

Public Document Pack



**Service Director – Legal, Governance and
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Tuesday 7 March 2023

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Town Hall, Huddersfield, HD1 2TT** at **1.00 pm** on **Wednesday 15 March 2023**.

(Site Visits for this application will take place on both Tuesday 14th March and Wednesday 15th March, departing Huddersfield Town Hall at 9.45am – Please note it is only necessary to attend once.

The consideration of the Planning Application will commence at 1.00 pm in the Huddersfield Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Members of Strategic Planning Committee are:-

Councillor Steve Hall (Chair)
Councillor Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock

When a Member of the Strategic Planning Committee cannot attend the meeting, a member of the Substitutes Panel (below) may attend in their place in accordance with the provision of Council Procedure Rule 35(7).

Substitutes Panel

Conservative

A Gregg
D Hall
V Lees-
Hamilton
R Smith
J Taylor

Green

K Allison
S Lee-Richards

Independent

C Greaves
A Lukic

Labour

A Anwar
M Kaushik
E Firth
T Hawkins

Liberal

Democrat
A Munro
PA Davies
J Lawson
A Marchington

9 Day Change

Under the provisions of a 9 day change, Councillor Homewood will substitute for Councillor Sokhal.

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

Under the provisions of a 9 day change, Councillor Homewood will substitute for Councillor Sokhal.

2: Declaration of Interests and Lobbying

1 - 2

Committee Members will advise (i) if there are any items on the Agenda upon which they have been lobbied and/or (ii) if there are any items on the Agenda in which they have a Disclosable Pecuniary Interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

3: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

4: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

5: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11 (5), the period for the asking and answering of public questions shall not exceed 15 minutes.

6: Planning Application - Application No: 2021/92603

3 - 122

Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access at land west of M62, south of Whitehall Road, Cleckheaton.

Ward affected: Cleckheaton

Contact: Victor Grayson, Planning Services

Please note that any member of the public who wishes to make a verbal representation on this application at the meeting must register no later than 10.00am on Monday 13 March 2023. To pre-register, please email governance.planning@kirklees.gov.uk or telephone 01484 221000 - extension 73896 (Sheila Dykes) or extension 74993 (Andrea Woodside).

In accordance with the Council's public speaking protocol for Planning Committees, verbal representations shall be limited to a maximum of three minutes.

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

<p>KIRKLEES COUNCIL</p> <p>DECLARATION OF INTERESTS AND LOBBYING</p> <p>Strategic Planning Committee</p>			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 15-Mar-2023

Subject: Planning Application 2021/92603 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

APPLICANT

ISG Retail Ltd (Bristol)

DATE VALID

25-Jun-2021

TARGET DATE

24-Sep-2021

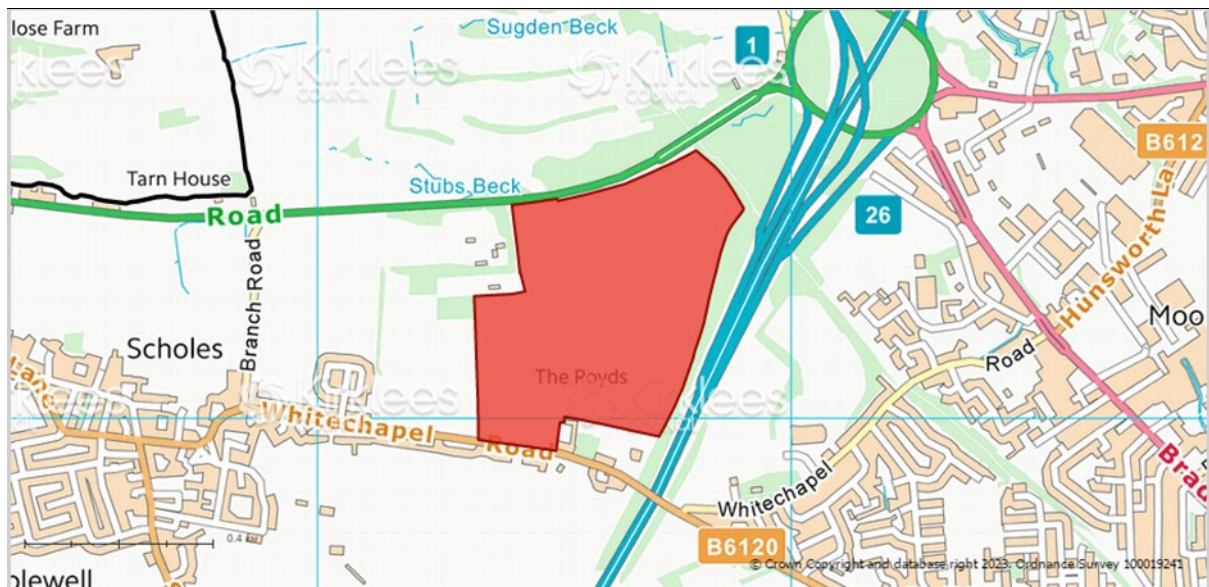
EXTENSION EXPIRY DATE

31-Mar-2023

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

1) Highways and sustainable transport

a) £46,000 Bus shelter/real-time contribution (to fund new shelter and real-time at new eastbound stop and real-time display at new westbound stop on Whitechapel Road, with a new shelter at Stop ID 15423).

b) £15,000 Travel Plan Monitoring Fee.

c) £1,000,000 Bus contribution to increase the frequency of existing services and to extend the period across the day that these services operate.

d) £70,000 Traffic Mitigation Bond (to allow future implementation of TROs and additional traffic calming measures on local roads surrounding the site, should these be required).

e) £10,000 (2x £5,000) for MOVA upgrades at Whitehall Road / Westfield Lane signalised junction and A638 Bradford Road / A643 St. Peg Lane / A638 Dewsbury Rd / A643 Parkside signalised junction.

2) Social value – Employment and Skills Plan to be submitted, approved and implemented.

3) Air quality – Financial contribution to be made in the event that measures up to the damage cost value are not implemented.

4) Biodiversity net gain – Contribution of £327,290 to be made towards off-site measures to achieve biodiversity net gain.

All contributions are to be index-linked.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution, then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

1.1 This is an application for full planning permission for the erection of a storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access.

1.2 This application is presented to the Strategic Planning Committee as the proposal is a non-residential development on a site larger than 0.5 hectares.

- 1.3 The applicant is ISG Retail Ltd, and it has been confirmed that Amazon are the intended occupant of the development.
- 1.4 A report relating to the proposed development was considered by the Strategic Planning Committee at pre-application stage on 03/06/2021.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located to the southwest of junction 26 of the M62, approximately 1.5km northwest of the centre of Cleckheaton, and approximately 0.7km east of the centre of Scholes.
- 2.2 The application site is 23.7 hectares in size, and includes almost all of the employment site allocation ES6, as well as unallocated land to the rear (north) of 294 to 298 Whitechapel Road. Its northern edge meets Whitehall Road (A58), its southern edge meets Whitechapel Road (B6120) and its eastern edge meets the top of the motorway embankment. The application site includes land opposite 173 to 201 Whitechapel Road.
- 2.3 The application site abuts the curtilage of The Royds at 280 Whitechapel Road, and the curtilage of 298 Whitechapel Road. To the south of the application site are other residential properties and a sports pavilion and playing fields. To the west of the application site is Cleckheaton New Cemetery and an access lane and gas distribution station, beyond which are Whitehall Road Nurseries (Beardsworths Ltd). To the north, on the other side of Whitehall Road, is Cleckheaton Golf Course. Close to the application site's northeast edge, the Spen Valley Greenway runs roughly northwest-southeast, with bridges over the M62 and Whitehall Road. To the east, on the other side of the M62, is a site currently being developed by Barratt Homes following the approval of application ref: 2019/93658. Surrounding uses are therefore predominantly residential, agricultural and related to transport, sports/leisure and burial.
- 2.4 The application site generally slopes downhill from south to north. The site's highest point is the relatively flat field adjacent to Whitechapel Road. The site's northernmost point is its lowest, close to where the Spen Valley Greenway crosses Whitehall Road.
- 2.5 Most of the application site is in agricultural (arable) use.
- 2.6 Land to the north, northeast, south and west is within the green belt. Land to the northeast forms part of the Strategic Green Infrastructure Network. On the other side of the M62, the grounds of Whitechapel Primary School are designated as Urban Green Space in the Local Plan.
- 2.7 Tree Preservation Orders 08/81/g2 and 08/81/g3 apply to trees to the rear of The Royds. Land to the east and northeast of the application site forms part of the borough's Wildlife Habitat Network. Bats are known to be present in the area. All of the application site is within a Biodiversity Opportunity Zone (Pennine Foothills).
- 2.8 Two field gates (both with dropped kerbs) exist on Whitechapel Road. No formal vehicular access points into the application site exist on Whitehall Road.

