

**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:	2024/62/90918/E
Site Address:	Land off Grange Road, Soothill, Batley
Description:	Formation of hardstanding area and change of use of land to storage area siting 78 shipping containers
Recommending Officer:	Edward Cheseldine

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: 24th July 2024

Officer Report

2024/90918 - Land off Grange Road, Soothill, Batley

Site Description

The application site is a piece of hardstanding land set within a wider industrial complex. To the north and east rest other industrial sites, a parcel of land that leads to agricultural fields, to the west rests residential dwellings. The site is bounded by grey metal palisade fencing towards the east and north, with green fencing to the west. Currently the area is used as a distribution holding area for large HGV vehicles. There are a number of portacabins on the site which are used as offices.

The site rests in a Priority Employment Area (PEA).

Proposal Description

The applicant is seeking retrospective planning permission for the formation of hardstanding area and a change of use of land to a storage area, siting 78 shipping containers.

The applicant is proposing to place shipping containers on the site, to be used for private/public, self-service storage. Each container will be 5.9m(l) x 2.35m(w) x 2.39(h) in green. The containers will be fitted with rubber seals to limit noise disturbance. They will be arranged in a U shape with a line of containers on the southern boundary. Existing vegetation will be retained and broadened to soften the appearance of the site.

The site will be accessed from an existing access that leads from Grange Road, it leads through other sites within the Grange Road Industrial Estate.

Amendments/Negotiations

None.

Public Representations

Neighbourhood notification letters were sent to publicise the application, which expired on the 20 May 2024. As a result of the publicity, there were no representations received.

Consultation Responses

KC Highways – No objection, subject to condition for the erection of traffic signage.

KC Environmental Health – No objection, subject to condition relating to opening hours.

Relevant Planning History

None.

Policy & Legislation

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 within a Priority Employment Area within the Kirklees Local Plan Proposals Map. The site is in an area at low risk of ground movement as a result of former mining activity and is in an area identified having potential to host contaminated land.

Kirklees Local Plan Policies

- LP 1 – Achieving sustainable development
- LP 2 – Place shaping
- LP 8 – Safeguarding employment land and premises
- LP 21 – Highways and Access
- LP 22 - Parking
- LP 24 - Design
- LP 30 – Biodiversity
- LP 52 – Protection and improvement of environmental quality
- LP 53 – Contaminated and unstable land

Kirklees Council has adopted supplementary planning guidance on highway design which carries full weight in the decision-making process. Policy is set out in the Highway Design Guide Supplementary Planning Document (2019).

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 December 2023, 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 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places and beautiful places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment

Assessment

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Environmental matters
- 6) Conclusion

Principle of development:

The site is a Priority Employment Area in the Kirklees Local Plan Proposals Maps (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.

Priority Employment Areas are established sites of businesses and industry that warrant the protection from change of use. The Kirklees Local Plan seeks to develop a strong thriving economy by growing businesses through the provision of land necessary for growth. Policy LP 8 of the Kirklees Local Plan safeguards uses in Priority Employment Areas, by promoting development that falls under the land's current use and uses designated within the Local Plan Glossary.

In terms of this application, the proposal is for a change of use to a storage and distribution use, which falls under the Use Class Order B8 class. The Local Plan Glossary defines employment use classes that are acceptable within Priority Employment Areas, under which B8 is specified as an employment generating use which is suitable for sites within Priority Employment Areas. Therefore, the principle of the change of use within such as area is acceptable in terms of according with the purposes of LP 8.

As such, the principle of development is acceptable. It will now be assessed if the application is acceptable in terms of its visual and residential amenity impact, highway safety and any environmental matters.

Impact on visual amenity

Local Plan Policy LP24 states development should respect and enhance the character of the landscape.

The site is an industrial landscape which has an active light industrial/commercial business operating within the plot. There are no current fixed buildings or machinery on the site. During the Officer's site visit portacabins, HGV's and parked personal vehicles were present.

The application is for retrospective surfacing and the placement of 78 portacabins with the introduction/retention of landscaping.

In terms of surfacing, hardstanding material appears to be present on site since 2018, before which there was an unsurfaced landscape. The placement of the material is suited to the proposed use of the site.

The placement of the shipping containers is considered to appear uniformed. The east and southern aspect will have soft landscaping. Shipping containers will be green which will blend in with the landscaping, softening the appearance of the site.

Dwellings to the east are set at a higher ground hight then the site. The shipping containers are 2.39m in height, they will appear contained within the site due to their height and will not compete with the dwellings.

A condition is recommended to be included to ensure no stacking of containers and that up to 78 in total would be present on site at any one time, to ensure there is not an over intensive use of the site which has a detrimental visual impact.

The appearance of the site is considered to enhance the appearance of the site due to the landscaping elements whilst retaining its industrial use, therefore according with LP24.

