehicle charging)
- 19 (Construction Environmental Management Plan)
- 21 (surface water attenuation in highway)
- 23 (Tree Protection Plan)
- 25 (temporary waste arrangements)
- 26 (highway condition survey)
- 27 (re-surfacing scheme)
- 28 (parking layby scheme)
- 30 (CEMP: Biodiversity)

Refusals issued pursuant to the following conditions:

- 4 (design and appearance)
- 6 (boundary treatments)
- 9 (flood proofing)

- 10 (drainage scheme)
- 20 (highway retaining walls)
- 22 (materials for retaining walls)
- 24 (Waste Management Plan)
- 31 (Landscape Ecological Design Strategy)

2026/90676 – Discharge of Conditions application relating to condition 34 (bat licence). Approval issued 16/03/2026.

2026/90999 – Discharge of Conditions application relating to condition 35 (construction, specification and works for provision of PROW HOL/95/10). Pending determination.

### **Representations**

The application has been advertised via two site notices posted on 14/02/2026, and a press notice published on 06/02/2026. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 10/03/2026.

Two representations were received in response to the council's consultation. The comments made are summarised as follows:

- Too many dwellings proposed, given road infrastructure.
- Due to existing parking pressures, all construction worker vehicles should be parked within the site and off the public highway. The parking spaces at the bottom of Water Street should not be used by contractors.
- The approved four parking spaces on Dam Head must be constructed prior to works commencing.
- Mill dam must be cleared of foliage, reconfigured and replanted with low-growing natural plants and shrubs prior to works commencing.
- Footpath HOL/95/10 must be reinstated prior to works commencing.
- Existing residents of Water Street already experience bin collection problems, and residents of the 12 new plots accessed from Water Street may experience similar problems.
- Traffic management or safety measures should be considered for the blind corner adjacent to 10 Water Street.
- Any surfacing of Water Street should be carried out using a surface material that provides better grip than standard tarmac.

Ward Members (for Holme Valley South ward) were notified of the application on 23/01/2026. On 25/01/2026, Cllr Crook stated:

*It would be very good news to have this site developed and providing much needed housing so I am pleased that the current developer is progressing the project – hopefully they are not asking for anything too significant in terms of variations (the example materials looked okay*

*superficially although clearly I am not a planner!) and we will see useful rehabilitation of the old mill soon.*

The further information submitted during the life of the application did not necessitate reconsultation.

### **Consultation Responses**

Holme Valley Parish Council – No comment. Defer to Kirklees Council.

KC Conservation and Design – Advice provided at surgery on 20/03/2026: No objection to the proposed changes, except in relation to the proposed mill building fenestration and materials (being considered pursuant to condition 4 under Discharge of Conditions application 2025/93383).

West Yorkshire Police Designing Out Crime Officer – No objection in principle. Specific concerns raised regarding the proposed dwellings' potential vulnerabilities.

### **Planning Policy and Guidance**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Relevant planning policy and guidance is referred to in the committee report (dated 08/12/2022) for application 2021/90800. That policy and guidance landscape remains largely unchanged since that committee report was published, however the following is noted:

- Further versions of the National Planning Policy Framework have been published since application 2021/90800 was considered by the Strategic Planning Committee (the most recent having been published on 12/12/2024 and amended on 07/02/2025). A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025, however that document is at an early stage and is subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.
- Biodiversity Net Gain has become mandatory under the Environment Act 2021, however application 2021/90800 was submitted prior to BNG becoming mandatory.
- The council has also published the following Supplementary Planning Documents and guidance relevant to the current application:
  - Affordable Housing and Housing Mix SPD (2023)
  - Kirklees Interim Housing Position Statement to Boost Supply (2023)
  - Social Value Policy (2022)

## **Assessment**

### *Scope of this application*

Section 73 of the Town and Country Planning Act 1990 concerns the “Determination of applications to develop land without compliance with conditions previously attached”, colloquially known as “varying” or “amending” conditions. Section 73 applications must also involve consideration of the conditions subject to which planning permission should be granted. Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission and the decision notice should list all conditions pertaining to it. The application cannot be used to vary the time limit for implementation.

It is important to note that when assessing Section 73 applications the previously-granted planning permission is a significant material consideration, which impacts heavily on the assessment of the proposal. If the original application has been implemented, or if the permission has not yet expired, the applicant may go ahead and complete the original approved scheme if they wish.

In this case, the applicant could develop the site in accordance with the previous permission, and this fallback is a material consideration to which significant weight must be given.

The principle of residential use at this site, and the conversion of the former mill building, has already been accepted by the council.

Alterations to planning policy and other material considerations that may have emerged since the original grant of planning permission are relevant and need to be considered. However, these must be considered in light of the matters discussed in the above paragraphs and the applicant’s ability to complete the previously-approved development.

### *Design changes*

The proposed typologies would not change under this application. The applicant still proposes seven dwellings in the converted mill building (units 3 to 9), five detached houses along the site’s southern boundary (units 1, 2, 17, 18 and 19), and a further seven houses (units 10 to 16) which would be detached but positioned close together (each separated by external steps).

The proposed changes to units 3 to 9 (the mill conversion) are helpfully described in the submitted Planning Statement and illustrated in two hand-amended drawings. The changes are assessed using the headings set out in the Planning Statement, as follows:

Roof – The proposal to retain the existing roof shape (by omitting a previously-proposed flat roof) is welcomed. The Planning Statement adds that the previously-proposed flat roof lights would be omitted (which is considered acceptable), but states that standard velux skylights would be installed over

hallways instead. The proposed use of standard velux skylights (instead of conservation-style rooflights) is a concern, however condition 4 (which is recommended to be re-imposed) requires details of the “Design of roof lights including patent glazing and conservation styles, where applicable, in the form of annotated 1:20 elevations and 1:5 sections”, and this matter is therefore controlled and would be considered further at conditions stage. The proposed addition of solar panels to the roof of the converted mill is considered acceptable in principle, however details of these would need further consideration, and an additional requirement under condition 4 is recommended accordingly. The submitted Planning Statement suggests that these skylights and solar panels would be hidden from view, however this is not accepted – the mill building’s existing roofslopes are highly visible from higher land along public footpath HOL/95/10 to the south.