- 2.9 Public footpath SPE/24/30 runs along part of the application site's eastern edge (at the top of the motorway embankment), and crosses the site close to its centre, providing pedestrian access between Whitehall Road and Whitechapel Road. This footpath forms part of the Spen Way Heritage Trail (referred to as the Spen Valley Heritage Trail on some maps). The Spen Valley Greenway forms part of the existing core walking and cycling network (as identified in the Kirklees Local Plan). Residents have stated that Whitechapel Road is a well-used walking-to-school route.
- 2.10 Outside the application site, Whitehall Road is subject to National Speed Limit (60mph and 70mph) restrictions, and comprises a short stretch of dual carriageway that becomes a single carriageway road further to the west. Whitehall Road is lit, is not subject to stopping restrictions, and is not served by buses. A pedestrian refuge exists where public footpath SPE/24/30 meets Whitehall Road. The road lacks footways for much of its length. Outside the southern edge of the application site, Whitechapel Road is subject to a 30mph speed restriction. The road is lit, and has cycle lane markings, a stretch of double yellow lines, a speed plateau, and footways on both sides of the carriageway. The 255, 256 and 259 bus routes serve this road.
- 2.11 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding. A short watercourse has been mapped in part of the application site, flowing northwards towards the gas distribution station. To the north, on the other side of Whitehall Road, a watercourse (Stubs Beck) flows eastwards towards junction 26 of the M62.
- 2.12 The application site is not located within an Air Quality Management Area (AQMA).
- 2.13 In relation to minerals, all of the application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. In relation to the area's coal mining legacy, parts of the application site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area.
- 2.14 Much of the application site is within the outer zone of a Hazardous Material Site at Nufarm Ltd, Wyke Lane. Two historic landfill sites exist to the west of the application site, along Whitehall Road. The 200m and 250m buffer zones of those landfill sites extend across much of the application site. A high pressure gas pipeline runs north-south across the application site.
- 2.15 The application site is not within a conservation area, and does not form part of the setting of a listed building. The nearest designated heritage assets are Scholes (Cleckheaton) Conservation Area, listed buildings within that conservation area, and the Grade II listed Whitechapel Church.

3.0 PROPOSAL:

- 3.1 The application is for the erection of a storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access.
- 3.2 A total floorspace of 266,075sqm (GIA) is proposed.

- 3.3 The main volume of the proposed building would measure 317.4m by 178.25m, however projections (to accommodate offices, staff rooms, lift and stair cores etc) would extend beyond these dimensions, resulting in maximum overall dimensions of 354m by 223m. The building would be 23m in height to parapet level, with its tallest stair core reaching 26.05m. Most of the proposed building would be clad in metal in several shades of grey. Shallow pitches are proposed at roof level, with their ridges and valleys set behind a proposed parapet. A green roof is proposed above the office and staff room projection. Signage areas are annotated on all four principal elevations.
- 3.4 Five storeys are proposed within the building: ground, mezzanine, first, second and third floors.
- 3.5 On the west side of the proposed building, 855 parking spaces are proposed, some in a 2-storey decked car park which would have a green roof.
- 3.6 A gatehouse and a guardhouse kiosk are proposed to the north of the proposed building, and a secondary gatehouse is proposed to the south. An electricity substation is indicatively shown close to the proposed Whitehall Road entrance.
- 3.7 Two entrances/exits to the site are proposed. At Whitehall Road, a new signalised junction is proposed with a right-turn lane for traffic approaching from the west. This entrance would be used by staff and all HGV traffic. Crossing facilities for pedestrians and cyclists are also proposed at this new junction. At Whitechapel Road, a secondary staff entrance/exit is proposed – this would be a priority junction, and would be used by staff (in cars and buses) and for emergencies, but with no HGV usage. The applicant proposes to prohibit the use of this entrance/exit by staff (except for those using staff buses) between the hours of 23:00 to 07:00. A pedestrian and cycle crossing is proposed adjacent to the Whitechapel Road entrance/exit.
- 3.8 An internal road is proposed between the Whitehall Road and Whitechapel Road entrances, providing access to the proposed parking areas. Other internal roads would provide access to yards, HGV docks and HGV parking areas proposed on the north, east and south sides of the building. A bus turning area is proposed on the south side of the building. 82 HGV docks and 191 HGV parking spaces are proposed.
- 3.9 To reshape the site and accommodate the proposed development, the applicant proposes excavation of the southern and central parts of the application site (to depths of up to 11m beneath the existing surface level), and raising northern parts of the site by up to 10m above existing levels. 382,166 cubic metres of material would be excavated, 411,123 cubic metres would be added, and therefore 28,957 cubic metres of fill would be imported. Retaining walls are proposed along the northwestern and southern edges of the developed area.
- 3.10 Public footpath SPE/24/30 would be diverted to accommodate the proposed development. The applicant proposes a diversion along the east and north edges of the application site.

- 3.11 Regarding drainage, the applicant proposes to direct surface water to Stubs Beck to the north of the application site. Water would discharge to this watercourse at an attenuated rate achieved through the use of attenuation crate storage and hydrobrakes within the application site.
- 3.12 Landscaping is proposed in the form of bunds and mounds, planting (trees, hedgerows, scrub, climbing plants, ornamental and bulb planting, and grassland) and green roofs.
- 3.13 External lighting is proposed in the form of luminaires mounted to walls and columns at heights of 4m, 6m, 8m, 10m and 12m above ground level. Proposed boundary treatments include a 2.4m solid fence (with barbed wire above) along the site's eastern boundary, 2.4m paladin fencing (with barbed wire above) to the north and south, acoustic timber fencing (2m and 3m in height), and lower fences, railings and barriers.
- 3.14 Although not the applicant, Amazon are the proposed development's intended occupant. The proposed development would be a fulfilment centre (Amazon's "LBA6" site), where products would be received from other Amazon locations and from suppliers. From the proposed development, products would be transported to Amazon's "sortation centres". "Last mile" deliveries would not depart from the proposed development. A 24-hour operation is proposed, with the main staff shifts to be:
- Shift 1a: 07:30 to 18:00
 - Shift 1b: 08:00 to 18:30
 - Shift 2a: 18:30 to 05:00
 - Shift 2b: 19:00 to 05:30
- 3.15 Outside the application site, in addition to the highway works related to the two new site entrances, the applicant proposes junction works to assist with mitigating the impacts of the proposed development, including at junction 26 of the M62 (Chain Bar).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 87/00776 – Planning permission refused 05/15/1987 for the development of a nine-hole golf course, car parking and club house with guest sleeping accommodation.
- 4.2 2012/91182 – Planning permission granted 22/08/2012 for the erection of 80kw wind turbine on a 24m monopole mast.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

Pre-application stage

- 5.1 In June 2020 the applicant sought pre-application advice from the council (ref: 2020/20230) relating to a proposal for "Class B8 storage and distribution unit with ancillary offices, car parking, servicing, landscaping and access" and comprising:
- A ground floor of approximately 61,520 sqm, with four mezzanine levels above;

- Building height of up to 27.5m, plus roof level access features;
 - Earthworks to create appropriate levels for development;
 - HGV access off Whitehall Road;
 - Car, motorcycle and cycle access off Whitechapel Road to the south;
 - HGV parking to the east and south of the building and car, motorcycle, cycle and bus parking (including a bus interchange) to the west;
 - Re-routing of the public footpath; and
 - Landscaping.
- 5.2 A full set of drawings was not provided in support of the pre-application enquiry.
- 5.3 A report relating to the proposed development was considered by the Strategic Planning Committee at pre-application stage on 03/06/2021.
- 5.4 A detailed pre-application advice letter was issued on 30/06/2021. The main points of that advice letter are summarised as follows:
- Development for employment used within class B8 acceptable subject to assessment against other planning policies and guidance.
 - Standalone office use not supported. A proportion of ancillary office use would be acceptable.
 - Policy LP38 (mineral safeguarding) needs to be addressed.
 - Developable area is to be determined by the extent of the necessary landscape buffer and by the gas pipeline.
 - The masterplanning process would fix the precise position of the landscape buffer, which in turn would finalise the developable area.
 - Northern Gas Networks would be consulted regarding the gas pipeline.
 - Proposal would contribute towards the council's growth and employment aspirations. Details of job numbers and types, and contribution towards local economy, required.
 - Local employment, training, apprenticeships and in-work progression should be provided.
 - Transport Assessment should include trip generation data for the intended end user, include traffic distribution information, account for traffic growth and committed development, and assess eight junctions.
 - Connections required to the Spen Valley Greenway from within the site and from a combined cycle/footway required to Whitehall Road.
 - Other measures to promote walking and cycling are encouraged.
 - Information in support of proposed design required.
 - Consider natural stone to Whitechapel Road boundary walls, and landscaping to reduce development's impact.
 - Archaeological investigation required.
 - Effects on residents of existing residential properties is a significant consideration, including in relation to noise, odour, lighting, air quality and physical impact of the proposal.
 - Noise impact assessment required. Number, type and times of vehicles using Whitechapel Road should be restricted due to noise impact. No noise concerns regarding the Whitehall Road access. HGV parking and loading close to residential properties is not ideal – moving car park towards residential properties would be acoustically

preferable. Other HGV parking and loading raises no noise concerns. External plant should be located away from residential properties.