Impact on residential amenity

Policy LP24 of the Kirklees Local Plan states good design should be at the core of all proposals, including of which is that design 'provide a high standard of amenity for future and neighbouring occupiers.

There are residential properties to the east of the site with outlooks into the site. These properties are set at a greater height than the ground level of the site. Dwellings are set behind tall wooden fencing screening ground-floor windows. First-floor windows are set at a much greater height than the site and it is considered, due to the informal nature of the site's use there will not be a detrimental impact to privacy.

KC Environmental Health have reviewed the application in terms of noise disturbance. They have considered the impact to the neighbours from vehicular trips and noise created from the loading/unloading of shipping containers. They concluded that the placement of rubber seals around the door openings of the containers and the restriction of openings hours to the site would be sufficient to limit disturbances which the officer supports. Hours of use of the site will be conditioned subject to the application's approval to protect from disturbances at unsociable hours.

Subject to condition the change of use is not considered to significantly impact adjacent properties in terms of amenity, according with LP24.

Impact on highway safety

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."*

Policy LP21 of the Highways and Access states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Access is formed through roads that leads through the wider industrial estate, there are 10 parking spaces designated for the site. An existing access onto Grange Road will be utilised.

It has been considered that the parking spaces and existing access is suitable for the scale of the development. The layout of the shipping containers is set, in that it limits the need for vehicles to reverse.

The access roads through the wider industrial sites, are not clear, therefore it is considered that signage should be placed to provide directions through the estate. This will be conditioned subject to an approval.

A condition is recommended to ensure that there is no increase in the number of containers upon the site and the number is restricted to 78. Subject to condition the proposal is considered acceptable with regard to access and highway safety, in accordance with the aforementioned policies.

Other matters

Ecology

Paragraphs 180, 186, 187 and 188 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.

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

The application was submitted before the requirements of Biodiversity Net Gain (BNG) for minor sites. The plans propose the implementation of soft landscaping areas around the borders of the site to the east and south. The plans incorporate the existing self-seeded shrubs. Considering the state of the land, the soft landscaping plans will provide an uplift to the site meeting the requirements of LP30.

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.

Given the nature of the proposal and the scale of the development, taking account of the submitted climate change statement and the fact some areas of soft landscaping would be retained, it is considered the proposal would have an acceptable impact in this regard.

Land Quality

With regard to land quality, paragraphs 180, 189 and 190 of the National Planning Policy Framework and policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development are considered to be relevant.

No details relating to land quality have been submitted as part of the proposal. The Council's Environmental Health Team have not recommended conditions be appended to any decision in relation to land quality. Given the nature of the development and fact it would not involve significant ground disturbance works it is considered the proposal is acceptable in this regard.

Conclusion

The application for a change of use to B8 storage and distribution, hard surfacing and the placement of shipping containers at Grange Road Industrial Estate has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework, Kirklees Local Plan and other material considerations. Given the acceptable principle, design and lack of harm the proposed development 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 - 2024/90918

Officer Recommendation: Approval

Reasons for Approval:

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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, and policies within Chapters 2, 6, 8, 12, 14 and 15 of the National Planning Policy Framework.

3. The development shall not be brought into use until a scheme of proposed access route signage has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the location and size of the signage and how it will be clearly visible to motorists. The approved scheme shall be completed before the development is brought into use and retained thereafter

Reason: To ensure the safe and efficient flow of traffic within the development and on the surrounding highway network and accord with policy LP21 of the Kirklees Local Plan.

4. The use hereby permitted shall not be open to customers outside the hours of 07:00 to 19:00 Monday to Saturday, and 10:00 to 16:00 on Sunday and Bank Holidays.

Reason: To ensure that the proposed development does not give rise to the loss of amenity to nearby residential properties, by reason of noise or disturbance at unsociable hours, to accord with policies LP24 and LP52 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

5. The approved landscaping scheme in Drawing (23259)2 shall be implemented by the end of the first planting season following the first container being brought into use. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The approved

landscaping scheme shall be thereafter retained and all areas of soft landscaping remain soft landscaped for the lifetime of the development.

Reason: To ensure that there is a well laid out landscaping scheme in the interests of amenity and biodiversity to accord with Policies LP24 & LP30 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

6. The containers hereby approved shall not exceed a height of 3m with no stacking of containers upon one another.

Reason: In the interests of visual amenity to accord with policy LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

7. There shall be no more than a maximum of 78 containers present on site at any time.

Reason: for the avoidance of doubt as to what is being permitted and to ensure the development has an acceptable impact upon access and highway safety and visual amenity to accord with policies LP21, LP22 & LP24 of the Kirklees Local Plan and policies within Chapter 12 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(23259)1	-	03/04/2024
Proposed site / block layout	(23259)2	-	03/04/2024
Planning statement	-	-	03/04/2024
Climate change statement	-	-	03/04/2024

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. No amendments were sought.