External doors, windows and garage doors – The proposed retention of nine existing window openings (instead of enlarging them to provide French doors) is considered acceptable in aesthetic terms, as are the proposals to retain other window openings and to open blocked-up windows. At lower ground floor level, the proposals to no longer make headers uniform in height (they would remain varied as existing) is acceptable, and the proposed recessing of garage doors raises no aesthetic concerns. Other proposals regarding window designs and numbers of panes would be considered further at conditions stage pursuant to condition 4, when the fenestration-related concerns raised by KC Conservation and Design (at surgery on 20/03/2026) would need to be addressed. The inclusion of inappropriate fenestration details (in the drawings submitted under this application) need not necessitate amendment or refusal at this stage (given the provisions of recommended condition 4), however for the avoidance of doubt, it is recommended that the council’s decision notice should include an informative drawing the applicant’s attention to the concerns (which are set out in the delegated report for application 2025/93383), advising the applicant that these fenestration details should not be regarded as approved, and confirming that details would still need to be submitted at conditions stage.

Loading bays – The proposed retention of loading doors and the related handing of unit 6 raise no aesthetic concerns. The retention of an existing cast iron balcony to unit 6 is welcomed.

Mill chimney – The applicant no longer proposes to use (what remains of) the mill building’s chimney as living accommodation, although at lower ground floor level parts of it would be used as a lobby for unit 9 and as a store by the management company. This is considered acceptable in aesthetic terms.

Southeast elevation extension – The proposed omission of this extension, and the associated elevational alterations, raise no concerns.

Internal alterations – The proposed internal reconfiguration would enable the exposure of more of the mill building’s existing cast iron columns, which is welcomed. Other internal alterations raise no concerns.

Retention of other historic features – Generally, the proposed retention of more of the mill building’s historic fabric is viewed favourably. The proposed external retentions are mostly minor in scale (they relate to existing features such as hoppers and brackets), but would nevertheless serve as welcome reminders of the history of the building. These, and the proposed internal retentions, are welcomed.

For units 10 to 16, which are new dwellings, comparison between the drawings approved under application 2021/90800 and those submitted under the current application confirm that the proposed changes are minor in many respects.

Approved drawing 3372 (0-) 403 rev E showed one house type for units 10, 11, 12, 13, 14 and 15, while approved drawing 3372 (0-) 404 rev D showed a similar (but slightly different) house type for unit 16. In the current submission, the applicant proposes a house type A for units 12 and 14 (illustrated in drawing 2559-0304 rev P03), house type B for units 10, 11 and 13 (illustrated in drawing 2559-0305 rev P04), and house type C for units 15 and 16 (illustrated in drawing 2559-0306 rev P04). Again, there is a great deal of similarity between the house types proposed within this group of seven dwellings.

Regarding the proposed changes, the loss of the previously-approved projecting/cantilevered elements is regrettable in some respects, as it would reduce the elevational relief and visual interest of the elevations. However, the simplified elevations now proposed are still considered appropriate for this site and its context, and approval of them would have been recommended had they been proposed under application 2021/90800.

The proposed introduction of “rustic brick” panels to some of the window apertures (in house types A and B) is considered acceptable in principle (of note, a similar design feature has been included in two major developments on Manchester Road), subject to the proposed materials being considered at conditions stage.

The other fenestration changes to units 10 to 16, the introduction of an ashlar stone string course, and the proposed replacement of recessed external porches with internal entrance lobbies are considered acceptable in aesthetic terms.

The expanded footprints and floorplates of units 10 to 16 (partly achieved by what the submitted Planning Statement refers to as “single storey flat roof extensions”) raise no concerns, nor do the proposed amendments to the internal layouts of these units.

For units 10 to 16, new materials would be introduced under the current application, namely black standing seam profile cladding (to the above-mentioned extensions) and a corrugated black roofing material (for the garages). Materials coloured black have previously been proposed elsewhere in the development, and this colour is generally considered acceptable for this

site and its context. Corrugated materials, if used carefully, can have a suitably high quality appearance. However, full details of these materials would need to be submitted and considered further at conditions stage (pursuant to recommended condition 4).

Solar panels are also shown on the submitted elevations for units 10 to 16, at roof level. As with those solar panels proposed for the retained mill building, details of these panels would need to be considered further at conditions stage.

A Materials Schedule document has been submitted with the application. This is similar to the document submitted under Discharge of Conditions application 2025/93383, which raised various concerns (including in relation to the proposed use of “tumbled and lightly aged” walling stone, as set out in the delegated report for that application). It also provides insufficient detail regarding the proposed “rustic brick”. However, it includes useful illustrative information regarding the now-proposed black standing seam profile cladding and the corrugated black roofing material. It is therefore recommended that this document be included in the list of approved documents in the council’s decision notice, albeit with an accompanying informative note confirming that the inclusion of this document does not mean the details of the materials are approved, and reminding the applicant that full details of materials would need to be submitted and considered further at conditions stage (pursuant to recommended condition 4). It is also recommended that the decision notice should continue to refer to the Materials Schedule (3372 (SK) 15) submitted under application 2021/90800.

Subject to details to be submitted and considered at conditions stage, the current proposals would not have a greater impact upon the nearest heritage assets than the approved development would have had.

#### *Unit size mix*

The development’s approved unit size mix would change as follows:

<b>Unit</b>	<b>Approved under 2021/90800</b>	<b>Proposed under 2026/90162</b>
1	4-bed	4-bed (no change)
2	4-bed	4-bed (no change)
3 (mill conversion)	3-bed	4-bed
4 (mill conversion)	4-bed	4-bed
5 (mill conversion)	3-bed	4-bed
6 (mill conversion)	3-bed	4-bed
7 (mill conversion)	3-bed	4-bed
8 (mill conversion)	3-bed	4-bed
9 (mill conversion)	4-bed	4-bed
10	4-bed	4-bed
11	4-bed	4-bed
12	4-bed	3-bed
13	4-bed	4-bed

14	4-bed	3-bed
15	4-bed	4-bed
16	4-bed	4-bed
17	4-bed	4-bed (no change)
18	4-bed	4-bed (no change)
19	4-bed	4-bed (no change)

In summary, the number of 3-bed units would be reduced from five to two, and the number of 4-bed units would increase from 14 to 17.

