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:	**2022/62/92769/E**
Site Address:	Unit 5, Skelmanthorpe Technology Park, Standback Way, Skelmanthorpe, Huddersfield, HD8 9GA
Description:	Installation of Porta Cabin
Recommending Officer:	Jennifer Booth

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.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 14-OCT-2022

OFFICER REPORT

Site Description

Unit 5 is a detached industrial unit located within a modern industrial estate. The building is located in the corner of the estate with a parking area to the front and south side with an extension to the rear.

Beyond the rear boundary of the site is a public footpath and a large grass banking which is allocated as Green Belt land. To the southern side is another footpath and Kirklees Light Railway, whilst the east and north are other industrial units. There is also a relatively modern housing estate to the northeast of the site.

Description of Proposal

The application is seeking planning permission for the siting of a porta cabin.

The cabin would have a width of 12.15m, a depth of 4.2m and a height of 3.1m.

Relevant Planning History

2005/90725 – erection of office block – granted although not implemented

2010/90022 – erection of two storey extension – granted although not implemented

2016/93036 – erection of single storey rear extension – granted although not implemented

2016/93809 – erection of single storey rear extension – granted and built

Pre application advice has also been provided under 2022/20854 which was supportive subject to appropriate detail and consideration for highways

Representations

The application was advertised by site notices and neighbour letters, which expired on 06/10/2022

As a result of the above publicity, no representations have been received.

Denby Dale Parish Council has been consulted although no comments have been received.

Consultation Responses

K.C. Highways DM – Informal consultation, support the proposals

Policy

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 is allocated as PRIORITY EMPLOYMENT LAND on the Kirklees Local Plan Proposals Map

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP21** – Highways
- **LP 22** – Parking
- **LP 24** - Design
- **LP 52** – Environment & air quality

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, and 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 6 – Building a strong, competitive economy
- Chapter 12 – Achieving well-designed places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Assessment

Principle of development:

The site is located on land which is allocated as Priority Employment Land 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".

The scheme now falls to be considered in terms of visual amenity, residential amenity and highway safety along with any other material planning considerations outlined below.

Impact on visual amenity:

The site is within a wider business park where industrial style buildings are predominant. As such, a portable cabin would not be out of character with the wider area.

Having taken the above into account, the proposed cabin would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policy LP24 of the Kirklees Local Plan and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, 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.

It is noted that there are no neighbouring dwellings in close proximity to the site.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 130 (f) of the National Planning Policy Framework.

Impact on highway safety:

The submitted aerial image indicates that the cabin would be located 5 of the parking spaces at the front of the building. However, the applicant has

provided details of replacement parking elsewhere within the site. There would be no material change in terms of parking or intensification of the business use. Furthermore, there would be no impact on deliveries or access. As such the scheme would not represent any additional harm in terms of highway safety and as such complies with Policies LP21 & LP22 of the Kirklees Local Plan.

Other matters:

Biodiversity

The development is for a cabin to the front of the main building. Whilst the property is sited in area, which is known to include bat habitats, in this instance, given the nature of the works proposed, then it is considered unlikely to have an impact on the bat population.

Carbon Budget

The proposal is a small scale development to an existing dwelling. 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.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Conclusion:

This application to erect a cabin to the front of unit 5 within the Skelmanthorpe Technology Park 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 extension is considered to be 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.

As set out above, 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: 2022/92769
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 Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

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	Web ID	Date Received
Location plan	-	948184	22/08/2022
Proposed plans	-	948520	22/08/2022
Proposed plans	-	948519	22/08/2022
Aerial view	-	947801	22/08/2022

Plan Type	Reference	Web ID	Date Received
Car parking & staff information	-	-	13/10/2022

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.

As the submitted plans were considered to be acceptable, no changes were sought. However, additional information was requested in terms of the parking arrangements and staffing levels.

Report Dated 13/10/2022