

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

Reference No:	<b>2024/62/90426/W</b>
Site Address:	Milford Buildings, Milford Street, Huddersfield, HD1 3DY
Description:	Installation of two new external door sets and dressed stone surround and one new external door set to clad rear elevation with external staircase
Recommending Officer:	Joanna Rednall

**DECISION – Conditional Full Permission**

**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.**

Teresa Harlow

***AUTHORISED OFFICER***

**Date:** 17<sup>th</sup> April 2024

## **The Site**

Milford Buildings is a single storey steel frame construction located in Huddersfield. The site is within a priority employment area with residential buildings to the west of the site. Pedestrian and vehicular access can be taken from the front boundary onto Milford Street, a Primary A road.

The existing building presents a stone frontage to the street. The rear side of the Milford buildings see has a drastic change to the materiality – on the south elevation to the east side there appears to be a section of modern stretcher-bond brick, and on the centre and west side a brick plinth and a mixture of light grey and blue vertical standing seam and corrugated cladding respectively. There is currently a corroded pink door single fire door with external concrete steps, which is one of the openings to be widened and replaced with a modern steel door set and steps.

## **The Proposal**

The applicant is seeking planning permission for installation of two new external door sets and dressed stone surround and one new external door set to clad rear elevation with external staircase.

The proposal is for three ~1810mm wide external double door sets. Currently there are 2 No. single leaf door sets providing escape directly from the warehouse outside; as proposed there will be 3 No. double door sets plus the existing single leaf door set.

The external stairs would be located to the rear/south facing elevation and would be ~1.5 metres high. The stairs would provide external access to the proposed steel fire escape double doorset.

Adjacent to the site sits the Archway to Albion Mills, which is a Grade II Listed Building.

## **Planning History**

There is no planning history for the site which is considered relevant to the current proposal.

## **History of Negotiations**

No amendments have been sought in the processing of this application as it was considered acceptable as submitted.

## **Publicity & Representations**

The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, this application has been publicised via neighbour notification letters.

Final publicity date expired 12 April 2024. No representations were made as a result of the publicity.

## **Consultations**

No statutory consultations were requested for this application.

## **Allocation & Policies**

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 27th February 2019).

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

The site is within an area allocated a Priority Employment Area on the Local Plan.

### **Kirklees Local Plan (LP)**

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP8 – Priority Employment Areas.
- LP21 Highway Safety
- LP22 Parking Provision
- LP24 Design
- LP30 Biodiversity
- LP35 Historic Environment

## National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Considered to be of relevance to the consideration of this application are policies within the following chapters:

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- Chapter 2 – Achieving sustainable development
- Chapter 6 – Building a Strong Competitive Economy.
- Chapter 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

## Legislation

The Town & Country Planning Act 1990 (as amended).

## Assessment

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon the character and appearance of the area (including impact upon historic environment)
2. Impact upon residential amenity
3. Impact upon highway safety
4. Climate Change
5. Other matters – e.g. trees/ecology (e.g. bats)
6. Representations
7. Conclusion

### **1 – Principle of development:**

Policy LP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of

sustainable development contained in the National Planning Policy Framework. LP1 goes on further to stating that:

*The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.*

Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The site is within a Priority Employment Area where Policy LP8 of the Local Plan states that proposals for development for employment generating uses will be supported. Furthermore, paragraph 85 states that:

*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

The principle of development to support a business use and to assist its adaption is considered acceptable subject to the satisfactory taking into account of material considerations.

## **2 – Impact on character and appearance of the area, including setting of listed structure.**

Policy LP24 (Design) of the Council’s adopted Local Plan sets out that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape. Paragraph 135 of the NPPF is also of relevance to the consideration of this application.

Milford Buildings is a single storey engineering shed of steel frame construction. The existing building’s Milford Street façade is a mixture of coursed and decorative stonework, alongside what appears to be a mixture of original cast iron/steel curtain walling and some uPVC curtain walling. On the north-eastern recess there are some wide roller shutter doors.

The double door sets on Milford Street will be surrounded, as shown on the external elevations, with decorative ashlar stone lintels and jambs to match the existing adjacent stone works. The door sets will be fitted with external

security shutters. The steel entrance doors within the north-facing elevation would be blue in colour to match adjacent curtain walling spandrel panels, therefore the impact on visual amenity would be minimal.

Adjacent to the site sits the Archway to Albion Mills, which is a Grade II Listed Building, List Entry 1216250.