- Air quality impact assessment (including fully costed mitigation plan) required. Residential properties and schools are sensitive receptors regarding air quality. HGVs should only use Whitehall Road. Large numbers of cars using Whitechapel Road could cause air quality impact.
- Lighting assessment required.
- Construction Environmental Management Plan required.
- Public right of way would need to be diverted (via a separate process) if planning permission is granted.
- Coal mining risk assessment required.
- Land contamination requires assessment, given the proposals and the site's history and context. Phase I assessment required.
- No in-principle objection in relation to trees. Arboricultural Impact Assessment and Method Statement required.
- Existing hedgerows to be assessed against Hedgerow Regulations criteria. Translocation of any "important" hedgerows would need to be considered. Landscape buffer to Whitechapel Road, landscaping details, landscape management plan, visual impact assessment and sections required.
- Local landscape features and site's wildlife value should be enhanced.
- Flood risk assessment required. Site is in flood zone 1 and is at minimal risk from main river flooding. Two areas on site are at risk from surface water flooding. Open watercourse exists within site – development should ensure its flow is not interrupted. Culvert should be investigated. Drainage strategy hierarchy should be followed. Site is probably suitable for (sustainable drainage system) infiltration. Discharge into watercourses should be investigated. Attenuation must account for climate change. Temporary drainage plan required.
- Health impact assessment required.
- Biodiversity net gain required.
- Net gains required in respect of all three sustainable development objectives (economic, social and environmental).
- Climate change measures (including solar PV, green roofing and walls, active travel, electric vehicle charging and transition of HGV fleet away from fossil fuels) to be considered.
- A Section 106 agreement would need to include:
 - Training and apprenticeship programme.
 - Infrastructure works and provision.
 - Highway mitigation (including walking and cycling provision).
 - Sustainable transport (including travel planning).
 - Maintenance and management of drainage until adopted.
- Application documents list provided.

5.5 The local pre-application consultation carried out by the applicant is summarised in the submitted Report on Community and Stakeholder Engagement.

Application stage

- 5.6 The proposed development has evolved during the life of the current application. Although numerous drawings and documents have been submitted by the applicant since June 2021, there have been four key submissions, summarised as follows:
- Initial (June 2021) submission.
 - March 2022 (drawings and documents uploaded to the council's website on 22/03/2022).
 - October 2022 (drawings and documents uploaded to the council's website on 31/10/2022).
 - February 2023 (drawings and documents uploaded to the council's website on 07/02/2023).
- 5.7 The applicant's initial (June 2021) submission detailed a 265,706sqm development, with 85 HGV docks, 191 HGV parking spaces, 887 car parking spaces, and suggested employee numbers of approximately 1,500.
- 5.8 The Planning Statement Addendum 2 formed part of the submission of 31/10/2022, and included Table 2 which summarised the amendments made by that point, and which is reproduced below.

Item	June 2021	March 2022 Update	October 2022 Update
Total GIA	265,706 sqm	266,075 sqm	266,075 sqm
Ground Floor GIA	64,521 sqm	64,587 sqm	64,587 sqm
Car Parking Spaces	887	892	855
	(5% disabled, 10% EV)	(5% disabled, 10% EV)	(5% disabled, 10% EV)
Motorbike Spaces	45	45	45
Bicycle Spaces	88	88	88
HGV Parking Spaces (incl.10no. EV)	191	191	191
Trucks Inbound Docks	85	24	24
Trucks Outbound Docks		37	37
Non Inventory Truck Docks		2	2
Additional Truck Docks		19	19
Roller Shutter Access Ramps	3	2	2
Waste Docks	3	3	3
Vans Inbound Docks	Total 6	1	1
Vans Outbound Docks		5	5
Bus Spaces	4 plus turning circle	4 plus turning circle	4 plus turning circle
Employees	Approx. 1500	Approx. 1500-1700 opening year, increasing to approx. 2000-2400 over three years	Approx. 1500-1700 opening year, increasing to approx. 2000-2400 over three years

5.9 The figures in the above “October 2022 Update” column remain valid. The February 2023 submission did not amend these figures.

5.10 In light of the further and amended information submitted by the applicant, the council commenced second and third rounds of public consultation in March 2022 and October 2022.

5.11 The applicant’s fourth key submission (February 2023), and other amendments and further information submitted throughout the life of the application, did not necessitate further rounds of public consultation.

5.12 During the life of application, the applicant organised a public drop-in event on 26/05/2022 at the Gomersal Park Hotel.

6.0 PLANNING POLICY:

6.1 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 27/02/2019).

Kirklees Local Plan (2019):

6.2 The application site includes most of a site allocated for employment use in the Local Plan (site allocation ES6). The site allocation sets out an indicative capacity of 37,380sqm of floorspace. The site allocation identifies the following constraints relevant to the site:

- Site affected by Public Right of Way
- The provision of a combined cycle / footway is required across the site frontage
- Limited surface water drainage options
- Third party land potentially required to achieve drainage solutions
- Watercourse crosses the site
- Potentially contaminated land
- Potential for noise impact on adjacent cemetery
- Potential for odour impact on adjacent cemetery
- Air quality issues – site adjacent to M62
- Site is within an Air Quality Management Area
- Site affected by hazardous installations / pipelines
- Site is close to an archaeological site
- Site is close to the Wildlife Habitat Network
- Part/all of the site is within a High Risk Coal Referral Area
- Protected trees on part of the site

6.3 Site allocation ES6 also identifies the following site-specific considerations:

- A combined cycle/footway is required along the site frontage on Whitehall Road to tie into Spen Valley Greenway. A dedicated link to Spen Valley Greenway from inside the site should also be provided so as to avoid the A58.
- Landscape character assessment has been undertaken for this site which should be considered in the development masterplan.
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas along Whitechapel Road.
- A masterplan is required for this site to be prepared in accordance with policies in the Local Plan.

6.4 Site allocation ES6 refers to a gross site area of 23.53 hectares, but identifies a net site area of 10.68 (which excludes a high pressure gas pipeline and buffer from the developable area).

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP8 – Safeguarding employment land and premises
- LP9 – Supporting skilled and flexible communities and workforce
- LP13 – Town centre uses
- LP19 – Strategic transport infrastructure

LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP31 – Strategic Green Infrastructure Network
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP64 – Employment allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents:

- Social Value Policy (2022)
- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Planning Applications Climate Change Guidance (2021)
- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees Climate Change Action Plan (2022)

Climate change

- 6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

- 6.8 On 12/11/2019 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. In June 2021 the council approved a Planning Applications Climate Change Guidance document. In December 2022 the council launched the Kirklees Climate Change Action Plan.

National Planning Policy and Guidance:

- 6.9 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- 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 17 – Facilitating the sustainable use of materials

- 6.10 Since March 2014 Planning Practice Guidance for England has been published online.

- 6.11 Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Circular 01/2022 Strategic road network and the delivery of sustainable development (2022)
- Biodiversity Metric 3.0 (2021)
- Green Infrastructure Planning and Design Guide (2023)

- 6.12 The Environment Act 2021 passed into UK law on 09/11/2021.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised as a major development affecting a public right of way. Four site notices were posted on 03/08/2021, a press notice was published on 29/07/2021, and notification letters were sent to neighbouring properties. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 24/08/2021.
- 7.2 1,065 representations were received in response to the council's consultation (counted up to and including 24/03/2022), including representations from Save Our Spenn, the Spenn Valley Civic Society, Cllr Sarah Ferriby (Member for Wyke ward, Bradford MDC) and Cllr Matt Edwards (Member for Tong Ward, Bradford MDC). All but four were in objection to the proposed development. The main points made are summarised as follows:

Principle of development and related matters

- Proposal is contrary to site allocation ES6, intended capacity and net site area.
- Development not needed.
- Inappropriate location for the proposed development.
- Good use of land next to the motorway. Land is currently being wasted.
- Loss of farmland.
- Loss of green belt land.
- Brownfield land is available for the development.
- More suitable alternative locations exist.

