

**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: 2021/62/92324/W

Site Address: Huddersfield Pharmacy Specials, Gate 2 Acre Mill,
School Street West, Huddersfield, HD3 3ET

Description: Erection of temporary Portakabin modular building

Recommending Officer: Katie Chew

DECISION – Full Conditional 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.

Neil Bearcroft

AUTHORISED OFFICER

Date: 20-Jul-2021

Officer Report

Site Description

Huddersfield Pharmacy Specials, Gate 2 Acre Mill, School Street West, Huddersfield, HD3 3ET

The application site relates to a parcel of land to the rear of the existing two-storey building in use by Huddersfield Pharmacy Specials (HPS) which is a division of Calderdale and Huddersfield NHS Foundation Trust. The main building manufactures medicines for use by the Hospital Trust.

The application site is accessed via a private access to the north east off School Street West. A small car parking area is also provided to the south east of the application site.

Description of Proposal

The application seeks planning permission for the erection of temporary portakabin modular building for up to 5 years.

The proposed building would measure approximately 12m x 20m, with a height of 3.5m. The building would be constructed from plastisol coated galvanised steel cladding in grey. The roof deck is to be solar-reflective, profiled aluminium zinc-coated steel in white.

History of negotiations/amendments received

No amendments have been sought in this instance.

Relevant Planning History

2014/92480 – Discharge of condition 8 (remediation measures) and 9 (external mechanical devices) on previous permission 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 13th October 2014.

2014/90180 – Variation of condition 2 (plans) on previous permission 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities. Demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 17th July 2014.

2014/90471 – Discharge of conditions 8 (External Wall Linings) and 9 (Internal Partitioning) on previous permission no. 2012/91763 for Listed Building Consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 24th February 2014.

2013/92542 – Discharge of conditions 3, 5 & 18 on previous planning application no. 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities. Demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 12th September 2013.

2013/92565 – Discharge of conditions 7 (treatment of damp), 12 (sectional drawings) and 13 (doors) on previous permission 2012/91763 for Listed Building Consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 12th September 2013.

2013/91134 – Discharge of conditions 4 and 5 on previous permission no. 2012/91763 for Listed Building Consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 9th May 2013.

2013/91240 – Discharge condition 11 on previous permission 2012/91762 for Listed Building Consent alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 1st May 2013.

2013/91014 – Discharge of condition no. 15 on previous planning permission no. 2012/91763 for Listed Building Consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 25th April 2013.

2013/90699 – Discharge conditions 6, 10, 14 on previous permission 2012/91763 for Listed Building Consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance,

external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 25th April 2013.

2013/91171 – Discharge of condition no. 3 on previous planning permission no. 2012/91763 for Listed Building consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 25th April 2013.

2013/91012 – Discharge of condition no. 15 on previous planning permission no. 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 9th April 2013.

2012/93942 – Non material amendment to previous permission 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 16th January 2013.

2012/91763 – Listed Building consent for alterations to convert vacant building to provide additional clinical facilities, demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works. Approved 1st November 2012.

2012/91762 – Change of use and alterations to convert vacant building to provide additional clinical facilities. Demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Approved 12th October 2012.

2012/93795 – Discharge conditions 6, 10, 11, 17 on previous permission 2012/91762 for change of use and alterations to convert vacant building to provide additional clinical facilities. Demolition of King Street building and erection of B1 office space, erection of new building entrance, external stair/lift core and associated A1/A3 facilities, formation of parking and associated engineering and landscaping works (Listed Building). Split decision 25th March 2013.

2010/92137 – Extension of time limit for implementing existing permission 2007/94746 Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principle listed building to form office accommodation and outline application with siting and means of access for health related facilities, 17 hospital worker accommodation units,

surface car parking and associated landscaping and highway works (within the curtilage of a listed building)(modified proposal). Approved 7th October 2010.

2007/94759 – Listed Building consent for demolition of curtilage buildings and erection of extensions and alterations to the existing principle building to form offices (modified proposal). Approved 24th January 2008.

2007/94746 – Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principle listed building to form office accommodation and outline application with siting and means of access for public health related facilities, 17 hospital worker accommodation units, surface car parking and associated landscaping and highway works (within the curtilage of a Listed Building)(modified proposal). Approved 24th January 2008.

2005/95292 – Listed Building consent for demolition of curtilage buildings and erection of extensions and alterations to the existing principal building to form offices. Approved 20th November 2006.

2005/95291 – Demolition of curtilage buildings, erection of 2 no. multi-storey car parks, change of use, extensions and alterations to principle listed building to form office accommodation and outline application with siting and means of access for health related facilities, 20 hospital worker accommodation units, surface car parking and associated landscaping and highway works (within the curtilage of a listed building).

2003/94923 – Listed Building consent for internal refurbishment, erection of staircase and removal of glazed roof to adjoining building. Approved 5th April 2004.

93/00185 – Extension of existing premises to form additional production and warehouse space. Approved 23rd April 1993.

Representations

Final publicity date expires:

Neighbour Letters – Expired 16th July 2021.

No representations have been received to date.

Officer note: The Council are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, details of which are outlined above.

Consultation Responses

KC Environmental Health – Comments received 18th June 2021. No objections.

KC Highways Development Management – Comments received 19th July 2021. No objections.

Parish/Town Council

N/A.

Local Ward Members

N/A.