The council's Affordable Housing and Housing Mix SPD was not adopted at the time the Strategic Planning Committee resolved to approve application 2021/90800, and it would therefore not be reasonable to fully apply the expectations of the SPD upon the current proposals. However, the expectations of the SPD can at least be noted when amendments to unit size mix are proposed.

The following table sets out the market (private) unit size mixes of the entire development, as approved under application 2021/90800 and as now proposed. These are compared with the expectations of the council's Affordable Housing and Housing Mix SPD for sites within the Kirklees Rural West sub-area. Green numbers indicate where the proportions meet the expectations of the SPD, and red numbers indicate where they do not.

	<b>SPD expectation</b>	<b>Approved under 2021/90800</b>		<b>Proposed under 2026/90162</b>	
1-bed	30-60%	0	0%	0	0%
2-bed		0		0	
3-bed	24-45%	5	26%	2	11%
4+-bed	10-30%	14	74%	17	89%

The proposed amendments would move the development's unit size mix further away from compliance with the expectations of the SPD. This is unfortunate, as the development – as a result – may contribute less towards meeting known private housing need.

Noting the above concern, and the "Plot internal layouts amended generally throughout to improve saleability" text in the submitted Planning Statement, the case officer asked the applicant's agent if there were any convincing other points to make in support of the proposed changes to the unit size mix. The applicant's agent responded on 09/04/2026 as follows:

*Within the committee report, it stated: (10.61): "Due to the viability of the scheme, in that it is a form of enabling development for an historic yet derelict Mill building significant to the local area, the housing mix has been accepted by Officers as the proposed housing mix still provides for the needs of more than 50% of Kirklees' residents need and it is understood that the larger properties provide greater revenue by which to fund the redevelopment of the Mill which carries higher costs than standard residential development. The introduction of*

*smaller dwellings would have the potential to increase development costs thereby affecting the revenue necessary to deliver the Mill renovation.”*

*Within the mill, the proposals include three additional 4 bed properties, where these were originally shown as 3 beds with a home office on the approved plans. This is purely to do with the size of the plots within the existing footprint. Given the size of the mill, it has large floorplates throughout, so the applicant has divided up the space accordingly, and has been provisionally left with 4 bedrooms as a more sensible layout for the majority. Specifically, in relation to the relevant committee paragraph quoted above, the applicant cannot increase the floor space within the mill because it is obviously a conversion as opposed to a new build.*

*As such, and given the increasing importance of providing flexibility for homebuyers in areas such as home office provision, would you be amenable to the idea of amending the description the fourth bedroom to ‘bedroom / home office’ instead?*

The above points are noted, particularly in relation to the fact that units 3, 5, 6, 7 and 8 were previously 3-bedroom units that included home offices (under application 2021/90800), and that no restriction was applied to prevent the use of those home offices as fourth bedrooms. Also of note, 5x 4-bedroom units would replace these 5x 3-bedroom units within the same mill building envelope – no extensions to the mill building are proposed in order to accommodate the additional bedrooms.

Furthermore, noting the commentary in the previous committee report regarding the potential impacts smaller units could have on development costs and the viability of the development, it is considered possible that the proposed change to the unit size mix could improve the development’s viability and the likelihood of the development going ahead. Improved viability may also result in more of the development’s impacts being mitigated if the requirement for a Revised Viability Assessment (secured by the Section 106 agreement dated 14/08/2025) is triggered and if that assessment demonstrates that a Deferred Contribution (which the council would put towards public open space provision, affordable housing and/or sustainable travel measures) is payable.

Finally, it is noted that the proposed changes do not affect an on-site affordable housing provision, and it is again noted that the council’s Affordable Housing and Housing Mix SPD was not adopted at the time the Strategic Planning Committee resolved to approve application 2021/90800.

Given all the above considerations, it is considered that the proposed changes to the development’s unit size mix can be accepted, and that the applicant’s agent’s suggestion of amending the description of the fourth bedrooms to “bedroom / home office” is not necessary.

### *Residential amenity and quality*

Having regard to the amenities of the existing residential properties that surround the application site, the proposed amendments do not raise concerns in relation to outlook, natural light and privacy. No new massing would come closer to existing properties, and no additional height is proposed close to those properties. Two northwest-facing windows at lower ground floor level would be reinstated – these would face the rear elevations of existing dwellings on Water Street, however they would serve a gym and a WC, and would be in the same elevation as several windows (serving the habitable rooms of unit 9) that have already been approved, therefore there would be no material increase in overlooking or reduction in the privacy currently enjoyed by residents of those existing dwellings to the north. It is also noted that condition 7 (which, it is recommended, is to be re-imposed) requires windows to be obscure glazed below or intersecting 1500mm above floor level and maintained as such in perpetuity.

As regards the amenities of the proposed dwellings within the converted mill, there are no concerns. Given their locations, the proposed retention of windows (instead of enlarging them to provide French doors) would not result in significantly different levels of natural light within the affected dwellings. Elsewhere, the proposed retention and opening up of blocked-up windows would result in increased natural light, internally.

On 04/02/2026 the applicant's agent submitted sqm floorspace figures (confirmed on 17/04/2026 to be GIA) for the dwellings where amendments are proposed under this application. These figures confirm that all units would meet the relevant minimum sizes set out in the Government's Nationally Described Space Standards. The deletion of living accommodation from (what remains of) the mill building's chimney would not result in unit 9 falling short in terms of its size.

Adequate garden sizes (commensurate with the size of dwelling they would serve) are proposed.

### *Biodiversity net gain*

Regarding Biodiversity Net Gain (BNG), although this current Section 73 application was submitted after mandatory BNG became applicable (under the Environment Act 2021), given the fallback position provided by the previous planning permission (which was not subject to mandatory BNG), it would not be reasonable to now impose this requirement.

