

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:	2025/62/92312/W
Site Address:	Fairfield Mills, Milford Street, Huddersfield, HD1 3DX
Description:	Partial demolition of single storey building and formation of parking deck to form access to buildings at first floor from Milford Street service yard, erection of retaining wall to existing service yard embankment to southern boundary, erection of access ramp to Queen Street South entrance and associated works
Recommending Officer:	Elenya Jackson

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.

John Holmes

AUTHORISED OFFICER

Date: 3rd November 2025

Officer Report

Reference No. 2025/92312

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Officer Report

Site Description

Fairfield Mills, Milford Street, Huddersfield, HD1 3DX

The application site broadly relates to a single storey, flat roofed Mill which is constructed out of stone and is located on the southern side of Milford Street. The main property occupies a corner plot in the street scene between Milford Street and Queen Street South.

There are two redline boundaries which this application relates, one is the western side of the building in an area currently used as a parking deck and one on the eastern elevation of the site within an undeveloped access area along Queen Street South.

The site is located within a commercial / industrial area with several other mills in the vicinity of varying scale and design. Properties are constructed out of stone.

To the south of the site is a waterway (Huddersfield Narrow Canal).

The application site is not located within a Conservation Area and there are no Listed Buildings within the immediate vicinity of the site.

Description of Proposal

The proposal has been received for alterations to the existing service yard approved under application: 2021/62/93999/W to form a parking deck.

This would consist of the erection of a retaining wall along the southern side of the eastern redline boundary.

The demolition of a single storey structure to allow for ramp access.

Erection of a ramp within existing service yard off of Queen Street South.

Site History

2021/93999- creation of service yard- approved 10th February 2022
2018/92936 – Formation of Service Yard – Approved 13th November 2018
2015/93987 – Discharge of condition no. 3 of 2015/91549 – Approved 13th January
2016 2015/91649 – Formation of service yard – Approved 25th August 2015
2003/94676 – erection of extension to west building to accommodate media and the student union and alterations to adjoining car park, formation of temporary car park on site of great hall – Approved 23 Dec 2003.

History of negotiations/amendments received

Officers requested plans which clearly outlined the extent of demolition as there has been a previous prior notification approved on site for demolition.

In addition, the redline boundary for the site required updating as it did not include the proposed alterations to the canal crossing.

Representations

The application was publicised by site notice which expired on 2nd October 2025. As a result of the above publicity, no comments have been received.

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

KC Ecology: Requested conditions relating to CEMP.

The Mining Remediation Authority: no objections

KC Highways: amended plans requested to show the site access on the northern elevation being included in the red line boundary of the site

The Canal and River Trust: No substantial objections but several conditions requested

Planning Policy Background

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).

The site falls within a Priority Employment Area within Kirklees Local Plan, the site also falls within an area which potentially hosts contaminated land (ref:- 371/9), an area with a known presence of bats and is within an area identified as being at a higher risk of land movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP8** - Safeguarding employment land and premises
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, 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.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places

- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Legislation

- The Town & Country Planning Act 1990 (as amended).
- The Planning and Compulsory Purchase Act 2004.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

1. Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored. Chapter 6 of the NPPF sets out that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

Policy LP8 is relevant given the site is within a Priority Employment Area. Redevelopments that are within Priority Employment Areas will be supported where there is no conflict with the established employment uses. Non employment uses are only considered to be acceptable where it can be demonstrated that the site or premises are no longer capable of employment use; and the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

The proposal would see the creation of a parking deck via the erection of a retaining wall and the creation of a ramped access which would make the current area of land within the curtilage of the Industrial buildings more usable

for storage or access / parking. As such it is considered the proposal would contribute to the continued operation of the Industrial uses of buildings to the north, east and south of the site. It is therefore concluded that the proposal would be acceptable in principle, in accordance with the aforementioned policy.

2. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states 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, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

As previously highlighted, the site is currently developed, and the proposal would be for alterations within the site. The immediate vicinity of the site is largely industrial in nature and it is considered that the proposed alterations would not be discordant in an industrial setting.

As previously highlighted, a section of the Huddersfield Canal is located to the south of the site, set down from the formerly approved service area.

The Canal and River Trust have been consulted on the application and requested conditions are imposed on the application relating to the finishing materials of the retaining wall.

Officers have reviewed the proposal in the context of the immediate vicinity of the site and consider that the proposed retaining wall would have limited views from the waterway and would not be substantially closer than existing development on site. It is considered that given the limited view/contribution of this section of the canal in an industrial setting, it would be unreasonable for officers to require the use of stone.

The Canal and River Trust have also requested details of the materials proposed to be used for the new railings to be provided.

The finalised materials of construction have not been provided as part of this application. This was the subject of some discussion with stone being resisted on the basis of cost, and the benefits of the development in relation to continued operations. Whilst this is accepted, to some extent, it is considered there will need to be appropriate materials of construction used for the following elements of the scheme:

- Erection of the retaining wall to the existing service yard embankment,
- Access ramp and
- Walkway including associated railings

On the basis of use of appropriate materials, the proposal would not result in the wider site becoming more prevalent in the street scene, on this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area. A condition to ensure the materials are agreed in writing with the LPA is recommended.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

3. Impact on Residential Amenity

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be outlined, taking into account Policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The proposal would retain separation distances with all neighbouring residential properties and would not have any substantial extensions; therefore, the proposal would not raise any significant concerns regarding overlooking/overshadowing/loss of light/overbearing.