Design, visual impact and related matters

- Proposal is out of character, scale and proportion with surroundings.
- Industrialisation of a leafy suburb. Area will become fully industrialised.
- Loss of village character. Identity of Scholes would change – would become known as a route to the Amazon site. Residents' addresses would be given with reference to the development.
- Kirklees would resemble Middlesbrough.
- Largest building in Kirklees.
- Adverse visual impact. Increased impact when trees are not in leaf. Building would be a monstrosity, an eyesore and a blot on the landscape.
- Lazy design.
- Design would attract attention.
- 23m height is excessive.
- Huge elevation to Whitehall Road would cause impacts.
- Building cannot be hidden or camouflaged.
- Objection to levelling of land.
- Applicant's images are deceptive.
- Development would be visible from long distances, and from Whitechapel Grove, Whitehall Road, Branch Road, golf course, Spenn Valley Greenway and Oakenshaw Lane.
- Impacts on several vantagepoints have not been considered.

- Masterplanning policy has not been followed. Residents have not been involved in masterplanning.

Amenity and health

- Adverse amenity impacts.
- Proposal is too near to residential areas. Industry and residential uses should be separated.
- Overbearing, intrusive, dominating development.
- Adverse impact on cemetery. Cemetery should be a place of peace, quiet and reflection.
- Noise generated by HGVs, including at night. HGV revving noise due to climb from Whitehall Road.
- Objection to 24-hour operation.
- Pollution generated by HGVs. Local pollution levels are already high. Impact upon air quality at schools. Legal limits will be exceeded.
- Insufficient electric vehicle charging provision.
- Risks to people with respiratory conditions.
- Light pollution. Floodlights would be visible across a wide area.
- Loss of views from adjacent properties.
- Impact on mental health. Increased stress.
- Amenity impacts during construction.
- Reduced quality of life for residents.

Highways and related matters

- Increased traffic and congestion. Problems will be experienced in Scholes and Cleckheaton, but also in Birkenshaw, Birstall, Heckmondwike and Brighouse.
- Heavy traffic, congestion and gridlock already occurs.
- Traffic in residential areas would be minimised due to site's proximity to motorway.
- Traffic movements would continue 24 hours a day.
- 1,300 extra cars would pass through Scholes.
- Query if proposal involves last-mile deliveries.
- Applicant's traffic data is based on 2019 flows. Analysis is 10 years old, and traffic has increased at least 15% since then.
- Cumulative impacts of other developments have not been considered.
- Local road network was designed to serve a small rural village. Traffic already comes to a standstill during peak hours. Whitechapel Road is heavily trafficked. Scholes and surrounding roads are already used as rat runs between 06:30 and 18:30. School start and end times increase existing problems.
- Traffic diverts onto local road network when M62 junction 26 is closed.
- Dangers of smart motorways will be exacerbated.
- HGV access onto junction 26 slip road would be dangerous.
- No mitigation proposed at junction 26. Improvement scheme has been shelved.
- Major investment needed in local roads and motorways before development is considered.
- Existence of motorway links should not be a reason for approval.
- Branch Road can only accommodate single file traffic, and is impassable when it floods. Access off Branch Road is difficult.

- Whitechapel Road is heavily parked by residents and users of the playing fields, reducing the road to single file traffic.
- Buses and emergency vehicles already struggle to negotiate Whitechapel Road.
- Queues would form on Whitechapel Road as staff ID is checked.
- Roads are already in a poor condition. Further damage would occur.
- Increased risk of accidents.
- Right-turns into oncoming traffic would be dangerous.
- Whitehall Road entrance would be unsafe due to speeds.
- Increased risks to pedestrians. Whitechapel Road is a walking-to-school route. Three schools exist close to the site. Pedestrians walk to playing fields opposite application site. Risks to elderly pedestrians. Risks to people accessing Albert Morton Pavilion and playing fields.
- Increased risks to cyclists. Near-misses have occurred.
- Impacts on dog walking and horse riding.
- Inadequate provision for waiting HGVs. HGVs will park on local streets. Inadequate provision for drivers.
- TRO needed to restrict HGV parking along the entire length of Bradford Road to Oakenshaw.
- Oakenshaw is unsuitable for HGVs and turning.
- Too many parking spaces proposed.
- Proposal fails to comply with NPPF regarding sustainable transport. Inadequate cycle parking and shower provision.
- Bus hub queried, when a bus stop already exists nearby.
- Objection to diverting/rerouting public footpath. Loss of historic footpath. New route would be closer to motorway and less enjoyable.

Drainage and site stability

- Increased flood risk. Existing natural drainage would be removed.
- Application site floods. Water flows onto Whitehall Road, preventing access to junction 26.
- Trees should be planted to soak up water.
- Disruption to mine shafts.
- Impact of excavation upon nearby homes.

Ecology, trees and landscaping

- Loss of wildlife. Loss of habitat, including potential bat habitat. No attempt to conserve wildlife.
- Inadequate ecological surveys. Updated surveys needed.
- Lighting impact upon wildlife hasn't been assessed.
- Biodiversity net loss is contrary to planning policy and law. Off-site provision is not acceptable.
- Loss of green space. Green space is at a premium locally.
- Green corridors should be protected.
- Loss of trees (including trees subject to Tree Preservation Orders). Loss of woodland. Insufficient replacement tree planting.
- Loss of hedgerows.
- Loss of wildflowers.
- Insufficient soft landscaping.

Job creation

- Few permanent jobs would be created. Most work would be automated. Local people would not be employed, as people from further afield would travel in. Proposed bus hub is evidence that staff would be bussed in. Other Amazon developments haven't created jobs. Amazon would not be bound to applicant's claimed job numbers.
- Professionals would not be attracted to the area.
- Well-paid, ethical jobs would not be created.
- Skilled manufacturing jobs should be created.
- Mundane work would lower morale in the area.
- Local employment not enforceable.
- Delivery drivers are self-employed.
- Proposals would bring much-needed jobs and revenue into the region.

Other matters

- Proposal is unsustainable.
- Contrary to development plan.
- Litter from operation and staff canteen.
- Human waste will be left on local roads, in laybys and in woodlands.
- Increased vermin.
- Increased crime.
- Local spending would increase.
- Insufficient local food outlets to cater for staff.
- Other Amazon sites have been subject to complaints.
- Local telecommunications couldn't cope.
- Application should not have been considered.
- Perks received by decision makers should be queried.
- Other planning decisions in Cleckheaton have been unpopular. Council should be ashamed.
- Decision should be based on local knowledge.
- Save Our Spen's objections are supported.
- Objections are unfounded, untested and pathetic.
- Proposal is intended to make money and generate profit. The rich will get richer.
- Impact on property values.
- Existing residents will leave the area and will no longer pay council tax.
- Business rates applicable to the development should not be a planning consideration.
- No thought given to existing rate payers.
- Inadequate local consultation by applicant.
- Applicant's webinar was misleading.

7.3 On 27/10/2021, Kim Leadbeater MP commented on the application as follows:

I wish to register my objection, as MP for the area, to the proposal as it stands. In the four months since my election, I have heard nothing to dissuade me from my view that the current proposal is wrong for the area, both in terms of its scale and its character.

There is clearly a balance to be struck between the need to encourage employment and the desire to protect the environment and maintain our valuable open, green spaces as much as possible. I believe this proposal does not get that balance right.

While I accept that the site has been designated for employment use and removed from the Greenbelt, it was with good reason that the Local Plan published in February 2019 reduced the size of the area to be developed from 24.57 hectares to 10.68 hectares. I can see no possible justification for ignoring this and proceeding with a development that would cover the entire site at a height of over twenty metres.

No amount of landscaping or cosmetic tree planting will be able to mask a building of this scale, designed only with functionality in mind and with no regard to the beauty of the surrounding area.

While the physical appearance of the building would be wholly inappropriate, it is the impact on the local community that causes me most concern. This includes the damage to the environment, the very significant rise in noise and air pollution and the safety risk to children at local schools from the vastly increased volume of traffic. The adjacent road system is already under severe pressure and, in my view, simply could not cope with the additional vehicle usage without causing unacceptable disruption to other road users.

The supposed benefits of the proposal are said to be economic regeneration and job creation. A self-contained distribution warehouse of this kind, however, will do little or nothing to support existing local businesses or provide opportunities for new supply chains. Furthermore, I have seen nothing to give me confidence that the promise of some 1,500 new jobs would in fact materialise. It is the stated objective of Amazon to automate their warehouses as much as possible with the introduction of robots. There is already a significant number of existing vacancies for related jobs in the region, and there seems little prospect of creating good, long-term employment for local people.

I am very disappointed that neither Amazon nor the developers have responded to requests for answers to these concerns from me or my constituents, including the diligent and authoritative Save Our Spen campaign group. Their refusal to engage with the legitimate questions raised by local residents leads me to conclude that they are hiding behind the planning process and failing in their responsibility to engage with the local community.