No net loss in the site's biodiversity was previously secured under permission 2021/90800 via the Section 106 agreement dated 14/08/2025 (which secured a contribution of £62,330). This would not change under the current application.

### *Other matters*

It remains the case that adequate parking is shown for all of the development's 19 dwellings, in accordance with guidance in the council's Highway Design Guide SPD. Garages within the converted mill would remain adequately-sized (larger than 3m by 6m, internally) following the proposed recessing of the garage doors. Visitor parking and a new parking facility on Dam Head (for use by existing neighbouring residents) also remain as previously proposed.

Regarding drainage, the development's total amount of impermeable surfaces would not significantly change. Amendments can have implications for flood routeing, however given the development's road and plot layout would not change, it is considered that the flood routeing information previously approved on 09/04/2026 (pursuant to condition 11, under Discharge of Condition application 2025/93383) would remain relevant.

Regarding flood risk, no habitable accommodation would be moved closer to water or lowered under the proposed amendments. It is considered that the development would not become more vulnerable, and residents of the development would not be placed at more risk.

Regarding school places, it is noted that the proposed development could potentially result in a higher child yield than the previously-approved scheme would have, given that more bedrooms are now proposed across the development (a total of 71 bedrooms were approved under permission 2021/90800, whereas a total of 74 are now proposed). However, the difference in the number of bedrooms is relatively small, and in any case the development would remain below the threshold (of 25 units) which triggers the need for an education contribution.

No on-site affordable housing was secured under permission 2021/90800 (although, if triggered, the Revised Viability Assessment secured by the Section 106 agreement dated 14/08/2025 could result in affordable housing being provided off-site), and this would not change under the current proposals.

Regarding crime prevention, the West Yorkshire Police Designing Out Crime Officer raised no objection in principle, but expressed specific concerns regarding the proposed dwellings' potential vulnerabilities. It is considered that these can be adequately addressed through appropriate lighting, site management and the specifications of door and window sets, and additional conditions or amendments to the proposals are not considered necessary. The comments of the West Yorkshire Police Designing Out Crime Officer have been relayed to the applicant's agent.

On-site public open space (as shown in previously-approved drawing 3372 (0- ) 628 rev A) would not be affected by the proposed amendments.

The two representations received in response to the council's consultation are noted, however they relate to matters that have been previously considered under application 2021/90800, or matters that are not under consideration

under this current application. Construction management matters, for example, have been considered under Discharge of Conditions application 2025/93383. The requests for certain works to be implemented early (including in relation to public footpath HOL/95/10 and planting to the mill dam) are noted, however it is normal and appropriate for such works to be completed later in the construction phase, to avoid damage (and, therefore, abortive work and/or the need for repair and replacement) while other works are still being carried out.

The proposed amendments have no significant adverse implications in relation to other planning considerations.

### *Section 106 agreement*

Paragraph 2.6 of the Section 106 agreement dated 14/08/2025 (associated with outline permission 2021/90800) states that, in the event that a Section 73 application is approved following that earlier grant of outline permission, and if no revised planning obligations are required as a result of that Section 73 approval, those previously-secured obligations will apply to that later approved scheme, and no further Section 106 or 106A agreement would need to be entered into.

Indeed, the amendments proposed under this current Section 73 application necessitate no new or revised planning obligations, therefore no Deed of Variation would be necessary (notwithstanding what is stated in the submitted Planning Statement).

### *Conditions*

Section 73 of the Town and Country Planning Act 1990 allows the Local Planning Authority to review the previously-imposed conditions (attached to the previous permission 2021/90800), and to update, revise, add to or delete redundant conditions as part of the assessment of the current application. Those conditions would normally be re-imposed in any subsequent approval of a Section 73 application, as the effect of the Section 73 approval is the issue of a fresh grant of permission.

To date, approvals pursuant to the following conditions (or permission 2021/90800) have been issued:

- 5 (archaeological investigation)
- 11 (flood routeing)
- 12 (temporary drainage scheme)
- 13 (lighting design strategy - biodiversity)
- 14 (Phase II Intrusive Site Investigation Report)
- 18 (electric vehicle charging)
- 19 (Construction Environmental Management Plan)
- 21 (surface water attenuation in highway)
- 23 (Tree Protection Plan)

- 25 (temporary waste arrangements)
- 26 (highway condition survey)
- 27 (re-surfacing scheme)
- 28 (parking layby scheme)
- 30 (CEMP: Biodiversity)
- 34 (bat licence)

It is recommended that most of the above-listed conditions be reworded to refer to the approvals previously issued by the council (pursuant to those conditions) on 16/03/2026 (under Discharge of Condition application 2026/90676) and 09/04/2026 (under Discharge of Condition application 2025/93383), although condition 26 would retain its requirement for a later highway reinstatement scheme to be submitted, approved and implemented. Condition 14 may be entirely deleted, as it was fully discharged on 09/04/2026 (under Discharge of Condition application 2025/93383), although the related condition 15 is activated. To avoid confusion, it is not recommended that subsequent conditions (following condition 14) be renumbered.

The above rewording was forwarded to the applicant's agent on 14/04/2026, who confirmed agreement to the conditions by email on 15/04/2026. On 17/04/2026, the applicant's agent additionally agreed to criterion f (regarding solar panels) being added to the wording of condition 4.

Other conditions do not need to be amended (other than in respect of corrections to the name of the Holme Valley Neighbourhood Development Plan in some of the condition reasons). Given the relatively recent issuing of permission 2021/90800 (on 20/08/2025), policy references in the condition reasons remain up-to-date.

## **Conclusion**

This application does not provide an opportunity to revise or reconsider the original grant of planning permission. This application only relates to the consideration of the variation of condition 2 as indicated.

Subject to conditions, the proposed changes are considered acceptable.

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

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development (as amended) would constitute sustainable development and is therefore recommended for approval.

**Recommendation** – Approve variations subject to conditions.

## **Decision Authorisation – Delegated Powers**

**Application Number – 2026/90162**

**Officer Recommendation – Approve variations subject to conditions**

### **Conditions and Reasons**

1) The development hereby permitted shall be begun within three years of the date of this permission.

