

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### STRATEGIC PLANNING COMMITTEE

15 MARCH 2023

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Planning Application 2021/92603

Item 6 – Page 3

**Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access**

**land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL**

Amendments to recommended conditions

Minor amendments are proposed to the recommended conditions listed in the committee report. These amendments are intended to provide clarity and avoid duplication, and would not lessen the requirements of the conditions. The following amendments are recommended:

- Condition 3 – Deletion of the third to seventh bullet points (regarding points of construction access, construction vehicle sizes and routes, construction vehicle numbers and times, HGV waiting and management and parking for construction workers), with the relevant requirements moved to condition 4 (unless already covered by that condition), as it would be more appropriate to consider these matters under the required Construction Traffic Management Plan. Addition of National Highways as a named consultee.
- Condition 4 – Deletion of the first bullet point, as construction work hours are already covered by condition 3.
- Conditions 14, 15, 16 – Amendment to condition wording to allow for the submission and approval of stage 3 and 4 road safety audits at the appropriate times.
- Condition 28 – Add “unless approved in writing by the Local Planning Authority” wording.
- Condition 36 – Add “and the vehicles of the emergency services and highway authorities” wording in accordance with paragraph 10.293 of the committee report.

On 13/03/2023 the applicant stated “we do not object if the authority believes the pre-commencement conditions as updated [above] are necessary in order to grant planning permission”.

## Corrections and additions

Cllr Smaje's earlier comment of 02/09/2021 was omitted from the committee report in error. Cllr Smaje commented:

*I am writing with concerns about the above application. The A58 Whitehall Road which runs through the chain bar and up towards Brighthouse/Halifax also runs in the other direction through Birkenshaw. There is a link road (Drighlington bypass) to Junction 27 of the M62.*

*My concern is that with the size of this facility and the number of vehicles that will be going to and from, especially large vehicles, that there will be significant impact on the A58 through Birkenshaw. Lorries/vans/cars currently come off the M62 at junction 27 to get down to the chain bar (J26) when the motorway is busy. We already can see queues of traffic up to Birkenshaw when Hunsworth lights and chain bar junctions are busy. The concern is that vehicles for this massive distribution centre will also take this route thus putting even more heavy vehicles through Birkenshaw.*

*With Sat Navs this is even more likely as the road has the same number and name.*

Further to paragraphs 2.10 and 10.255 of the committee report, residents have pointed out that the 256 bus no longer serves Whitechapel Road. It is understood this service ceased in October 2022. This correction does not affect the commentary or conclusions of the committee report.

The date referred to at paragraph 7.7 of the committee report should be 06/03/2023.

At paragraph 10.265 of the committee report, the first two tables included minor errors in the traffic figures. The following two replacement tables show the total development traffic flows (excluding seasonal staff buses) for the development, during both the "Normal" and "Seasonal" peak periods. This data reflects the traffic flows that were assessed in the applicant's October 2022 Supplementary Revised Transport Assessment (Appendix Z) and associated junction capacity modelling, and that are recommended to be secured as the operational vehicle caps in the Operational Management Plan (OMP).

Intended Occupier Forecast Vehicle Trips (675 Staff per shift)									
Time	Cars and Vans			HGV's			Total		
	Arr.	Dep.	Two-way	Arr.	Dep.	Two-way	Arr.	Dep.	Two-way
0700-0800	404	89	493	10	7	17	414	96	510
0800-0900	21	9	30	15	10	25	36	19	55
1700-1800	129	82	211	13	16	29	142	98	240
1800-1900	438	436	874	13	12	25	451	448	899

Intended Occupier Forecast 'Seasonal Peak' Vehicle Trips (750 Staff per shift + 150 by staff buses)									
Time	Cars and Vans			HGV's			Total		
	Arr.	Dep.	Two-way	Arr.	Dep.	Two-way	Arr.	Dep.	Two-way
0700-0800	476	102	578	10	7	17	486	109	595
0800-0900	23	11	34	15	10	25	38	21	59
1700-1800	148	95	243	13	16	29	161	111	272
1800-1900	500	513	1013	13	12	25	513	525	1038

## Representations

A total of 1,951 representations have been received.

