

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2026/44/91457/W
Site Address:	Bankgate Mills, Bank Gate, Slaithwaite, Huddersfield, HD7 5DL
Description:	Discharge of details reserved by conditions 3 (materials), 5 (archaeological and architectural recording), 12 (statement of works) on permission 2022/92459 for conversion of former mill to form 5 apartments including extension and alterations, demolition of outbuilding, construction of 4 open sided car port structures and associated works
Recommending Officer:	John Holmes

DECISION – Discharge of Conditions - Approved

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 24-Jul-2026

DISCHARGE OF CONDITIONS

The merits of the application have previously been assessed under reference 2022/92459 and permission granted for conversion of former mill to form 5 apartments including extension and alterations, demolition of outbuilding, construction of 4 open sided car port structures and associated works.

The applicant is now seeking to discharge conditions 3 (materials), 5 (archaeological and architectural recording) and 12 (statement of works)

ASSESSMENT

Condition 3

This condition states the following:

Development above slab/foundation level shall not commence until details of all external materials including walls, roofing materials, solar panels, doors, surfacing, rainwater goods and colour finishes to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved scheme has been completed. No materials and colour finishes other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Reason: *In the interests of visual amenity and to ensure the development has an acceptable impact upon a Grade II listed building to accord with policies LP2, LP24 and LP35 of the Kirklees Local Plan, principles 2 and 13 of the Council's adopted Housebuilders Design Guide SPD and policies within Chapter 12 of the National Planning Policy Framework.*

The following has been submitted:

- Drawing 3486 (SK) 25 titled 'External Materials'

Following engagement with the agent, additional details were provided. The Council's Conservation and Design officer considered that the information provided was of sufficient detail to discharge conditions as it includes:

- Balcony materials – steel balcony with wire mesh infill
- Circulation core cladding materials and colour finish – pressed metal in RAL 7015
- Car port details, materials and finishes – green oak timber frame and steel construction, natural blue slate roof, metal, ogee profile gutters, round downpipes in RAL 9005
- Solar panel details – integrated all black solar panels flush with roof
- Door materials and colour finish – salvage of existing timber doors to be painted in RAL 7030

- Window materials, profile and colour finish – Senior Aluminium New G Single Profile windows, double glazed comprising 4mm Softcoat Toughened Clear 1.2. 16mm Black Warm edge spacer, Argon Low E air space with 4mm Clear Planitherm One Toughened (24mm overall). Glazing pattern to match existing with all windows set back into reveals. Frames and glazing bars to be finished in RAL 7030.
- Roofing materials – re-use of original stone slate roof. Salvaged and reclaimed tiles should not be turned.
- Surfacing materials – limestone gravel
- Rainwater goods materials and colour finish – metal, ogee profile gutters, round downpipes in RAL 9005

The Canal and Rivers Trust have been consulted, and confirm they have no objection to the discharge of condition no.3. The Council's Conservation and Design Team have been consulted, and have stated they have no objection on the basis of the above listed detail being that which is considered and assessed against for the discharge of condition no.3.

The submitted details set out in the submitted drawing includes Heritage black ogee profile with round downpipes for the gutters, pressed metal in anthracite to the external wall of the extension and steel balcony. Images of the proposed materials as set out in the drawing are provided.

The requirement of condition no.3 is that 'details of all external materials including walls, roofing materials, solar panels, doors, surfacing, rainwater goods and colour finishes to be used' shall be submitted.

The scheme as approved by permission 2022/92459 details that a carport structure and a gable roof extension to the building are approved. The roofing materials of the car port, and external materials for the supporting structure of the car port are not detailed in the submitted scheme. No details of doors or surfacing are provided, downpipes (or whether any are to be installed) is also not set out within drawing 3486 (SK) 25. The specific metal or colour finish (such as a RAL colour code) is also not set out in relation to the external cladding which is proposed to the extension.

As a result, further details were submitted which have been considered acceptable by the Council's Conservation and Team Team. The submitted scheme is considered to be acceptable and therefore this condition is recommended to be discharged on the basis of the listed details set out earlier in this section of the report.

Condition 5

This condition states the following:

No demolition/development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological and architectural recording. This recording must be carried out by an appropriately

qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: *To ensure the impact of the development with regard to archaeological importance is satisfactorily recorded to accord with policies within Chapter 16 of the National Planning Policy Framework and part 2 of policy LP35 of the Kirklees Local Plan.*

The following has been submitted:

- Document titled 'Level 2/3 Historic Building Recording, dated March 2026

The submitted document sets out the recording undertaken as part of this project provides a permanent archive of the building's form and development prior to redevelopment. It goes on to state that despite alterations and deterioration, the building retains significant evidential value for understanding the development of textile manufacturing within the region.