**Reason:** Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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 Development Plan, Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3) The works relating to the conversion of the mill building to dwellinghouses (units 3, 4, 5, 6, 7, 8 and 9) shall be completed and the units shall be made fit for habitation prior to the occupation of new-build units 1, 2, 17, 18 and 19. Occupation of new-build units 1, 2, 17, 18 and 19 shall be subject to written approval by the Local Planning Authority following inspection of the renovated mill building by the Local Planning Authority. For the avoidance of doubt, the units referred to within this condition are those indicated on the Overall Site Plan ref: 3372 (0-) 623 rev I.

**Reason:** To ensure that the primary beneficial part of the development (the conversion of the mill) is capable of being brought fully into use and that any elements that constitute less than substantial harm to the non-designated heritage asset are not prioritised over and above the primary beneficial part of the scheme, in accordance with Policy 3 of the Holme Valley Neighbourhood Development Plan as well as Policy LP35 of the Kirklees Local Plan.

4) Prior to the commencement of the development, the following details relating to design and appearance shall be submitted to and approved in writing by the Local Planning Authority:

- a) Samples of external masonry (walling stone and ashlar) in the form of a sample panel showing coursing and pointing to be inspected on-site;
- b) External material samples (photographic imagery) for all dwellinghouses (mill conversion and new-build), including but not limited to the proposed roofing, soffits, fascias and drainage runs;
- c) Window and external door design schedule in the form of annotated 1:20 elevations and 1:5 sections, to include details of locations of the window designs within the elevations, their material, colour, and fixed/opening configurations. The details must be submitted for the

fenestration in both the mill conversion (inclusive of the loading doors), and new-build dwellings (including details of the projecting window features);

d) Design of roof lights including patent glazing and conservation styles, where applicable, in the form of annotated 1:20 elevations and 1:5 sections;

e) 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; and

f) Design of solar panels, including details of their locations, profiles and appearance.

The development shall be implemented in accordance approved details.

**Reason:** To ensure appropriate standards of design whilst maintaining the heritage significance of the mill and the wider Hinchliffe Mill Conservation Area in accordance with Policy 3 of the Holme Valley Neighbourhood Development Plan and Policy LP35 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure design details are prepared and approved at an appropriate stage of the development process.

5) The development hereby approved shall be implemented in accordance with the Archaeological Watching Brief (OSA, November 2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383) and recording shall be carried out by an appropriately qualified and experienced archaeological organisation / consultant.

**Reason:** In the interests of recording the historic environment of the local area in accordance with Policy 3 of the Holme Valley Neighbourhood Development Plan and Policy LP35 of the Kirklees Local Plan.

6) Prior to commencement of superstructure works, the following boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority:

a) An updated boundary treatment strategy;

b) Boundary treatment elevations and plans;

c) Detailed material(s) schedule and hedge species; and

d) Height(s) of boundary treatments.

The development shall be implemented in accordance with the approved boundary treatment details.

**Reason:** To ensure boundary treatments are appropriate to their setting and serve to sufficiently enclose and secure spaces in accordance with Policy 2 of the Holme

Valley Neighbourhood Development Plan and Policies LP24 and LP35 of the Kirklees Local Plan.

7) Prior to the occupation of unit 9, any glazing below or intersecting 1500mm above floor level, in all of the windows serving the northern elevation of the mill, shall be obscure glazed and maintained as such in perpetuity.

**Reason:** To ensure the privacy of residents of Water Street is maintained in accordance with Policy LP24 of the Kirklees Local Plan.

8) Prior to occupation of no more than 14 dwellinghouses on the site, details of the content, provision, location(s) and installation of heritage information boards explaining the history of the mill and its value to the local area shall be submitted to and approved in writing by the Local Planning Authority. The boards, once approved, shall be installed in accordance with the agreed details and retained thereafter.

**Reason:** To communicate the heritage significance of the mill to the local community and the wider public in accordance with Policy 3 of the Holme Valley Neighbourhood Development Plan and Policy LP35 of the Kirklees Local Plan.

9) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (KRS Environmental Ltd, ref: KRS.0646.001.R.001.A, dated September 2022) and in compliance with the following mitigation measures detailed within the approved FRA:

- a) All new build development shall be located wholly within Flood Zone 1;
- b) The finished floor level of the lower ground floor of units 3, 4, 5, 6, 7, 8 and 9 shall be no lower than 166.50 metres Above Ordnance Datum (AOD);
- c) There shall be no residential living space on the lower ground floor of units 3, 4, 5, 6, 7, 8 and 9;
- d) A scheme of flood proofing for units 3, 4, 5, 6, 7, 8 and 9 shall be submitted to and approved in writing by the Local Planning Authority and implemented no lower than the 1% AEP plus 23% climate change level with a suitable allowance for freeboard.

These mitigation measures shall be fully implemented prior to occupation of any dwellings of the development hereby approved. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** To reduce the risk of flooding to the proposed development and future occupants in accordance with the requirements of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

10) Development shall not commence until a design scheme detailing foul, surface water and land drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include discharge rates (agreed with the Lead Local Flood Authority) indirectly or directly to watercourse, attenuation for the critical 1 in 100 + 30% climate change rainfall event, attenuation construction details / design, plans and longitudinal sections, hydraulic calculations, and details of phasing of drainage provision. The scheme shall include a risk assessment and method statement, in accordance with CDM Regulations 2015, for access to and into the attenuation structure, and an itinerary of maintenance tasks with schedules. No part of the development shall be occupied until the approved drainage scheme has been provided on the site to serve the development, and the approved scheme shall be retained thereafter.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity and environmental

wellbeing, and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure appropriate measures are designed and agreed prior to any potentially damaging flooding occurring that could harm the existing and approved dwellinghouses.

11) In respect of flood routeing only, the development hereby approved shall be implemented in accordance with the Flood Routing Plan (drawing EWE/3388/05 rev B) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383). No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed, and the approved scheme shall be retained thereafter.