A further 16 representations (all in objection to the proposed development, with one representation suggesting how the proposals could be improved) were received from 07/03/2023 to 14/03/2023 (inclusive). These have been published online, or will be.

The further representations included emails from Cllr Munro, who made the following comments on 09/03/2023:

*I have been lobbied on this planning application.*

*I have visited the site in the past and noted the overwhelming size of the proposed warehouse and site and believe it to be over development of the area.*

*I have looked at PLP 5 on Master planning and note:*

*PLP5b) high standards of design that respect the character of the landscape, heritage, adjacent nearby settlements and built development, reflecting the urban to rural transition.... I do not believe the planned development has met this objective;*

*The planned storage unit overwhelms the area as demonstrated in the image attached; it appears like a blot on the landscape and does not add to the rich textile heritage of the past. Far from adding to or enhancing the landscape and heritage, it actually detracts from it.*

*PLP 5c) Make effective use of the site through the application of appropriate densities in terms of scale, height and massing and its relationship to adjoining buildings and landscape- The planned development has not met this objective as the scale of the storage unit in volume and height is overwhelming as previously stated and the unit and site form no relationship whatsoever with the surrounding landscape and local village of Scholes nearby.*

*PLP 5d) Create a strong sense of place.... Ensuring the proposed development makes a positive contribution to local character and distinctiveness- I do not believe the planned development meets this objective- The plans fail to create a strong sense of place and actually detract from its local character and distinctiveness.*

*From what I have seen this huge warehouse project will only be adding to global warming, increasing air pollution and light pollution while decimating local wildlife and removing vital green space, which is needed for the health and well-being of residents in addition to adding more congestion on local roads and motorways.*

*I question if this storage unit will be zero carbon? While I note the Applicants propose a "very good" rating under BREEAM we are not told if the building will meet a carbon zero rating. If not the costs of retrofitting it in the future will be enormous as it is an enormous proposal. I presume such a building would not be a short term proposition, so I question if the measures that will be taken to insulate it will take it to 2050 and beyond when a zero carbon rating will be enshrined in law? Will the residents of the area in 2050 be left with a disused warehouse if the building cannot be sufficiently insulated or retrofitted to meet a zero carbon rating? I really feel this needs exploring before any planning approval is given.*

*While I note the site is considered to be a sustainable location for employment, it should not be a case of jobs at any price.*

*I therefore request this planning application be refused as it does not satisfy PLP 5b, 5c, or 5d.*

*I am concerned in that if an organisation like Amazon cannot construct the storage unit now so it is carbon neutral, whether they would be able to retrofit it in the future?*

On 14/03/2023 Cllr Munro added:

*Further to my submission, I also wish to add that having walked around a grey dreary Huddersfield Town Centre on Saturday afternoon and seen for myself the very few people shopping there and noted further shops have closed, I feel that approval of these plans will only result in a further detrimental impact on the high street and hospitality sector in our local towns which are struggling to cope in the current economic climate and this factor should be considered. I am aware that once Meadowhall opened near Sheffield, it proved to be disastrous for the economy in the city centre. I therefore question are these plans really in the best interests of the Public? Yes we need jobs, but we also need vibrant bright town centres which will also provide jobs.*

On 13/03/2023 a planning consultant representing Save Our Spen submitted a representation questioning the lawfulness of the applicant's proposed £1,000,000 bus service contribution.

Regarding that contribution, officers note that the applicant has liaised directly with the West Yorkshire Combined Authority (WYCA) to determine the most appropriate means of improving bus services in support of the proposed development. Based on the advice provided by WYCA both in terms of the most appropriate service improvements and their likely costs, the applicant proposed the following improvement in their Supplementary Revised Transport Assessment (SRTA) and Travel Plan documents dated October 2022:

- £750,000 for a new hourly bus service (at £150,000 a year over five years) to restore the 255 services to two buses per hour; and
- £250,000 to extend the 255 service to cover the proposed development's shift changeover periods (to operate with two services per hour between 05:00 and 19:30).

The above costs were advised by WYCA. They do not include for any revenue generated from the improved bus services, and so are considered robust.

Following receipt of the above information from the applicant, officers consulted directly with WYCA to seek confirmation that above improvements and costs were acceptable, which WYCA confirmed to be the case via email on 02/12/2022. This was subsequently confirmed in the KC Highways Development Management consultation response dated 14/12/2022.

