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:	**2023/62/90774/W**
Site Address:	62, Acre Street, Lindley, Huddersfield, HD3 3DY
Description:	Installation of temporary single storey Portakabin building
Recommending Officer:	Tom Hunt

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: 8th June 2023

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Officer Report

Site Description

2023/90774 – 62, Acre Street, Lindley, Huddersfield, HD3 3DY

The application site is within a car park serving a medical practice in Lindley. This has an approximate T shaped building which is largely two-storey with some single-storey elements. There are TPOs on site (ref: 03/92/t1 and 03/92/t2) at the front car park and group TPO (ref: 20/93/a1) north west of the site. A Grade II Listed Building lies opposite across Acre Street identified as "Centre Block and Tower at Acre Mills" with Historic England ref; 1313767 and this appears to be in use as offices. A PROW lies outside the application site northwest identified as HUD/349/10. The area is mixed predominantly residential with Huddersfield Royal Infirmary and its car park to the southeast of the application site.

Description of Proposal

The applicant is seeking planning permission for the siting of a single storey Portakabin building on site for a temporary period of two years. The measurements of the building are as follows:

- 2.573m overall height
- 3.032m width
- 5.084m 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 pale grey and has a flat roof. Openings would be to southwest, southeast and northeast elevations. The northwest elevation would be windowless and set adjacent to the single-storey medical practice building and forward of the two-storey main host. This would take up approximately 2 off street car parking spaces/bays.

This is to provide a temporary consultation facility to the Practice.

History of negotiations/amendments received

The case officer considered the application on review and sought no amendments

Relevant Planning History

2021/94497 – Demolition of existing medical centre and erection of two storey medical centre (class E(e)) with associated landscaping and car parking. Approved.

Representations

We are currently undertaking statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via Neighbour Notice Letters which expired 16/05/2023.

No representations have been received.

Consultation Responses

None required.

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 on unallocated land and is approximately 45m distance from the identified Listed Building on the Kirklees Local Plan.

Kirklees Local Plan (LP):

- LP 1 – Presumption in favour of sustainable development
- LP 2 – Place shaping
- LP 21 – Highways and access
- LP 22 – Parking
- LP 24 – Design
- LP 28 – Drainage
- LP 30 – Biodiversity and geodiversity
- LP 33 – Trees
- LP 35 – Historic environment
- LP 49 – Educational and health care needs

Supplementary Planning Guidance

- Highways Design Guide SPD

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 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

Assessment

The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity (including any heritage considerations)
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters – e.g. trees/ecology (e.g. bats)
6) Representations
7) Conclusion

1 – Principle of development:

The proposal would be sited 45m distance to the setting of a Grade II Listed Building and is on unallocated land.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority should have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This relates to Policy LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

Furthermore, LP35 states *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in…harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring…public benefits that clearly outweigh the harm".*

This is mirrored in Chapter 16 of the NPPF of which paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm

should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

A detailed consideration of the impact on the heritage assets will be considered below.

Policy LP24 of the KLP is also relevant and states that *"good design should be at the core of all proposals in the district"*. Alongside this, LP1 of the Kirklees Local Plan 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.

In this case, the proposal comprises of the temporary extension to an existing business, within an established location and therefore the proposal is regarded as sustainable development in line with LP49 of the Kirklees Local Plan.

The aforementioned policies are taken into account within the following report. Having regard to the nature of the proposal and the aforementioned policies, the principle of development could be considered acceptable, subject to the following material planning considerations.

2 –Impact on visual and heritage 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 portacabin would be installed for temporary use within an existing car park. It would be largely screened by the host building's single-storey extension forward of the main host and the mature trees from the northwest. Its size and scale aid in the proposal to have a subservient appearance set within the car park 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, he proposal materials would be in contrast to the host's own stone construction however it would be regarded as a temporary and reversible intervention.

Given that the proposal is for a temporary use only, with an expiration date of 2 years from the date of decision, that the proposal would be set back from the highway and taking account of its form and scale it is concluded the development would not result in any significant harm to the character and appearance of the area.

It would be located sufficiently at a distance from the Listed Building so as to not appear visually associated with the portakabin nor be unduly visually affected by the structure. As such, bearing in mind the proposed minor size and scale of the portacabin and its temporary time frame, it would not have a detrimental impact on the setting of Listed Buildings. The development is therefore considered to accord with Policy 35 of the Kirklees Local Plan and policies within Chapter 16 of the NPPF.