**Reason:** To ensure the provision of satisfactory overland flood routing is employed, in the interests of amenity and environmental wellbeing, and to accord with Policies LP27 and LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

12) In respect of temporary surface water drainage only, the development hereby approved shall be implemented in accordance with the Surface Water and Foul Construction Drainage Plan (EWE/3388/03 rev B) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383). No phase of the development shall begin until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority

**Reason:** To ensure the provision of adequate temporary means of drainage, in the interests of amenity and environmental wellbeing, and to accord with Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

13) In respect of external lighting only, the development hereby approved shall be implemented in accordance with the following documents approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383):

- Luminaire Schedule (Ecological Lighting Solutions, P25168, 04/12/2025)
- Layout drawings:
  - Lower Ground Floor (drawing P25168-01-01, iteration I0, rev 0)
  - Ground Floor 01 (drawing P25168-00-01, iteration I0, rev 0)
  - Ground Floor 02 (drawing P25168-00-02, iteration I0, rev 0)
  - First Floor (drawing P25168-01-01, iteration I0, rev 0)
- Site Isolines drawings:
  - 01 (drawing P25168-00-01-ISO, iteration I0, rev 0)
  - 02 (drawing P25168-00-02-ISO, iteration I0, rev 0)
  - 03 (drawing P25168-00-03-ISO, iteration I0, rev 0)
  - 04 (drawing P25168-00-04-ISO, iteration I0, rev 0)
  - 05 (drawing P25168-00-05-ISO, iteration I0, rev 0)
  - 06 (drawing P25168-00-06-ISO, iteration I0, rev 0)

- 07 (drawing P25168-00-07-ISO, iteration I0, rev 0)
- 08 (drawing P25168-00-08-ISO, iteration I0, rev 0)

All external lighting shall be installed in accordance with the specifications and locations set out in the approved documents, and these shall be maintained thereafter in accordance with the details set out in the approved documents. Under no circumstances shall any other external lighting be installed without prior written consent from the Local Planning Authority.

**Reason:** To prevent significant ecological harm in respect of direct impacts to bats in accordance with Policy 13 of the Holme Valley Neighbourhood Development Plan, Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

14) [deleted].

15) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 14, no further groundworks / material operations in the affected areas of the site shall commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

16) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 15. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered (in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report) is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

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

stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

18) In respect of electric vehicle charging only, the development hereby approved shall be implemented in accordance with the EV Charging Point and Bin Store Layout (drawing 2559-0402 rev P04) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383). The approved dedicated facilities for charging electric vehicles shall be installed and made operational prior to the occupation of the residential units they serve, and shall be maintained and retained thereafter. The approved dedicated facilities for charging the electric vehicles of visitors shall be installed and made operational prior to the visitor parking spaces being brought into first use, and shall be maintained and retained thereafter.

**Reason:** In the interests of supporting and encouraging the use of low emission vehicles, in the interests of air quality enhancement, to comply with the aims and objectives of Policy 12 of the Holme Valley Neighbourhood Development Plan, Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

19) The development hereby approved shall be implemented in accordance with the following construction management documents approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383):

- Construction Environmental Management Plan (Heneghan Architecture, 2559, issue 01, 15/10/2025)
- Construction Logistics Plan (drawing 2559-0401 rev P01)
- Hinchliffe Mill – Development Timeline
- Site Waste Management Plan (Holroyd Homes, version 1, 24/11/2025)

No change therefrom shall take place without the prior written consent of the Local Planning Authority.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with Policy 2 of the Holme Valley Neighbourhood Development Plan, Policy LP24 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

20) Development shall not commence until a scheme detailing locations and including cross-sectional information together with the proposed design and construction details of all new retaining walls / building retaining walls adjacent to existing and proposed highways including any modifications to the existing retaining walls on Dobb Lane / Spring Lane / Dam Head has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to superstructure works of any dwellinghouse hereby approved and thereafter retained throughout the life of the development.

**Reason:** To ensure that any new retaining structure or modifications to existing retaining structures do not compromise the stability of the highway in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure that load-bearing highway structures are designed and agreed to a satisfactory standard prior to their use by vehicular traffic.

21) In respect of surface water attenuation within unadopted estate roads only, the development hereby approved shall be implemented in accordance with the Surface Water and Foul Water Drainage Details drawing (EWE/3388/02 rev B) and the Surface Water and Foul Water Layout drawing (EWE/3388/01 rev D) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383). The approved scheme shall be implemented prior to the first occupation of development hereby approved and the surface water drainage system shall thereafter be retained during the life of the development.

**Reason:** To ensure that any new retaining structures do not compromise the stability of the highway in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and Policy LP21 of the Kirklees Local Plan.

22) Details of the facing materials for the retaining walls within the site shall be submitted to and approved in writing by the Local Planning Authority before works to construct the retaining walls commence. The retaining walls shall be faced in the approved materials and thereafter maintained as such.

**Reason:** In the interests of visual amenity and to accord with Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan, Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

23) The development hereby approved shall be implemented in accordance with the Tree Protection Plan at Appendix 3 of the Arboricultural Method Statement (Woodsage, WC-466.1 rev a, 24/11/2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383).

**Reason:** To protect the viability of the retained trees within the application site during works on site, including to prevent compaction and damage to the roots of the trees as well as damage to the branches and stems of the trees, in accordance with Policy 13 of the Holme Valley Neighbourhood Development Plan, Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

24) Prior to the commencement of superstructure works, a Waste Management Plan shall be submitted and approved in writing by the Local Planning Authority. The Waste Management Plan shall:

- a) Identify the location of sufficiently sized bin stores, either internal or external, for all dwellinghouses; and

- b) Set out the construction and detailing of all external bin collection point screening (with a preference for grit stone gabion fencing) and door detailing.

The development shall be implemented in accordance with the approved Waste Management Plan.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, and to assist in achieving sustainable development, in accordance with Policies 5 and 11 of the Holme Valley Neighbourhood Development Plan and Policies LP21 and LP24 of the Kirklees Local Plan.

25) The development hereby approved shall be implemented in accordance with the Temporary Waste Management Plan (Heneghan Architecture, 2559, issue 01, 15/10/2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383). The temporary arrangements, as approved, shall be implemented prior to first occupation of the relevant residential units, and shall be retained until construction works are complete.