The proposed bus service improvements are considered to be necessary for the proposed development, and would provide the following benefits:

- The additional hourly service would provide additional capacity for circa 50 passengers in each direction, accommodating additional demand from the development;
- The proposed provision would enable staff working all main shift patterns to access to the development by bus;
- Increasing the frequency of bus services would make the provision more attractive; and
- The proposed provision would enable access to Cleckheaton bus station at all times during the working day, providing opportunities for onward connections.

Officers are of the view that this mitigation would be achieved, and the anticipated benefits would arise, without the additional buses having to enter the application site.

The precise numbers and proportions of staff residing on the 255 bus route need not be known for an assessment to be made regarding the likely effect of the bus service contribution in terms of encouraging the use of sustainable modes of transport.

The bus service contribution would be a fixed amount (rather than an ongoing, regular contribution paid in perpetuity), and the planning consultant acting for Save Our Spen has queried what would happen to the additional bus services once the contribution is spent. This does not need to be confirmed at this stage (as an assessment of the likely effect of the bus service contribution can still be made), however it is noted that pump-priming of bus services, together with the additional custom generated by a development and the wider additional custom generated by a service's improved regularity, can help establish momentum in terms of usage which can continue beyond the contribution period.

Arriva's agreement to deliver the additional bus services does not need to be confirmed at this stage, as the additional services would be subject to a tender process.

In addition to the bus service contribution, the applicant proposes improvements to bus stops on Whitechapel Road to encourage the use of the improved bus services, in the form of new stops located close to the site access, new bus shelters and real-time displays.

It is concluded the proposed bus service improvements and associated approach to the contribution is appropriate and would enable a good standard of bus service to be provided for the proposed development, and would also provide benefits to the wider travelling public. The contribution carries positive weight in the balance of relevant planning considerations. The pump-priming of public transport services in support of proposed developments is well-established in principle, having been secured at several other major developments. Officers are satisfied that the contribution meets the relevant statutory tests.

#### Highways and transportation issues

On 07/03/2023 a resident submitted useful traffic flow data for Whitechapel Road, gathered using CCTV during January 2023. KC Highways Development Management have compared this with the applicant's data, and found that, for the 07:00 to 08:00 and 18:00 to 19:00 time periods, the applicant's assessment data is higher (by approximately 5%) than both the mean and median values derived from the resident's data, suggesting that the applicant's data is representative and robust.

Given the above, the commentary relating to Whitechapel Road (in the comments of KC Highways Development Management and in the committee report) does not need to be revisited.

#### Employment, skills, social value and economic impact

Further to paragraphs 10.85 and 10.99 of the committee report, the applicant has confirmed that, of the anticipated jobs (in the region of 1,500 to 1,700 jobs at the time of opening), all would be permanent roles, and none would be fixed-term contracts. This is welcomed, as the nature of the contract has a bearing on whether staff would be able to access training.

Regarding other matters relevant to employment and skills, the applicant has:

- Further to paragraph 10.85, confirmed that entry-level wages now start at £10.50.
- Further to paragraph 10.95 of the committee report, confirmed that 24 operational-phase apprenticeships would be provided.
- Agreed to further discuss the expectations set out in paragraphs 10.73 to 10.100 of the committee report.
- Agreed to construction-phase employment and skills measures being secured (details to be agreed).

#### Other matters

Further to paragraph 7.10 of the committee report, on 07/03/2023 the Department for Levelling Up, Housing and Communities again confirmed that they had received no request for the application to be called in by the Secretary of State.

Further to paragraph 10.228, the applicant has stated that the construction noise and construction vibration assessments are different, separate exercises, and noted that the text quoted from page 37 of the applicant's Noise Assessment relates to vibration while the Construction Noise Contour Plot (figure 5.5) relates to noise.

Further to paragraph 10.236, the applicant has stated that the application of noise rating corrections due to the characteristics of the noise is very much based on context, receptor locations and the specific site in question. The applicant added that the existing noise climate and proposed mitigation measures are contributing factors when determining the type and level of correction required within the assessment, and the applicant therefore believes that a penalty of 6dB is not appropriate in this specific instance.

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