In conclusion, the proposed development is too big, too pollution, too damaging to the local environment and would impose intolerable pressure on an already overburdened road network without leading to the kind of sustainable economic development that the constituency needs. I strongly object to the proposal and believe it would do substantial and irreversible damage to a very beautiful area and bring little or no positive benefit to the local community.

- 7.4 In light of the amendments made to the proposals in March 2022, a second round of public consultation was carried out by the council. Letters were delivered to addresses close to the application site, and parties who had previously commented on the application were emailed. This was in line with the council's adopted Statement of Community Involvement.

7.5 A further 529 representations were received in response to the council's reconsultation (counted up to and including 26/10/2022). All but one were in objection to the proposed development. The following is a summary of the additional comments made:

- Further information and amendments do not address concerns.
- Previous objections reiterated.
- Proposals have not significantly changed.
- Site should be used as a local community nature reserve.
- Solar farm should be built instead.
- Officers have misinterpreted site allocation and Local Plan Inspector's comments. No legal advice has been sought. No clarification has been sought from the Inspector.
- Unlawful for the council to ignore the development plan. Local Plan is being ignored.
- Approval would be open to legal challenge and sanction.
- Development description should refer to a fulfilment centre.
- Ukraine conflict and impact upon food supplies demonstrates need to retain agricultural land.
- Addition of solar panels would make the building even taller.
- Query if appraisal and management plan have been produced for the Scholes Conservation Area.
- Additional hedge would not mitigate impacts. Soft landscaping is greenwash, and would take years to grow. Screening would not be achieved.
- Environmental destruction would be irreversible.
- Development would consume large quantities of energy.
- Zero carbon targets would not be met.
- Particulate matter levels are projected to increase.
- Council has not surveyed local air quality, or won't release data.
- Local chemical plant already causes air quality problems.
- High noise levels already recorded in Whitechapel Road.
- Reflections from solar panels could harm amenity.
- Acknowledged that no individual has a right to a view, however impacts would be so great that permission should be refused.
- Objection to retained Whitechapel Road entrance. Officers had requested removal of this.
- HGVs would use Whitechapel Road when Whitehall Road is unusable.
- Proposed signals on Whitehall Road would cause delays.
- Incorrect to assume most staff would use Whitehall Road.
- Actual traffic of recently-approved residential developments nearby should be assessed before application is determined.
- Traffic in Birkenshaw has increased.
- Traffic pressure on Westfield Lane.
- Road traffic accident has occurred near a local school involving an HGV.
- Objection to introduction of last mile deliveries.
- Staff numbers have doubled but proposed parking remains unchanged.
- Reflections from solar panels could distract drivers.
- Impacts of North Bierley development already felt.

- Risk of gas pipeline explosion.
- HSE need to be reconsulted, given revised employment numbers.
- Local surplus of B8 jobs.
- Shortage of warehouse staff in the area, so jobs won't be filled by local people.
- Apprenticeships unlikely to be provided.
- Area does not need zero-hour contracts.
- Objections are blown out of proportion.
- Disruption needed to bring in jobs.
- Council's reconsultation did not clarify amendments.
- Decision is a done deal.
- Issues must be accurately reported in the committee report, and balanced. All evidence must be presented. Planning system is supposed to be open, honest, unbiased and transparent.
- Query how inconsistencies in applicant's information would be reported.
- Officers aren't available answer questions.
- Amazon incorrectly say all matters have been addressed.
- Amazon should speak with local residents.
- Council should consult residents living near other Amazon sites.
- Local residents cannot sell their homes.
- No local benefits to the proposals.

7.6 In light of the amendments made to the proposals in October 2022, a third round of public consultation was carried out by the council. Again, letters were delivered to addresses close to the application site, and parties who had previously commented on the application were emailed. The application was additionally advertised (via press and site notices) as EIA development for which an ES had been submitted. This was in line with the council's adopted Statement of Community Involvement.

7.7 A further 341 representations were received in response to the council's reconsultation (counted up to and including 06/02/2023). All were in objection to the proposed development. The following is a summary of the additional comments made:

- Further information and amendments do not address concerns.
- Previous objections reiterated.
- Proposals have not significantly changed.
- Amendments largely benefit applicant, and not residents.
- M1 locations would be more suitable.
- Proposals do not comply with Local Plan policy LP64.
- Vacant B8 floorspace remains available in the area.
- Additional planting would not mitigate visual impact. Proposed building would still be seen.
- Query if Northern Gas Networks would allow footway widening, dry stone wall and planting within easement.
- Applicant's baseline air quality data has varied across the submissions, and is suspect.
- Errors in applicant's noise assessment.
- Acoustic fencing inadequate.
- Traffic impacts are being understated.
- Economic cost of delays at Chain Bar.

- Proposals are still not supported by National Highways.
- Staff would not run via Moorside.
- Scholes has recently been gridlocked.
- M62 incidents are common.
- Queried what traffic counts have been carried out on Whitechapel Road.
- 40mph speed reduction on Whitehall Road would not address concerns.
- Roundabout would be preferable at Whitehall Road.
- Vehicle tracking for Whitechapel Road / Turnsteds Avenue junction indicates an intention to allow HGVs to access the development from Whitechapel Road.
- Bus tracking demonstrates that HGVs could use Whitechapel Road.
- HGV management proposals are unworkable. Use of local supermarket car parks not accepted. Proposed parking locations lack facilities.
- HGV parking at Hartshead Moor services unlikely to be used, due to fees and it regularly being full.
- Query what would constitute an emergency that enables Whitechapel Road entrance to be used.
- Use of Whitechapel Road entrance could be restricted earlier than 23:00. Staff buses could use Whitehall Road entrance instead.
- Risk of queueing at Whitechapel Road. Applicant should commit to providing ANPR.
- Footway widening outside application site is of no benefit when majority of Whitechapel Road would not be widened.
- Road safety audits have not been carried out.
- Applicant's bus service information is incorrect.
- Footpath diversion has not been approved yet.
- Conditions would not address outstanding concerns.
- Nobody attending applicant's consultation event was in favour of proposals.
- Volume of objections to date indicates permission should be refused.
- Community stakeholder document has not been updated.
- Officer assessments are not accepted.
- Council's actions are illegal.
- Council is failing residents.
- Council should reconsult on applicant's fourth key submission.

7.8 On 28/02/2023 a 24-signature petition (and accompanying social media screengrabs) was submitted by the Oakenshaw Residents Association. The petition was headed "Oakenshaw Residents Ass'n petition for improved access onto Chain Bar – we need yellow box and red light cameras on each traffic light". The petition has been noted as a representation relating to various matters currently under consideration, including the current planning application.

7.9 On 28/02/2023 Cllr Kath Pinnock and Cllr John Lawson commented on the application as follows:

The site is allocated for development for employment in the Kirklees Local Plan. The Local Plan indicated that this site, the largest employment site, be developed for manufacturing. The Kirklees Council Vision sets out the aim of attracting high paid, high skilled jobs for the area. This application fulfils none of those aims and, in our view represents a waste of an important asset – land for employment giving high skilled and high paid jobs, which is what our area needs. Our objections concern the scale and impact of the proposed development on this site.

1) Size of the development

The warehouse is 317m x 178m x 25m. It is so large that the 27 of the new Whitcliffe Mount School will fit inside. The consequences of its size are various and negative.

2) Landscape impact

Both NPPF and the Kirklees Local Plan emphasise the importance of new developments enhancing the landscape. This development utterly destroys it. How? Warehouse developments require flat sites, and this site is sloping. A flat site is achieved by very extensive cut and fill. At the Whitechapel Road frontage, 5m – 6m will be dug out and at the A58 Whitehall Road frontage the fill will add up to 9m to the height to create a flat platform. The consequence is of a vast 30m – 40+m building as seen from the roadside. This will be visible for miles around. At the residential frontage on Whitechapel Road, the height is set down from the road side but nevertheless remains at a height of around 20m. This is the equivalent of a 7 storey building that is 178m long ie a long and high featureless wall opposite where people live.

3) Use of the site

A very big concern about this development is that it fills almost the totality of the site with building or roads. The Planning Inspector when considering the Local Plan accepted the site as being appropriate for development as long as there was space for a considerable buffer zone between any development and the houses on Whitechapel Road. This development is so large that it is impossible to provide a buffer to reduce noise, air pollution, lighting pollution, and visual impact. This is a complete failure to protect residential amenity. For this reason alone, the application could, and should, be refused.