Consistent with previous applications, due to the close proximity of the site to residential properties, it is considered to be reasonable to include the recommended condition to restrict hours of construction to 07:30 – 18:30

(Mon – Fri) and 08:00 – 13:00 (Saturdays). On the basis of the inclusion of the recommended conditions it is considered that the proposal would have an acceptable impact taking account of the residential amenity of neighbouring occupiers, in accordance with policy LP24 and policies within chapter 12 of the NPPF.

4. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This has been reviewed with KC Highways and considered acceptable as turning facilities would be retained on site and additional parking would be provided via the creation of the retaining wall.

The proposed ramp would enable vehicles to manoeuvre the change in site levels within the site and would not result in the displacement of vehicles onto the highway. The provision of the railings is considered necessary and a condition to ensure this is the case is recommended.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

5. Other Matters

Climate Change

On 12th 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 predates 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.

In this case, a climate change statement has been provided in support of the application. As the proposal is for alterations to the existing structures on site predominantly related to its access/manoeuvrability, it has not been considered necessary to request further details of this.

Land Quality / Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site is identified as being in a high risk coal area and as a result The Mining Remediation Authority have been consulted on the application. No further conditions have been deemed necessary but an informative has been requested to be added on the decision notice.

In addition, due to the proposal erecting a retaining wall in close proximity to the canal, The Canal and River Trust have been consulted on the application.

Due to concerns that the retaining wall may result in loading onto the lock wall or the potential for installation potentially damaging the lock wall, a condition has been requested relating to a construction methodology statement.

In line with paragraph 197 of the NPPF, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

It is therefore considered that, subject to inclusion of the recommended condition / informative the proposal would accord with LP53 of the Kirklees Local Plan.

Biodiversity

The site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system, a bat survey has not been requested in this instance to support the application as there are no works proposed to the roof of the building.

As it is an offence to A) Kill, injure or take a bat. B) Destroy a place where they live or breed. C) Damage one of the above places. D) Disturb a bat. It is recommended that works proceed with caution and that works are stopped and Natural England contacted immediately should any bats or evidence of bats be found at site. All contractors on site should be made aware of this requirement. An informative note to this effect is recommended.

Due to the proposal not increasing the footprint of the building, the site qualifies as a de minimus exemption in relation to statutory requirement for BNG and therefore no further details are required.

No lighting details have been highlighted to be proposed as part of the scheme and therefore a condition shall be added which states no artificial lighting is to be installed without prior consent of the local planning authority.

The response of KC Ecology seeks submission of a Construction Environment Management Plan, it is considered appropriate this is included as a condition of any approval as well as a condition requiring the installation of a bat box into the building. To provide a level of biodiversity enhancement following completion. On the basis of the inclusion of the recommended conditions the proposal is considered to accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Procedural matters

Revisions were made to the redline boundary of the site during the application at the request of officers and in response to comments from The Canal and River Trust.

Due to the plans consistently advertising works being undertaken to some of the extended area, the additions being contained within the site, the proposal also utilising the existing access points on site and no current representations being received, it has not been considered necessary to re-advertise the application in this instance.

There are no other matters relevant to the determination of this application.

6. Representations

N/A

7. Negotiations

N/A

8. Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

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 2025/62/92430/E

Officer Recommendation: Approve

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 and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Prior to the commencement of the construction of the retaining wall, a construction method statement (CMS) shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted CMS shall be prepared by a suitably qualified individual and include the following:

- Measures to reduce the extent of loading onto the canal lock wall, with supporting details to confirm that loading will be minimised in the final design.
- Methodology that will be used to limit the risk of vibrations towards the lock wall during the installation of the retaining wall, including details of any monitoring.

The development shall be carried out in accordance with the approved CMS and retained for the lifetime of the development.

Reason: To ensure the proposal would not result in stability issues for the site and wider area in accordance with LP53 of the Kirklees Local Plan and policies within Chapter 15 of the National Planning Policy Framework.

4. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities
- b) Identification of "biodiversity protection zones"
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs
- i) Pollution Prevention Plan for the ponds and watercourses near the site (using good practice guidance such as CIRIA C532)

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the proposal would be developed in accordance with LP30 of the Kirklees Local Plan and policies within chapter 15 of the NPPF.

5. No external lighting shall be installed unless and until a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), has been submitted to, and approved in writing by the Local Planning Authority. The lighting scheme will demonstrate how all

artificial lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and residential amenity in accordance with Policies LP24 & LP30 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

6. Construction works relating to the erection of the retaining wall to the existing service yard embankment, access ramp and the walkway including associated railings shall not be undertaken until details of the proposed materials of construction and their colour finish have been submitted to and approved in writing by the Local Planning Authority. The approved materials of construction shall be completed prior to the development being brought into use and thereafter retained for the lifetime of the development.

Reason: In the interests of Highway safety and visual amenity to accord with policy LP21, LP22 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition

NOTE: The applicant/developer is advised to contact the canal and river trusts works engineering team via switchboard on 0303 040 4040 in order to ensure that any necessary consents for works in proximity to the adjacent canal are obtained and that the works would comply with the trusts 'code of practice for works affecting the canal and river trust'.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. 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.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	14	B	28/10/2025
Proposed site plan	12	B	9/10/2025
Existing site sections and elevations	11	A	9/10/2025
Proposed site sections	13	A	15/08/2025
Existing site plan	01	A	15/08/2025
Proposed ramp site plan	02	A	15/08/2025
Proposed ramp	05		15/08/2025

Plan Type	Reference	Revision	Date Received
details			
Planning statement			15/08/2025
Preliminary bat roost assessment			15/08/2025
Climate change statement			15/08/2025

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 Planning 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. Revisions were requested to the redline boundary during the application process.