The recording notes that due to the commencement of redevelopment works prior to the recording, some internal areas had already been stripped of historic fabric and that where possible, these alterations have been noted and supplemented by photographic evidence supplied by the client.

West Yorkshire Archaeological Advisory (WYAAS) service were consulted stating the following:

'WYAAS has reviewed the submitted report and can confirm that the fieldwork has been completed to an acceptable standard. The report adequately describes the works undertaken and provides a satisfactory assessment of the findings. The report successfully fulfils the standing structural recording element of our recommended mitigation. WYAAS has no objection to discharge of Condition 5 regarding the historic building record.'

As the fieldwork is complete and the report has been approved and submitted to the Historic Environment Record (HER), WYASS recommend that Condition 5 can now be formally discharged.

The Council's Conservation and Design team confirm no objection to the discharge of condition no.5.

It is therefore recommended that condition no.5 be discharged.

Condition 12

This condition states the following:

Prior to the commencement of the works to stabilise the slope to the South West of the site pursuant to condition no.11, a statement of works shall be submitted to, and approved in writing by, the Local Planning Authority which details how the stabilisation works will be carried out. The submitted statement shall include: - A written specification to detail the sequencing of excavation works on site; - Measures that will be employed to prevent the runoff of silt-laden water or debris towards the spillway to Slaithwaite Reservoir; and - The location of stockpiles and fuels to be stored on site. Following the issuing of the written approval of the statement of works by the Local Planning Authority the development shall be undertaken in accordance with the approved statement of works.

Reason: *to ensure land stability is ensured as a result of the development to accord with policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework*

The following has been submitted:

- Document titled 'Statement of Works' ref:3486

The Canal and Rivers Trust have been consulted regarding this application and following review of the submitted details they have provided the following advice:

'The original planning approval under 2022/92459 includes the approval of land stabilisation works, and associated earthworks as shown on drawing number 250722 Revision 0 (dated September 2025), which is listed as one of the approved plans alongside the Decision Notice. The Statement of Works document submitted alongside this application to discharge conditions refers to earthworks proposals that differ substantially from the above approval. Drawing number 250722 (dated May 2026), submitted alongside the Statement of Works document, shows the use of a Terramesh system and revised, steeper, banking when compared to the previous approval.'

In light of the deviations in relation to the scheme submitted for the discharge of this condition, compared to the scheme approved by planning application 2022/92459, the Canal and Rivers Trust have raised the question as to whether this constitutes development for which a further permission as an engineering operation on its own right is required. They go on to state, in light of this matter:

'Works have taken place on site prior to the approval of associated pre-commencement conditions. Following observations of the commencement of works, the Trust has been in direct communication with the applicant and received amended plans of the earthworks which correspond with those details submitted in drawing number 250722 (dated May 2026) referred to above. We also received some slope stability calculations, which do not appear to have been submitted to the Local Planning

Authority. The Trust has reservations with the revised groundworks undertaken on site. These concerns are summarised below:

- The calculations provided to the Trust do not assess the stability of Cross Section A1 where the legato blocks are used without a geotextile reinforcement.*
- The calculations provided to the Trust do not fully explain the parameters used and the justifications for these. In line with Eurocode 7 the calculations should be accompanied by a Geotechnical Design Report which sets out Characteristic and Design Parameters used, and the load cases assessed, which has not been provided.'*

The Canal and Rivers Trust set out that any application seeking to regularise the works undertaken at site would need to take account of the above. In appraising the differences between drawing number 250722 (dated May 2026) and the development as constructed the Canal and Rivers Trust set out the following:

The drawings shared with the Trust and submitted alongside this application show the use of "compacted coarse 6F2 Fill (D90 75) placed in accord with Maccaferri specifications". This material should be a structural fill resistant to slippage. Associated land stability calculations seen by the Trust take this into account to determine the long term stability of the regraded slope.

Unfortunately, our observations on site of the construction works undertaken suggest that the majority of fill material used by the developer comprises of a fill with a high clay content (including fill extracted out from elsewhere on the site) which would not correspond to drawing number 250722 as submitted with the current application and as discussed directly with the Trust. We have a significant concern that the use of this material could mean that the new slope as constructed is NOT stable, and could be at risk of future collapse.

To rectify the above concern, we request that verification of the backfill material is provided in the form of PSD curves and recompacted strength testing should be provided to demonstrate that the as constructed reinforced earth wall meets the parameters used in design calculations. Should the backfill material not meet the design requirements, then a revised stability analysis should be carried out and a programme should be identified to provide for long term stability of the slope. This may require a programme to remove the loose fill on site and to import a compacted coarse fill.