4) Impact on residents of noise, and air pollution

The warehouse is a 24/7 operation. The development is served by a service road that goes round the perimeter of the site. The result is that HGVs will be driving on that road at all hours when the service road is very close to residents of The Royds, which at the nearest point is just 17m away, and houses on the other side of Whitechapel Road. When the noise nuisance was estimated by the applicants it failed to take into account the fact that where there is intermittent noise such as made by HGVs then the nuisance

is deemed to be more intrusive. For that reason, there is a penalty added to the noise as measured (see the Milton Keynes planning inspectors report). When this is taken into account, the noise levels associated with the movement of HGVs around the site breaches accepted standards. The applicant has attempted to mitigate this but, because there is an access from Whitechapel Road, noise will penetrate to affect residents. The acoustic fence and bund will not reduce the nuisance sufficiently, especially at night.

Light pollution will be unacceptable. The multi storey car park will be brightly lit. The lighting columns around the site and the flood lighting with the purpose of securing the warehouse has a very negative impact on residents. It will make the warehouse visible for miles away in an intrusive way.

There will be a negative impact on air quality in the surrounding area, especially the nearby residential properties. Studies have shown that diesel particulates impact on childrens physical development, is linked with dementia and Alzheimer's Disease and will exacerbate any existing respiratory difficulties among residents.

5) Visual impact and residential amenity

Planning policies, both in the NPPF and the Local Plan, are very clear about the need to protect residential amenity. The landscape report from the applicant admits that the impact on the residents even after 15 years will be severe. This is because the size and scale of the building makes it impossible to screen. For example: at the Whitehall Road aspect, the building is at the highest point 44m from the road level to the top of the warehouse. The aspect on the side facing the cemetery, that is still in use, is not screened at all by the application. They are relying on trees that grow within the cemetery boundary and have no control over their continued existence. The applicant is not able to do their own landscaping at this aspect because it is the site of the high pressure gas pipe and distributor gas mains. The facade facing onto the residential Whitechapel Road is to be screened by a 1.7m high hedge while the building rises 22m above the level of the road.

The appalling lack of planning policy consideration of the amenity of residents is reason enough for refusal. In a recent planning inspector's report where an appeal against refusal was rejected for a similar warehouse construction, one of the main reasons for rejecting the appeal was residential amenity.

6) Transport and Highways

I appreciate that National Highways has withdrawn its 2 year long holding position about the impact on the strategic road network ie Chain Bar roundabout and the M62. This does NOT mean that NH are satisfied that Chain Bar can cope with the additional traffic. All they have said is that the applicant has introduced measures that will help, including pedestrian and cycle routes round Chain Bar. All that indicates is that this is a tick box "created pedestrian and cycle routes".

Everyone who uses Chain Bar and the M62 on a regular basis will know that it often completely gridlocks. Only a week ago it took residents ONE HOUR to just get round Chain Bar.

Using figures from National Highways, in the peak period 18.00 – 19.00 there will be 5 HGVs per MINUTE coming off the M62 to the site and 5 HGVs per MINUTE leaving the site to join the M62. That is 600 HGVs in that hour. This is, of course, at normal operation times. At peak times this will be higher.

To join the A58 from the site the junction will be controlled by traffic lights. The traffic assessment shows that there will be queuing from Chain Bar and even on Chain Bar while traffic is at red for those lights.

Whitechapel Road NEW Access

Initially, Kirklees Highways was very clear that there should NOT be a new access onto Whitechapel Road. This was in the interests of road safety and residential amenity.

A second report, written by a different Highways officer then concluded that it was possible to have an access but only for employees coming from the southern side of the site (as if that was an enforceable option). A third report then amended that to enable the access to be for all employees and only for HGVs in an emergency. Planning officers have so far failed to define emergency and put restrictions on that access.

Cars and vans will enter the access via a pass system which will mean that there will, inevitably, be queuing. Employees coming from Cleckheaton will have a right turn. As there is already significant traffic on Whitechapel Road from 7.00 – 9.00, right turners will have to wait, and a queue will form.

A large number of children walk down this road to get to Whitcliffe Mount school for 8.20 and so will be using that path at the same time as vehicles wanting to enter the site. No thought has been given to the road safety elements.

Then there is the impact on the Branch Road and the cross roads in Scholes village. Disgracefully, there has been no consideration or assessment of the impact on these roads. For instance, when, as happens frequently, the M62 is at a standstill, motorists come off at Chain Bar and use local roads. Will this also include HGVs?

7) HGV parking provision

There is a REQUIREMENT in the NPPF for off site parking provision for HGVs that arrive outside of their allotted hour. The applicant has proposed using one in York among others none of which are in the vicinity, except for Hartshead Services which is often full and where drivers will have to pay to park. The consequence will be of HGVs parked on the roadside to the detriment of highway safety. This is what happens at many other Amazon sites across the country.

8) CONCLUSION

This application must be refused for the many reasons, and others, that we have listed. There are numerous contraventions of both Local Plan policies and the NPPF and we do not believe that these can be sufficiently mitigated to make the application acceptable in its current form.

The Committee has a challenging task. The best way forward is to enable an independent inspection of the pros and cons of the application. The way to achieve that is for a refusal and for the applicant to appeal. As there are many valid reasons for refusal, there will be no risk to the Council.

- 7.10 One 30/11/2022 the Department for Levelling Up, Housing and Communities confirmed that they had received no request for the application to be called in by the Secretary of State.
- 7.11 As noted above, the applicant's fourth key submission (February 2023), and other amendments and further information submitted throughout the life of the application, did not necessitate further rounds of public consultation. However, as with other applications, the council continued to accept emailed representations between the three rounds of consultation, and after the third round. Those representations are included in the above summaries.
- 7.12 Regard should be had to all representations, and not only to those made in response to the council's third round of consultation. If a resident commented in July 2021 (for example), but chose not to respond to later consultations, it is not assumed that that resident no longer has any views on the proposed development. All representations made in relation to this planning application must be taken into account when the council determines the application, and representations made throughout the life of the application are referred to in this committee report.

8.0 CONSULTATION RESPONSES:

- 8.1 Dates of consultation responses are provided below, to clarify which iteration of the proposals were commented on.
- 8.2 Statutory:**
- 8.3 KC Highways Development Management – 06/03/2023: No objection, subject to conditions and Section 106 agreement. All outstanding matters relating to the local highway network have now either been satisfactorily addressed or can be addressed through the imposition of suitably worded planning conditions and/or Section 106 obligations. Site accesses are acceptable subject to detailed design and safety audits. Traffic data has been clarified by the applicant. Additional junction assessments confirm no mitigation is necessary. Contributions towards highway mitigation and sustainable transport have been agreed by the applicant. Final versions of Operational Management Plan, Delivery and Servicing Management Plan, Car Park Management Plan, Construction Environment Management Plan / Construction Traffic Management Plan and Travel Plan (including further details and amendments) to be secured by conditions.

- 8.4 KC Lead Local Flood Authority – 26/07/2021 (reiterated 30/11/2022): Support proposals. 41.2l/s maximum discharge of surface water to Stubs Beck is agreed. Details of connection to Stubs Beck required by condition. Proposed layout can accommodate a watercourse, if found (condition recommended). 20% allowance for climate change acceptable. Permeable paving not advisable. Crate storage is generally not supported, but has been accepted on other commercial sites. Maintenance plan for storage can be conditioned. Conditions also recommended regarding on-site watercourse, implementation and construction-phase drainage.
- 8.5 The Coal Authority – 22/07/2021 (reiterated 14/11/2022): No objection, subject to condition. Coal Authority concurs with the conclusion / recommendations of the applicant's Coal Mining Risk Assessment. Parts of the site are within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. Parts of the site lie within areas of both recorded (western part of the site only) and probable unrecorded shallow coal mining. The northeastern part of the site lies within the boundary of a site from which coal has been removed by surface mining (opencast) methods. Applicant's report identifies that, as a result of shallow coal workings having been encountered at various depths across the site (as a result of faulting across the site), a scheme of proof drilling and grouting (ground stabilisation works) is required beneath buildings and all sensitive structures (e.g., highways and retaining walls). All works will be carried in accordance with current UK guidance (CIRIA C758D – Abandoned mine workings manual). Proposed watching brief (to be maintained during all groundworks for any unrecorded mine entries that may be present within the site) welcomed. Council should consider potential for mine gas. Records indicate that surface coal resource is present on the site, however this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable – relevant advice regarding minerals planning and safeguarding should be considered.
- 8.6 Environment Agency – 26/07/2021 (no further comment 14/11/2022): No objection. Advisory comments made regarding surface water, biodiversity net gain, land contamination and pollution prevention.
- 8.7 Health and Safety Executive – 15/07/2021: HSE does not advise, on safety grounds, against the granting of planning permission. High pressure gas pipeline operator should be contacted.
- 8.8 National Highways (formerly Highways England) – 03/03/2023: Holding objection withdrawn, subject to conditions being applied regarding M62 junction 26 mitigation, travel planning, earthworks adjacent to the motorway, fencing adjacent to the motorway, lighting adjacent to the motorway, construction traffic, operational management, delivery and servicing, car park management and construction-phase drainage. Following review of the transport assessment, modelling and travel plan submitted, it is considered that the development's traffic impact is sufficient to require mitigation. At M62 junction 26, option 2 was accepted as the mitigation scheme to be taken forward in principle. This included signalised crossings between the A58 (E) and A58 (W), and widening of the A638 to three lanes and widening of the A58 (W) arm to four lanes. Should permission be granted, the scheme identified in principle in drawing ref 194663-21/A/45 rev F (Vectos/SLR, 14/10/2022) would be subject to detailed design.