**Reason:** To ensure satisfactory arrangements are implemented in relation to waste during the construction phase, in the interests of visual and residential amenity and highway safety, and to assist in achieving sustainable development, in accordance with Policies 5 and 11 of the Holme Valley Neighbourhood Development Plan and Policies LP21 and LP24 of the Kirklees Local Plan.

26) Upon completion of the development hereby approved and before any dwellinghouse is occupied, and with reference to the Condition Survey and Remediation Statement (Paragon Highways, 2501, rev 3, December 2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383), a highway condition survey identifying a scheme to reinstate any subsequent defects in the condition of the highway on Co-op Lane, Ford Gate, Spring Lane / Dam Head, Dobb Lane and Water Street attributable to the types of vehicles serving the development during the construction period shall be submitted to and approved in writing by the Local Planning Authority. All of the identified works shall be implemented before no more than 50% of the dwellinghouses on the site are occupied.

**Reason:** In the interests of highway safety, and to accord with Policy 11 of the Holme Valley Neighbourhood Development Plan and Policy LP21 of the Kirklees Local Plan.

27) The re-surfacing of the unadopted roads forming the accesses into the site (Water Street / Dam Head / Pond Track to units 1 and 2) shall be implemented in accordance with the Condition Survey and Remediation Statement (Paragon Highways, 2501, rev 3, December 2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383) prior to the occupation of no more than 14 dwellinghouses on the site and shall thereafter be maintained to that standard for the lifetime of the development.

**Reason:** Given the sub-standard nature of the accesses, the potential for the access surfaces to further degrade through re-intensification of the use, and the resultant impacts on highway safety through increased stopping distances, and to accord with Policy LP21 of the Kirklees Local Plan.

28) The parking layby on Dam Head shall be completed in accordance with the Dam Head Parking Layby drawing (PRGN-2501-HGN-DR-CH0001) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383) prior to the occupation of units 1, 2, 3, 4, 17, 18 and 19 and shall be retained exclusively for the use of residents of Spring Lane thereafter.

**Reason:** In the interests of highway safety, and to accord with Policy 11 of the Holme Valley Neighbourhood Development Plan and Policy LP21 of the Kirklees Local Plan.

29) The approved vehicle parking areas shall be surfaced and drained in accordance with the Department for Communities and Local Government / Environment Agency publication "Guidance on the permeable surfacing of front gardens (parking areas)" published 13/05/2009 (ISBN 9781409804864) as amended or superseded before the dwelling to which they relate is first occupied. The parking spaces shall thereafter be retained as such.

**Reason:** In the interests of highway safety and to achieve a satisfactory layout in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and Policies LP21 and LP22 of the Kirklees Local Plan.

30) The development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (CEMP: Biodiversity) (Quants Environmental, 1507e, rev 1, 20/11/2025) approved by the Local Planning Authority on 09/04/2026 (under Discharge of Condition application 2025/93383) throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

31) Development shall not commence until a Landscape Ecological Design Strategy (LEDS) is submitted to and agreed in writing by the Local Planning Authority. The LEDS shall:

- a) Detail how 8.64 habitat units (as per the Biodiversity Metric dated 31/10/2022) are to be achieved post-development;
- b) Set out on-site provision for roosting bats and nesting bird as detailed in the Ecological Impact Assessment (Quants, 1504c rev 2, 24/08/2022); and
- c) Hard and soft landscaping design.

The proposed works of the LEDS shall also include the following details:

- d) Purpose and conservation objectives for the proposed works;
- e) Review of site potential and constraints;
- f) Detailed design(s) and/or working method(s) to achieve stated objectives;

- g) Extent and location / area of proposed works on appropriate scale maps and plans;
- h) Type and source of materials to be used where appropriate, e.g. stone setts and/or native species of local provenance;
- i) Specifications of tree pits or root barriers for trees within drainage easements;
- j) A timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- k) Persons responsible for implementing the works;
- l) Details of initial aftercare and long-term maintenance;
- m) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the LEDS are not being met) how contingencies and/or remedial action shall be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain;
- n) Details for disposal of any wastes arising from works; and
- o) A Landscape Management Plan to include details of initial aftercare and long-term maintenance for minimum of five years. This shall also include any existing trees and vegetation retained on site, plus management of the mill pond.

The LEDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

**Reason:** In order to ensure the development provides adequate visual amenity, ecological enhancement and creation measures sufficient to provide no net loss to biodiversity in accordance with Policies LP24, LP30, LP32, LP33, LP47 and LP63 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the required no net loss to biodiversity are devised and agreed at an appropriate stage of the development process.

32) Prior to commencement of superstructure works, details of the arrangements for the provision of public open space to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:

- a) The layout and landscaping features of the public open space;
- b) The timescale(s) for the implementation and completion of the works to provide the public open space;
- c) The mechanism for ensuring that the public open space will be available to the public in perpetuity; and
- d) Maintenance of the public open space in perpetuity.

The development shall be implemented in accordance with the approved details.

**Reason:** To ensure the provision of open space to serve the development in accordance with Policy LP63 of the Kirklees Local Plan.

33) Prior to the occupation of no more than 14 of the dwellinghouses on the site, a report confirming that all invasive plant species (including Japanese Knotweed, Cotoneaster and Himalayan Balsam) have been removed from within the site's red line boundary and disposed of in an appropriate manner

shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide photographic imagery confirming removal.

**Reason:** To ensure that invasive plant species which pose a threat to native ecology are eradicated for the benefit of the site's biodiversity in accordance with Policy 13 of the Home Valley Neighbourhood Development Plan and Policy LP30 of the Kirklees Local Plan.

