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:	**2022/62/93761/W**
Site Address:	Thornton and Ross Ltd, Manchester Road, Linthwaite, Huddersfield, HD7 5QH
Description:	Erection of temporary two storey Portakabin building
Recommending Officer:	Katie Chew

DECISION – Conditional Full Permission (for temporary 3 year period)

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: 28th February 2023

Officer Report

Site Description

Thornton And Ross Ltd, Manchester Road, Linthwaite, Huddersfield, HD7 5QH

The application relates to Thornton and Ross, a large detached manufacturing complex located off on Manchester Road. The principal building is constructed from both stone and faced in profiled metal cladding. Vehicular and pedestrian access can be taken from the southern facing boundary on to Manchester Road.

The site is located adjacent to Linthwaite Conservation Area and is situated within a wider residential and commercial area.

Description of Proposal

The applicant is seeking planning permission for the erection of a temporary two storey Portakabin building. The measurements of the building are as follows:

- 5.1m overall height
- 3m width
- 10.1m length

At the time in which the site visit was undertaken it was evident that the Portakabin had already been installed at the site. The external walls of the cabin are constructed from galvanised steel cladding, coloured grey. The roofing material of the cabin also comprises of plastisol-covered galvanised steel although this is coloured white.

History of negotiations/amendments received

Additional information was requested in the form of an updated Flood Risk Assessment (FRA), similar to that submitted within approved application 2019/92650.

Relevant Planning History

2019/92650 – Siting of single and two storey portakabins (within a Conservation Area). Approved 27th November 2019.

2015/90319 – Formation of new car park. Approved 12th October 2015.

2008/92221 – Erection of new bulk storage tank farm with road tanker off loading and sub-distribution system. Approved 1st August 2008.

95/91879 – Alterations to form new exit, relocation of concrete building and formation of temporary hard standing for siting of contractor's huts. Approved 8th August 1995.

Pre-application

2022/21235 – Pre-application for erection of effluent treatment facility. Comments made 8th November 2022.

Representations

Final publicity date expires:

Neighbour Letters – Expired 6th January 2023.

Site Notice – Expired 31st January 2023.

Press Notice – Expired 10th February 2023.

1 comment has been received to date; this is summarised below.

- This work was carried out at the beginning of November without any planning permission, this is a general comment on this company doing work without permission having blatant disregard to what the Council or public thinks.

Officer note: Noted. Although this application has been submitted retrospectively, it will be considered on its own merits. The development undertaken, in advance of a decision on a planning application is at the developer's own risk.

- Local residents have to put up with the site's noise and working outside of their permitted building reg hours.

Officer note: Noted. As this application relates solely to the erection of a temporary two storey Portakabin building for office use only and therefore does not relate to any complaints regarding ongoing site noise or working outside of their permitted hours. Rather, these concerns would need to be referred to the Council's Environment Health & Planning Enforcement teams outside of this application.

Officer note: The application has been advertised by site notice and press notice in line with the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. This is due to the site being located adjacent to Linthwaite Conservation Area.

Consultation Responses

KC Health and Safety Executive – Comments received 19th January 2023. HSE does not advise on safety grounds, against the granting of planning permission in this case.

KC Highways Development Management – Comments received 23rd February 2023. No objections.

KC LLFA – Comments received 27th February 2023. No objections.

Environment Agency – No comments received within statutory timescales.

Canal and River Trust – Comments received 6th December 2022. No comments.

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 located within the Strategic Green Infrastructure Network, Bat Alert Area and EA Flood Zone 2. It is also important to note that the site is located adjacent to Linthwaite Conservation Area and is in close proximity to Linthwaite Local Centre.

Kirklees Local Plan

- LP1 – Achieving sustainable development
- LP2 – Place Shaping
- LP8 – Safeguarding employment land and premises
- LP21 – Highway safety
- LP22 – Parking
- LP24 – Design
- LP27 – Flood Risk
- LP30 – Biodiversity
- LP35 – Historic Environment

National Policies and Guidance:

National Planning Polices and Guidance:

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

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- 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
- 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

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 proposal comprises of the extension to an existing business, within an established location and therefore the proposal is regarded as sustainable development.

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.

As identified on the location plan provided, the proposed portakabin is located to the rear of the wider site which comprises of a number of industrial/commercial buildings within the Thornton and Ross complex. Whilst the site can be viewed from Manchester Road, these views are limited given the differences in land levels and that the portakabin is somewhat screened by and viewed against existing buildings which are both large in scale and size. Officers therefore deem the size and location of the cabin to be of an appropriate scale and is not considered to detract from the visual amenity of the area.

The proposed modular building is functional and utilitarian in design, in regard to materials the cabin is constructed from steel cladding which allows it to harmonise well with the adjacent tanks to the north, security fencing and the profile metal cladding used on adjacent buildings. As a temporary building, the building's appearance is not a comparable quality to other adjacent permanent buildings., 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 3 years from the decision, it is considered, however, that the proposal would not appear as a dominant structure and would not result in any significant harm to the character and appearance of the area.

As acknowledged previously within the report, the application site is located adjacent to, (but not within), Linthwaite Conservation Area which is found to the north, east and south. Conservation & Design officers were not consulted on this occasion as they were previously consulted on a similar proposal, in a similar location under previously approved application 2019/92650, whereby they raised no concerns due to the nature of the application. For these reasons, it has been considered that the proposal would not harm the significance of the Linthwaite Conservation Area. The building would, rather, have a neutral impact given its scale and location within this existing commercial setting, the building would also have the benefit of supporting the well-established business.