The listing description is as follows:

*MILFORD STREET 1. 5113 (South Side) Archway to Albion Mills SE 1416 SW 3/949 II 2. 1867. Ashlar, with hammer-dressed stone parapet. Semi-circular arch with moulded voussoirs, imposts and cornice. Sunk panels in spandrels. Keystone. Plaque with "Albion Mills 1867" topped by cornice and flanked by scrolls. Spur stones. Stone setts.'*

As the agent has set out in supporting information:

*The heritage asset is architecturally and historically significant, with stonework detailing reflecting the masonry work at the time and the fact that it is was the entry to a mill building reflecting the industrial heritage of Huddersfield, as shown by the fact that the plaque is included in the listing. The surrounding streetscape pays a small contribution to its value, where natural stonework and industrial buildings provide a fitting context.*

Policy LP35 of the Local Plan, together with Chapter 16 of the NPPF and the Council's duties within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) have been taken into account in the assessment of this application.

Paragraph 205 of the NPPF states that great weight should be afforded to the conservation of heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

In this case the development would have no material impact on the significant of the listed structure. The relationship between the later Milford Buildings and the archway would remain unchanged. The sensitive insertion of doorways to the front and rear elevation would have little impact on the external appearance of Milford Buildings, and would have a neutral impact on the wider streetscene.

The Conservation and Design team (informally) had no comments of the two external door sets and external staircase as the development would not affect the setting of the listed structure. It is therefore considered that the proposal is acceptable from a Conservation perspective and the application was not publicised as affecting the setting of the listed structure for these reasons.

The development therefore would be acceptable in terms of visual amenity and would accord with policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

### **3 – Impact on residential amenity:**

Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

To application site is primarily surrounded by similar industrial buildings. To the west of the site is a complex of residential flats.

A separation distance of approximately 15 metres would be retained between the proposed doors and the front wall of buildings opposite. The proposed works would not introduce overshadowing or loss of privacy to any neighbouring residential property and there are no material changes to the use of the building that would adversely impact on amenity.

It is therefore considered that in terms of visual amenity, the proposed would comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

### **4 – Impact on highway safety:**

Policies LP21 and LP22 of the Kirklees Local Plan and policies within chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The proposed development would not alter highway access, and would not affect sight lines from the adjacent junction onto Milford Street and does not propose and more intensive use of the building (for parking). The pedestrian doors to the front elevation would open onto a wide footway and would not cause obstruction to pedestrians.

The proposed development, therefore, is considered to be acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the Local Plan.

### **5 – Other matters:**

#### *Ecology*

Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which

protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat alert area, the proposals are relatively modest, and therefore considered unlikely that the proposals would have an impact on the bat population. An informative has been provided however, making the applicant aware that if bats are discovered on site during the works, any development shall cease and the applicant is advised to contact Natural England for advice on how to move forward.

### Climate Change

On 12<sup>th</sup> November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is a minor alteration to a commercial building. Additional measures related to the climate change agenda are not required in this case.

### **6 – Representations:**

None received

### **7 – Conclusion:**

The NPPF has 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 would constitute sustainable development and is therefore recommended for approval.

**Recommendation**

**APPROVE**

**Decision Authorisation - Delegated Powers**

**Application Number:** 2024/90426

**Officer Recommendation:** Approval

**Conditions**

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 (as amended).

1. 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 and to accord with Policies LP01, LP02, LP8, LP21, LP22, LP24, LP30 & LP35 of the Kirklees Local Plan and Policies within Chapters 2, 6, 9, 12, 14 & 16 of the National Planning Policy Framework.

**NOTE:** Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	PP-12771569v1		15/02/24
Ground Floor Plan	FBA_124_Bates	B	15/02/24

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
(existing)	Mill 4		
Elevation Plan (existing)	FBA_124_Bates Mill 5	B	15/02/24
Site Plan (existing)	FBA_124_Bates Mill 1	B	15/02/24
design, access & heritage statement Proposed External Doorsets			15/02/24
Proposed elevations (additional doors)	24C04-FBA-ZZ- XX-DR-A-2100- P04		15/02/24
Proposed ground floor plan (additional doors)	24C04-FBA-ZZ- GF-DR-A-2002- P04		15/02/24
Application form			23/02/24

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. No amendments were sought as it was considered that the proposal was acceptable as submitted.

**Report Dated:**

16/04/24

Coal – high