34) The development hereby approved shall be implemented in accordance with the licence issued by Natural England (ref: 2026-89013-EPS-MIT, dated 26/02/2026) approved by the Local Planning Authority on 16/03/2026 (under Discharge of Condition application 2026/90676) unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

35) Development to construct the superstructure of any of the new-build dwellings hereby approved shall not commence until a scheme detailing the construction specification and works programme for the provision of:

- a) Diversion of PROW HOL/95/10 to its new definitive position;
- b) Surfacing and accessibility of PROW HOL/95/10; and
- c) An independent Safety Audit covering all aspects of the work submitted under points (a) and (b).

has been submitted to and approved in writing by the Local Planning Authority. All of the works thereby approved shall be implemented before any part of the new-build development is first brought into use and the scheme shall be maintained throughout the lifetime of the development.

**Reason:** To ensure that suitable, safe access is provided for the development in the interests of highway safety in accordance with the requirements of Policy 11 of the Holme Valley Neighbourhood Development Plan and with LP21 and LP28 of the Kirklees Local Plan.

NOTE: Regarding condition 4 and the proposed fenestration, your attention is drawn to the concerns of KC Conservation and Design (which are set out in the delegated report for application 2025/93383). For the avoidance of doubt, the submitted fenestration details should not be regarded as approved, and details would still need to be submitted (for consideration and approval) pursuant to condition 4.

NOTE: Regarding condition 4 and the proposed external materials, your attention is drawn to the concerns of KC Conservation and Design (which are set out in the delegated report for application 2025/93383). For the avoidance of doubt, and notwithstanding the inclusion of the Materials Schedule (Heneghan Architecture, 2559, issue 03, 16/06/2025) in the plans and specifications table below, details of external materials should not be regarded as approved, and details would still need to be submitted (for consideration and approval) pursuant to condition 4.

Please also refer to the informative notes attached to permission ref: 2021/90800 dated 20/08/2025.

Plans and specifications schedule:

<b>Plan/document type</b>	<b>Reference</b>	<b>Version</b>	<b>Date received</b>
OS Location Plan	3372 (OS) 01		04/11/2022
S73 Site Layout	2559-0308	Rev P01	19/01/2026
POS Site Plan	3372 (0-) 628	Rev A	10/11/2022
Landscape Layout	M3320-PA-01	V12	28/11/2022
Soft Landscape Strategy	M3320-PA-02	V10	28/11/2022
Hardscape Strategy	M3320-PA-03	V10	28/11/2022
Site Elevations (as amended)	3372 (0-) 621	Rev E	26/09/2022
Site Sections (as amended)	3372 (0-) 622	Rev B	26/09/2022
Unit 1 Housetype	3372 (0-) 01	Rev D	26/09/2022
Unit 2 Housetype	3372 (0-) 02	Rev C	26/09/2022
Proposed Mill Conversion Floor Plans	2559-0302	Rev P01	19/01/2026
Proposed Mill Conversion Elevations	2559-0303	Rev P01	19/01/2026
Plots 10-16 Street Scene	2559-0307	Rev P03	19/01/2026
Type A Plans and Elevations	2559-0304	Rev P04	19/01/2026
Type B Plans and Elevations	2559-0305	Rev P04	19/01/2026
Type C Plans and Elevations	2559-0306	Rev P04	19/01/2026
Unit 17 Housetype	3372 (0-) 850		26/09/2022
Unit 18 Housetype	3372 (0-) 851		26/09/2022
Unit 19 Housetype	3372 (0-) 852		20/10/2022
Footpath View – West	3372 (SK) 16		31/10/2022
Footpath View – North	3372 (SK) 17		31/10/2022
Floorspace schedule	Heneghan Architecture, 2559, 04/02/2026	Version 003	04/02/2026
Planning Policy Supporting Statement	Robert Halstead, September 2022		27/09/2022
Planning Statement	Robert Halstead, January 2026		19/01/2026
Addendum to Transport Statement	HDC, HDC/ENG/0421, 30/11/2021	Issue 3	07/12/2021
Addendum No 2	HDC, HDC/ENG/0922, September 2022	Issue 2	27/09/2022

Flood Risk Assessment	KRS, KRS.0646.001.R.001.A, September 2022		26/09/2022
SUDS Assessment	Collins Hall Green, G560-CHG-XX-00-DR- C-0001, 16/09/2022	Rev P5	27/09/2022
Drainage Strategy	Collins Hall Green, G560, 22/09/2022	Version 1.5	27/09/2022
Proposed Drainage Layout (1 of 2)	Collins Hall Green, G560-CHG-XX-00-DR- C-0300, 21/09/2022	Rev P5	27/09/2022
Proposed Drainage Layout (2 of 2)	Collins Hall Green, G560-XX-00-DR-C- 0301, 21/09/2022	Rev P6	27/09/2022
Design and Access Statement including Heritage Impact Assessment	One17, 3372, September 2022	Rev C	05/10/2022
Material Schedule	3372 (SK) 15		31/10/2022
Materials Schedule	Heneghan Architecture, 2559, 16/06/2025	Issue 03	19/01/2026
Archaeological Building Recording	Andrew Swann, 003, June 2011		09/03/2021
Report on the Structural Appraisal	Collins Hall Green, G777-CHG-00-XX-RP- S-0002, 21/01/2021		26/02/2021
Arboricultural Survey	Quants, 1507b, January 2021	Rev 1	26/02/2021

Arboricultural Impact Assessment	Quants, 1507c, 02/12/2021	Rev 1	07/12/2021
Tree Assessment Plan	Quants, 1507, 02/12/2021	Rev 1	07/12/2021
Extended Phase 1 Habitat Survey	Whitcher Wildlife, 200829, 21/08/2020		26/02/2021
Ecological Impact Assessment	Quants, 1504c, 24/08/2022	Rev 2	05/10/2022
Biodiversity Metric 3.1	Quants, 31/10/2022		02/11/2022
Biodiversity Net Gain Statement	Quants, 1507d, 31/10/2022	Rev 1	02/11/2022
Phase 1: Desk Top Study and Coal Mining Risk Assessment Report	ARC, 17-760, 12/10/2017		26/02/2021
Phase 2: Ground Investigation Report	ARC, 10-015, 21/10/2011		26/02/2021
Addendum to Phase 2: Ground Investigation Report	ARC, 10-015.01L, 04/11/2011		26/02/2021

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

**Report Dated:** 17/04/2026