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

Sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should:

"Maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers'.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

The nearest residential properties to the proposed portakabin are those dwellings located on Barber Row, approximately 48m away. Given the orientation of these dwellings to the site, and the large separation distances, officers have no concerns with regards to overlooking, overshadowing, or the proposals appearing overbearing on these neighbouring properties.

It is therefore concluded that the proposal is considered to comply with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Impact on Highway Safety

Turning to highway safety, Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Paragraph 111 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 Development Officers were consulted on the proposals who raised no objections as access to the site is taken via Manchester Road via an existing arrangement, whereby this proposal will not create any increase in vehicular movements as detailed in the design and access statement. Given there will be no material impact from a highway's perspective, Highways Officers raise no concerns and consider that no specific highways conditions are required.

For the above reasons the proposals are deemed to be in accordance with Local Planning Policies LP21 and LP22 and Chapter 9 of the NPPF.

4. Other Matters

Biodiversity

Paragraphs 174, 180, 181 and 182 of 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. The site is within a Strategic Green Infrastructure designation where Policy LP31 of the KLP applies.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Whilst it is acknowledged that the application site is located within a bat alert area and SGIN, given the nature of the proposals, their temporary use and their location on an existing area of hardstanding, it is considered unlikely that any roosting bat or infrastructure netowrk would be impacted by the proposals in this instance.

Health and Safety

The application site is within the outer zone of a hazardous materials site, as defined by the HSE. Consultation with the HSE has confirmed that they do not advise against the granting of planning permission in this instance.

The development would, in these circumstances, comply with Policy LP53 of the Local Plan and Policies within Chapter 15 of the NPPF.

Flood Risk

The application site is situated within Flood Zone 2 (of the River Colne) and a flood risk assessment (FRA) has been submitted.

The Council's LLFA have been consulted on the proposals and raise no objections as the area of the proposed building is small (60sqm) and will be sited on existing hardstanding, therefore there will be no significant increase in flood risk. They also note that a Flood Evacuation Plan has been prepared and will be used to inform employees using the facility of actions to be taken in the event of flooding from the nearby river Colne.

The Environment Agency have also been consulted as part of this application (within 20m of the bank top of a main river), however, no comments have been received.

Having assessed the above, the mitigation measures provided have been considered acceptable and therefore comply with LP27 of the KLP and Chapter 14 of the NPPF.

Time Limit

As stated within the application form and Design & Access Statement, the applicant is seeking temporary planning permission for 2 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. To allow additional flexibility at the site the temporary permission will be granted for 3 years. This will allow the opportunity to explore and arrange a more permanent solution to provide additional office accommodation at this well-established site.

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.

Policy LP24 of the Kirklees Local Plan sets out expectations of sustainability regarding development proposals.

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.

5. 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 materials considerations. It is considered that the development would constitute to sustainable development and is therefore recommended for approval.

Recommendation:

Approve.

Decision Authorisation - Delegated Powers

Application Number – 2022/93761

Officer Recommendation – Approve.

Conditions and Reasons:

1. The permission hereby granted shall be for a limited period only to expire on 3 years insert date and on the expiration of this period the building shall be permanently removed from the site, unless after proper application having been made the period shall be extended by the Local Planning Authority.
   Reason: The application relates to a building constructed of temporary materials and such would not be acceptable on a permanent basis in the interests of visual amenity and the significance of the adjacent conservation area.. This is to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan and Policies in Chapters 12 and 16 of the National Planning Policy Framework.

1. The development hereby permitted shall be carried out in complete accordance with the plans and specification 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, LP8, LP21, LP22, LP24, LP27, LP30 and LP35 of the Kirklees Local Plan and Chapters 2, 4, 6, 12, 14, 15 and 16 of the National Planning Policy Framework.

2. The hereby approved development shall be operated and carried out in accordance with the Mitigation Measures set out in Section 6 of the hereby approved Flood Risk Assessment, Project Ref: QFRA 1434 1.1 Dated 30/10/2019, such measures shall be thereafter retained.
   Reason: To minimise risks to future occupants arising from flooding of the site, and to accord with the aims of Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Location & Block Plan	TM420056816 EXIST	-	17th November 2022
Proposed Location & Block Plan	TM420056816	-	17th November 2022
Portakabin Solus (SL102) Double Stacked Straight Staircase	DQ2704TM	-	30th November 2022
Design and Access Statement – Supporting Information	-	-	17th November 2022
Flood Risk Assessment – Supporting Information	QFRA 1434	1.1	1st February 2023

Appendix A Collection of Figures – Supporting Information	-	-	17th November 2022
Appendix B Existing Site and Proposed Plans – Supporting Information	-	-	17th November 2022
Appendix C Proposed Surface Runoff Improvement Measures (SuDS) – Supporting Information	-	-	17th November 2022
Appendix D Proposed Surface Runoff Improvement Measures (SuDS) – Supporting Information	-	-	1st February 2023

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. Additional information was requested in the form of an updated Flood Risk Assessment (FRA). The FRA has been assessed as part of this application.

Report Dated:

28/02/2023