- 8.9 Natural England – 17/11/2022: No objection. Generic advice appended regarding natural environment issues.
- 8.10 Northern Gas Networks – 01/03/2023: Previous objection withdrawn, subject to condition.
- 8.11 Non-statutory:**
- 8.12 City of Bradford Metropolitan District Council – 13/10/2021: No objection. Comments of KC Highways Development Management are noted – with two site accesses, the junction of Whitehall Road / Westfield Lane continues to operate within capacity, however with only one point of access on Whitehall Road there would be a significant shift in the distribution of traffic on the network with employees travelling further onto Whitehall Road leading to additional vehicular movements at the Whitehall Road / Westfield Lane junction, Branch Road and/or Chain Bar. Query whether one or two access points would be accepted.
- 8.13 KC Conservation and Design – 22/11/2022: No objection. Negligible harm would be caused to the setting of the designated heritage assets within the locality, and a low level of harm would be caused to the non-designated heritage assets adjacent to the site. Additional tree planting proposed to the west of the site would go some way towards mitigating this slight harm, while the public benefits of the proposal outweigh the harm. The proposed development would not result in any unmitigated adverse impacts on the components of the historic environment.
- 8.14 KC Ecology – 28/02/2023: No objection, subject to conditions. Applicant's ecological surveys have been updated in accordance with relevant guidance. The submitted information provides a comprehensive ecological assessment of the site and determines the mitigation and enhancement measures required to ensure that biodiversity receptors would be protected throughout the development and that the scheme is able to realise a biodiversity net gain, in line with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework. Applicant has used DEFRA Metric 2.0, however this still provides a comprehensive calculation for the baseline and post-development biodiversity units and accords with the council's Biodiversity Net Gain Technical Advice Note. Financial contribution of £327,290 (towards off-site measures) would be required to achieve a 10% biodiversity net gain. Conditions recommended regarding construction management and biodiversity enhancement and management.
- 8.15 KC Environmental Health – 17/11/2022 (re: air quality, odour, contaminated land, lighting and construction management) and 01/03/2023 (re: noise): Applicant's air quality assessment methodology is accepted. Predicted changes in pollutant concentrations are well below national air quality objectives and as such the impact of the development on air quality due to traffic movements with respect to NO₂, PM₁₀ and PM_{2.5} is determined to be "negligible" in accordance with IAQM and EPUK guidance. Damage cost of sum of £245,590 has been calculated. Earlier concerns regarding odour have not been addressed. No objection regarding site contamination, subject to conditions and footnote. Acceptable information submitted regarding external lighting. Queries raised regarding construction management and draft Construction Environmental Management Plan. Electric vehicle charging

required. Risk of fats, oils and grease entering the drainage network. Glint and glare assessment is outside the remit of KC Environmental Health. Night-time restriction on use of Whitechapel Road access should be year-round. Queries regarding queueing at Whitechapel Road and activity outside shift times have been addressed. Increased height of acoustic fence is welcomed. Conditions recommended regarding:

- Construction Environmental Management Plan (including Dust Management Plan);
- Acoustic bund and barrier;
- Noise from fixed plant and equipment;
- Hours of use of Whitechapel Road access;
- Air quality mitigation;
- Electric vehicle charging (including charging for HGVs);
- Kitchen extract (odour);
- Contaminated land (four conditions);
- External lighting; and
- Water pollution.

8.16 KC Public Health – 12/07/2021 (no further comment 16/11/2022): Promotion of active travel, the use of public transport and electric vehicle charging encouraged. Welcome opportunities for Kirklees residents to access employment, training and apprenticeships. Developer should communicate with residents regarding risks and disruption. Officer can share information with applicant regarding workplace health.

8.17 KC Public Rights of Way – No objection, subject to conditions, and without prejudice to the separate diversion application under consideration. The proposed development would require the diversion by relevant separate legal process of public footpath SPE/24/30. The council has received an application under Section 257 in relation to this site and has undertaken a preliminary informal consultation in July 2022. Of nearly 100 responses, a large proportion were against the public footpath diversion proposal and opposition to the proposed development was common. Amendments have been discussed with the applicant. The council is awaiting the applicant's comments on the public footpath diversion preliminary consultation responses. An officer report would be brought to the council's Heavy Woollen Sub-Committee regarding the Section 257 diversion proposal. The acceptability of the development proposal in planning terms would be key to the process of consideration of the public footpath diversion application. If the council is minded to grant planning permission to a large single unit on this allocated site, then the resultant diversionary options for the public footpath would be quite different than if a proposal came in for numerous smaller units sited on a traditional estate road. The general principle of diversion would generally be acceptable if the application development is considered appropriate. Significant, formal crossing arrangements and footway improvements at the A58 site frontage should be secured. The proposed pedestrian and cyclist route through the site is necessary. Conditions recommended regarding protection and diversion of the footpath, provision of alternative route.

8.18 KC Trees – 11/05/2022: Applicant has explained why TPO-protected trees could not be retained. The proposed tree losses would be mitigated in the landscaping scheme. The proposals are for large scale woodland planting around the periphery of the site, but also include extra heavy standard trees which are suitable for replacing trees of public amenity value. Previous

comments regarding the management of the proposed woodland and tree planting have been addressed within the submitted Landscape and Ecology Management Plan (LEMP). The proposals meet policies LP24i and LP33 of the Kirklees Local Plan. Condition recommended.

- 8.19 West Yorkshire Archaeology Advisory Service – 07/11/2022: Given the site's low archaeological potential and poor state of preservation the WYAAS do not consider any further archaeological works are necessary.
- 8.20 West Yorkshire Combined Authority (WYCA Metro) – 28/10/2021: A form of bespoke bus provision would need to be secured through a planning obligation to best meet the specific demands of this development. An agreed service level, rather than an arbitrary sum, would be appropriate. Alternatively, the existing 255 service could be enhanced or adapted to enter the application site for selective trips around the shift change times (this would need to be supported by the incumbent operator, Arriva. Whitechapel Road bus stop accessibility could be improved through the relocation of the existing stops or providing additional bus shelters with RTI display closer to the site access. The cost of this would be £23,000 per stop. Measures should ensure public footpath link to Spen Valley Greenway is provided prior to occupation. Developer / end user should join the West Yorkshire Travel Plan Network. Electric vehicle charging and e-bike charging should be provided. Proposed cycle parking is supported.
- 8.21 West Yorkshire Police Designing Out Crime Officer – 22/02/2023: No objection to amended design of the diverted footpath. No further concerns regarding the footpath.
- 8.22 Yorkshire Water – 14/11/2022: Condition recommended, requiring implementation in accordance with submitted Flood Risk Assessment and Drainage Strategy.

9.0 MAIN ISSUES

- Environmental Impact Assessment
- Proposed operations
- Land use, quantum and principle of development
- Employment, skills, social value and economic impact
- Sustainability and climate change
- Urban design matters (including masterplanning and heritage)
- Landscape and visual impacts
- Trees and landscaping
- Biodiversity
- Amenity impacts
- Highway and transportation issues
- Public right of way
- Flood risk and drainage issues
- High pressure gas pipeline
- Public health
- Site contamination and stability
- Representations
- Planning obligations
- Conditions
- Other matters

10.0 APPRAISAL

Environmental Impact Assessment

10.1 No formal Environmental Impact Assessment (EIA) Screening Opinion was sought by the applicant (or issued by the council) in relation to the proposed development. It has therefore not been confirmed that the proposed development of the application site constitutes EIA development for which an EIA Environmental Statement (ES) would need to be submitted. The applicant has, however, voluntarily submitted an ES with this application. This is considered appropriate, in order to ensure assessment of the proposed development is thorough and robust.