As such, Officers regard the proposal as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area, heritage assets and be acceptable and accord with Policies LP2, LP24 and LP35 of the Local Plan and Policies in Chapter 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out in terms of policy LP24 b), which states that proposals should promote good design by, maintaining appropriate distances between housing and employment uses for the residential amenity of future and neighbouring occupiers.

Due to the nature of the proposal sited at a significant distance away from any residential units, the proposal would not cause additional harm to these properties in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.

Accordingly, the proposals are considered not to result in any adverse impact upon the residential amenity of any neighbouring occupants, thereby complying with policy LP24 of the KLP (b) and paragraph 130 (f) of the NPPF.

4 – Impact on highway safety:

The proposal is to provide additional consultation space to a medical practice and would take up two parking spaces. The application form states that this would have the loss of one parking space leaving 19 standard parking spaces and two parking spaces for disabled people. Nonetheless, the loss of 1-2 parking spaces to the Practice in a location well served by frequent public transport would appear to be a minor impact with no significant additional harm to parking provision.

Therefore, the scheme would comply with policy LP20, LP21 and LP22 of the KLP.

5 – Other matters:

Climate Change
When determining planning applications the Council will use the relevant Local Plan policies, NPPF and guidance documents/SPDs to embed the climate change agenda and to achieve ‘net zero’ carbon emissions by 2038. A Climate Change Statement was submitted in support of the proposal.

The portakabin design is prefabricated, with double glazing and insulation that meets or exceeds Building Regulations. The design could be re-used/re-purposed elsewhere and so would be efficient in avoidance of excessive material wastage and resources. The proposal would positively contribute towards reduction of emissions by 2038.

Drainage and Waste Water

The site is within a low probability Flood Risk Zone and it is on existing hard surface reducing its impact on drainage and would have no additional harm to flood risk and drainage under LP27 or LP28 of the Kirklees Local Plan.

Biodiversity

Whilst it is acknowledged that the site is located within an identified bat area, the proposals are extremely minor and therefore considered unlikely that the proposals would have an impact on the bat population. The portacabin is already installed so an informative on bats has been added to advise applicants of their responsibilities toward protected species should they be disturbed for future reference. Due to its minor scale and neutral impact on existing hard standing, the proposal would not affect biodiversity and would not be in conflict with LP30 of the Kirklees Local Plan or Chapter 15 of the NPPF.

Trees

The portakabin is within a car park, sited sufficiently at a distance from the TPOs to its southwest and south east so as to avoid undue impacts on canopies. It is separated from the group TPO to the northwest by the single-storey building forward of the main body of the host so as to avoid any impacts on canopy. The structure on top of hardstanding would not affect roots. The proposal would therefore not increase pruning pressure nor damage the roots of protected trees and be compliant with LP33 of the Kirklees Local Plan.

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 flexible medical provision of medical services at this well-established site.

6 – Representations:

No representations had been 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

Application Number: 2023/90774

Officer Recommendation: Approve

Conditions and Reasons

1. The permission hereby granted shall be for a limited period only to expire on 3 years following the issued Decision Date and on the expiration of this period, the building shall be permanently removed from the site.
   Reason: The application relates to a utilitarian building constructed of temporary materials in the interests of visual amenity and the significance of the setting of the Grade II Listed Building to accord with Policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 12 and 16 of the National Planning Policy Framework.

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 to accord with Policies LP01, LP02, LP21, LP22, LP24, LP28, LP30, LP33, LP35 and LP49 of the Kirklees Local Plan, and Policies within Chapters 2, 12, 14, 15 and 16 of the National Planning Policy Framework

FOOTNOTE: The site is located within the Kirklees Bat Alert Layer and there is an increased potential for roosting bats. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). 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, the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed Location and Block Plan.	Drawing No. TM420062791.	Unamended	10/03/2023
Proposed Floor and Elevation Plans.	Drawing No. TSLP257487.	Unamended	04/04/2023
Proposed Consultation Room Floor Plan.	Drawing No. SL051.	A	03/04/2023
Heritage Statement	Heritage Statement by Lindley Group Practice.	Unamended	10/03/2023
Design and Access Statement	Design and Access Statement by Lindley Group Practice.	Amended.	30/03/2023
Climate Change Statement	-	Original	30/03/2023

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 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. The case officer considered the application on review and sought no amendments as it met Local Plan policies on visual, heritage and residential amenity.

Report Dated: 06/06/2023