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 application site is unallocated in the Kirklees Local Plan. To the far east of the site is a Grade II Listed Building however, given the large separation distance (97m) and the nature and context of the site at present, it is not considered that the proposed temporary structure would harm the setting or significance of this building.

Kirklees Local Plan (LP):

- **LP1 – Achieving Sustainable Development**
- **LP2 – Place Shaping**
- **LP21 – Highways and Access**
- **LP22 - Parking**
- **LP24 – Design**
- **LP35 – Historic Environment**
- **LP49 – Education and Health Care Needs**

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) updated 19th February 2019, 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. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- 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
- Chapter 16 – Conserving and enhancing the historic environment

Summary of Principal Planning Issues

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Scale, design and visual impact of the proposed development
- 3) Impact of the proposed development upon the privacy and amenity of neighbouring properties
- 4) Impact on highway safety
- 5) Other matters
- 6) Conclusion

1 – Principle of Development:

1.1 – Sustainable Development

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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 NPPF. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

In this case, the principle of development is considered acceptable, and it is also noted that the proposals would enhance the facilities for the NHS and, as such, is considered to be compliant with Policy LP49 of the Kirklees Local Plan and Chapter 8 of the NPPF.

The proposal shall now be assessed against all other material planning considerations including visual and residential amenity, as well as highway safety.

1 - Impact on Visual Amenity:

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

The proposed modular building is functional and utilitarian in design, and whilst the proposed building is to be large in scale and size, it is to be located to the rear of the site and would be viewed against the existing substantial two-storey building in use by Huddersfield Pharmacy Specials. As a temporary building, the buildings appearance is not a comparable quality to other adjacent permanent buildings however, given the location of the building, in which views from the public domain are somewhat limited, and that the proposal is for a temporary use only, with an expiration date of 5 years from the decision. It is considered that the proposal would not appear as a dominant structure that would detract from the visual amenity of the area in this instance.

Whilst the proposals are to be located and result in the loss of a large part of the existing grassed area to the rear of the HPS building, there will still be some open grassed areas available around the building and to the north of the site. Although the Council would prefer to retain these open areas given the restricted size of the site, this location appears to be the most suitable for the proposals. In addition to this, the modular building is to be temporary for use up to 5 years, after the 5 years a condition has been included which requires the applicant to remove the building and restore the land to its original state. It is also important to note that other open space is available within 2 minutes' walk from the site, and therefore it is considered that given the temporary nature of the building and its proposed use in which there are to be public benefits, the proposals are deemed to be acceptable in this location.

As acknowledged previously within the report, there is a Grade II Listed building located to the far east of the application site. It is in officer's opinion that given the large separation distance (97m) and the nature and context of this site and the surrounding area, the proposals would not detract from the setting and significance of this heritage asset. There are also public benefits deriving from the proposals which includes enabling Huddersfield Pharmacy Specials to provide essential medicines to those living within Huddersfield and nationally and will allow this NHS building to improve care provided to patients and provide resilience during the COVID pandemic. Without the building the timely provision of medicines and their services will be negatively impacted upon.

As such, the proposal is considered to comply with LP24 and LP35 of the KLP and the aims of Chapter 12 and Chapter 16 of the National Planning Policy Framework.

2 – Impact on Residential Amenity:

The nearest residential dwellings to the application site are located to the south approximately 20+ metres away. It is therefore concluded that given this large separation distance and the existing boundary treatments which exist between these properties and the site, officers are satisfied that there would no material harm in regards to overshadowing, overlooking or the proposed building being overbearing in nature.

As a result, the impact upon residential amenity will be acceptable and therefore the proposal is considered to comply with Policy LP24 of the KLP from this perspective.

4 – Impact on Highway Safety:

Paragraph 109 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.

The Council's Highways team raised no objections to the proposals as the modular building is to be located on a grassed area to the rear of the existing HPS building and would not alter the existing parking and access arrangements at the site.

It is therefore considered that the scheme would not represent any additional harm in terms of highway safety and, as such, complies with Local Plan Policies LP21 and LP22 of the Kirklees Local Plan.

5 – Other Matters

Time Limit

As stated within the application form and submitted Design & Access Statement the applicant is seeking temporary planning permission for 5 years. Given that the building is a temporary structure which would not be acceptable for a prolonged period on visual amenity grounds, it is considered necessary to condition a temporary planning permission.

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.

The proposal is a small-scale temporary development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards.

There are no other matters for consideration.

6 - 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 proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation – Delegated Powers

Application Number: 2021/92324

Officer Recommendation: Approve.

Conditions & 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.

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

2. The permission hereby granted shall be for a limited period only to expire on (DATE OF DECISION) July 2026 and on the expiration of this period the building shall be permanently removed from the site unless an application is made to the Local Planning Authority to extend this period.

Reason: The application relates to a building constructed of temporary materials and therefore would not be acceptable on a permanent basis in the interests of visual amenity. This is to accord with the aims of Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.

3. Within 3 months of the expiration of the permission for the modular building hereby approved, the building shall be removed from the site and the land restored to its original grassed state.

Reason: In the interests of the visual amenity of the site in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Proposed Block Plan	TMOPP1221667	-	8 th June 2021
Proposed Layout 6 x UK123 Ultima Module Building	HD/12305/01	-	8 th June 2021
Design and Access Statement – Supporting Information	-	-	8 th June 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 preapplication 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 in this instance as the proposals were deemed to be wholly unacceptable upon submission.

Report Dated:

19/07/2021