Turning to whether condition no.12 can be discharged, the Canal and Rivers Trust state:

'This Condition was requested by the Trust to ensure that no excessive loading would be onto the land (that could exacerbate risks of land

instability), and to protect the reservoir spillway below from potential debris or runoff from exposed soils. The works that have taken place to regrade the slope have already taken place and are retrospective in relation to this condition. As a result, the purpose of this condition has been superseded by the works that have taken place on site. We have no specific issue with the discharge of this Condition based on the retrospective nature of the works that have taken place. As highlighted above, the revised landform may require a new application for approval. Should any new application identify that further works are necessary, such as the replacement of fill material on site, then a new Statement of Works would be necessary to detail how this will be carried out whilst safeguarding land stability on site.'

The submitted scheme is considered to provide the necessary information to address condition no.12. Furthermore, it is noted that condition no.11 of the permission (2022/92459) requires that the development shall be undertaken in accordance with the works to stabilise the slope to the South West of the site as detailed upon submitted drawing 250722Rev0, the Structural Survey by TJ Booth Associates received 23/09/2025 and the Structural Calculations by TJ Booth Associates received 23/10/2025.

There remains potential for condition no.11 to be complied with, and as such it is considered that on that basis and having cognisance of the response of the Canal and Rivers Trust in relation to the submitted detail, the information submitted is sufficient to allow for the discharge of condition no.12 in this case.

DECISION LETTER TEXT

Condition 3

The following has been submitted:

- Drawing 3486 (SK) 25 titled 'External Materials'

Following engagement with the agent additional details were provided. The Council's Conservation and Design Team considers that the additional information provided is of sufficient detail to discharge conditions as it includes:

- Balcony materials – steel balcony with wire mesh infill
- Circulation core cladding materials and colour finish – pressed metal in RAL 7015
- Car port details, materials and finishes – green oak timber frame and steel construction, natural blue slate roof, metal, ogee profile gutters, round downpipes in RAL 9005
- Solar panel details – integrated all black solar panels flush with roof
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- Window materials, profile and colour finish – Senior Aluminium New G Single Profile windows, double glazed comprising 4mm Softcoat Toughened Clear 1.2. 16mm Black Warm edge spacer, Argon Low E air space with 4mm Clear Planitherm One Toughened (24mm overall). Glazing pattern to match existing with all windows set back into reveals. Frames and glazing bars to be finished in RAL 7030.
- Roofing materials – re-use of original stone slate roof. Salvaged and reclaimed tiles should not be turned.
- Surfacing materials – limestone gravel
- Rainwater goods materials and colour finish – metal, ogee profile gutters, round downpipes in RAL 9005

The submitted details of all external materials including walls, roofing materials, solar panels, doors, surfacing, rainwater goods and colour finishes to be used is considered satisfactory by the Local Planning Authority and condition no.3 is therefore satisfied and discharged on the basis of the aforementioned submitted information in relation to this condition. It is a requirement of this condition that the development shall not be brought into use until the approved scheme has been completed and that no materials and colour finishes other than those approved in accordance with this condition shall be used which shall thereafter be retained and maintained for the lifetime of the development.

Condition 5

The following has been submitted:

- Document titled 'Level 2/3 Historic Building Recording, dated March 2026

The submitted written scheme of investigation is considered to be acceptable and satisfies the requirements of condition no.5. This condition is therefore considered to be satisfied and discharged on the basis of the information submitted.

Condition 12

The following has been submitted:

- Document titled 'Statement of Works' ref:3486

NOTE: Condition 11 of permission 2022/92459 states the following:

The development hereby approved shall be undertaken in accordance with the works to stabilise the slope to the South West of the site as detailed upon submitted drawing 250722Rev0, the Structural Survey by TJ Booth Associates received 23/09/2025 and the Structural Calculations by TJ Booth Associates received 23/10/2025. The development shall not be brought into use until a verification report by a suitably qualified practitioner has been submitted to, and approved in

writing by the Local Planning Authority to confirm satisfactory completion of the stabilisation works which shall thereafter be retained for the lifetime of the development.

In light of works undertaken, it appears it may not be possible for condition no.11 to be complied with and either an application for variation of condition or which seeks planning permission in relation to the works as carried out would be required. It should be noted a further application is only required should the development not be undertaken such that the requirement(s) of condition no.11 are adhered to.

Notwithstanding this, it is accepted that there remains potential for condition no.11 to be complied with, and as such it is considered that on that basis and having cognisance of the response of the Canal and Rivers Trust in relation to the submitted detail, the information submitted is sufficient to allow for the discharge of condition no.12 in this case. There remains an ongoing requirement of condition no.12 that the development be undertaken in accordance with the approved statement of works.