10.2 The ES has been submitted in the form of:

- Environmental Statement Volume 1 – Non-Technical Summary
- Environmental Statement Volume 2 – Main Technical Assessments
- Environmental Statement Volume 3 – Technical Figures and Appendices including:
 - Appendix 7.1 Flood Risk Assessment and Drainage Strategy
 - Appendix 8.1 Air Quality Assessment
 - Appendix 10.1 Ecological Appraisal
 - Appendix 10.2 Arboricultural Impact Assessment
 - Appendix 10.3 Biodiversity Impact Assessment (figures)
 - Appendix 11.1 Landscape and Visual Impact Assessment (LVIA) – Methodology and Assessment Criteria
 - Appendix 11.2 LVIA figures
 - Appendix 11.3 Technical Visualisations – Photowires
 - Appendix 11.4 Technical Visualisations – Photomontages
 - Appendix 11.5 Sections
 - Appendix 11.6 Landscape Effects Table
 - Appendix 11.7 Visual Effects Table
 - Appendix 11.8 Landscape and Ecological Management Plan
 - Appendix 12.1 Noise Technical Report
 - Appendix 13.1 Transport Assessment
 - Appendix 13.2 Annual Average Daily Traffic (AADT) and Annual Average Weekly Traffic (AAWT) flow data
 - Appendix 14.1 Desk Based Heritage Assessment
 - Appendix 14.2 Archaeological Trial Trenching Report
 - Appendix 15.1 Coal Mining Risk Assessment
 - Appendix 15.2 Preliminary Geo-Environmental Risk Assessment
 - Appendix 15.3 Geo-Environmental Assessment

10.3 The matters considered in the ES are:

- Chapter 7 – Water resources
- Chapter 8 – Air quality (including dust and odour)
- Chapter 9 – Greenhouse gas emissions
- Chapter 10 – Ecology and biodiversity
- Chapter 11 – Landscape and visual
- Chapter 12 – Noise and vibration
- Chapter 13 – Access, traffic and transport
- Chapter 14 – Cultural heritage and archaeology

- Chapter 15 – Ground conditions
- Chapter 16 – Lighting
- Chapter 17 – Combined and cumulative effects

10.4 Table 4.2 of the applicant's ES (Volume 2) states that natural disasters and major incidents, socio-economics and sustainability are not included in (i.e., were "scoped out" of) the ES. Separate to the ES, a Socio-Economic Benefits Statement (and later addendum) was submitted, as was a Sustainability and Climate Change Statement. Officers also note that the following environmental matters are not considered in the ES:

- Human health – Not considered under its own ES chapter, but is referred to in others (including chapters 8 and 15). The applicant has also submitted a standalone Health Impact Assessment.
- Wind and microclimate – The applicant excluded assessment of these matters as such effects are predominantly associated with taller buildings in urban settings which have the potential to increase wind tunnelling. As a single, largely rectangular building is proposed by the applicant in a non-urban setting, wind effects were considered unlikely. The applicant has stated that other microclimate effects (such as extremely hot street surfaces caused by focused sunlight rays, or low natural light levels affecting neighbouring properties) were also not considered likely at a significant level, given the limited glazing proposed and the spacing between the proposed development and neighbouring dwellings.
- Electrical interferences – The applicant excluded assessment of these matters, stating that they are more relevant to proposals for overhead power lines, data centres or communications installations.
- Daylight, sunlight and overshadowing – It is accepted that the proposed development's relationship with surrounding properties would not result in significant impacts regarding access to natural light, and these matters therefore did not need to be assessed in the ES.

10.5 The ES is cross-referenced to other application documents, where necessary.

10.6 The ES was amended and supplemented during the life of the application. An ES letter of clarification (dated 05/08/2021) and EIA Appendix Navigation Document (dated 28/07/2021) were submitted. An ES Addendum, an ES Addendum Non-Technical Summary and updated appendices were included in the applicant's March 2022 submission. An ES Addendum 2, and ES Addendum 2 Non-Technical Summary and updated appendices were included in the applicant's October 2022 submission. Various other documents relevant to EIA were submitted during the life of the application.

10.7 In light of the amendments and supplementary information summarised above, the applicant submitted an ES Statement of Conformity dated 06/02/2023. This summarised the amendments, provided commentary regarding the affected ES chapters, and concluded that the amendments have had no material impact to the validity of the assessments and the robustness of the ES, that the residual effect significance remains unchanged for all environmental topics of the ES, and that – across the various submitted documents – a full assessment of the proposed development (as amended) has been provided.

- 10.8 The Planning Casework Unit of the Department for Levelling Up, Housing and Communities (DLUHC) were notified twice (on 06/07/2021 and 11/11/2022) that an application accompanied by an ES had been received by the council. No comments on the proposals were received from the DLUHC in response.
- 10.9 Officers' assessment of the submitted ES is set out throughout this committee report.

Proposed operations

- 10.10 Information regarding the operation of the proposed development is summarised in the following paragraphs, to inform assessment later in this report.
- 10.11 ISG Retail Ltd are the applicant, however it has been confirmed that Amazon are the proposed development's intended occupant.
- 10.12 The proposed development would be a fulfilment centre (Amazon's "LBA6" site), where products would be received from other Amazon locations and from suppliers. From the proposed development, products would be transported to Amazon's "sortation centres". "Last mile" deliveries would not depart from the proposed development. The hierarchy of Amazon's sites, the stages of the distribution of products, and what movements occur between each type of site, are summarised below, and will be further illustrated in the committee presentation.
- Vendors and manufacturers – The majority of products are supplied by others (not Amazon).
 - Receive centres – Two exist in the UK (Coventry BHX4 and Doncaster LBA4). These receive products from vendors of manufacturers, including from abroad.
 - Fulfilment centres – 30 exist in the UK (including Wakefield DSA6, Durham MME2 and Dartford LCY3). These receive products mostly from receive centres, but can receive a small proportion of products direct from vendors and manufacturers, and this could include deliveries from abroad. Robotics are used at newer centres. Some centres specialise in a single type of product (e.g., apparel or alcohol). The proposed Cleckheaton LBA6 site would be a fulfilment centre.
 - Sortation centres – Example: Hoo LCY8. These receive products (ordered by customers) from fulfilment centres. Robotics are used at newer centres.
 - Delivery stations – Example: Rochdale DXM3. These receive products from sortation centres. "Last mile" deliveries depart from delivery stations.
 - Customers.
- 10.13 The intended occupant proposes the extensive use of robotics within the proposed development.
- 10.14 The applicant expects between 1,500 and 1,700 people to be employed at the application site within the opening year. This is then expected to rise to between 2,000 and 2,400 people within three years.

- 10.15 A 24-hour operation is proposed at the application site, with the main staff shifts to be:
- Shift 1a: 07:30 to 18:00
 - Shift 1b: 08:00 to 18:30
 - Shift 2a: 18:30 to 05:00
 - Shift 2b: 19:00 to 05:30
- 10.16 90% of staff would work the above shifts, with the remaining 10% covering working other jobs at the site (e.g., ancillary staff, security and office management) outside these shifts.
- 10.17 The applicant has stated that recruitment will be locally focused, likely to be initially based on an approximate commute radius of 10.15 miles around the BD19 postcode area.
- 10.18 During the seasonal peak, the applicant proposes to provide a staff bus for transporting a minimum of 150 additional staff. A bus turning circle is proposed on site with capacity to accommodate four (12m long, 44-seater) buses.
- 10.19 Although not material planning considerations, Amazon have additionally provided clarification regarding their commitment to the ES6 site, and regarding reported company-wide job losses and closures of other sites.

Land use, quantum and principle of development

- 10.20 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.21 As noted earlier in this report, the majority of the application site is in agricultural (arable) use.
- 10.22 Policy LP64 of the Local Plan states that at sites allocated for employment development, planning permission “will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map”.
- 10.23 Full weight can be given to site allocation ES6, which allocates the application site for employment use. “Employment use” is defined in the glossary of the Local Plan Strategy and Policies document (and paragraph 2.2 of the Local Plan Allocations and Designations document) as:

The B use class employment uses derived from the Town and Country Planning (Use Classes) Order Guide 1987 (as amended). These are:

- *B1 Business*
 - (a) *Offices (other than those that fall within A2 (Professional and Financial Services))*
 - (b) *Research and Development of products or processes*
 - (c) *Light Industry*
- *B2 General Industry*
- *B8 Storage and Distribution*

- 10.24 Of note, the above definition was published prior to the Government's changes to the Use Classes Order, which came into effect on 01/09/2020 and which merged the A1, A2, A3, B1, D1 and some D2 uses into a new E (commercial, business and service) use class, among other changes. The B2 and B8 use classes remain valid.
- 10.25 As clarified by policy LP64 of the Local Plan, proposals for non-ancillary office use at employment allocations would need to comply with policy LP13. Officers' pre-application advice of 30/06/2021 confirmed that the site was not suitable for a standalone office use (although a proportion of ancillary office use would be acceptable). Paragraph 2.3 of the Local Plan Allocations and Designations document states that proposals for ancillary offices would need their quanta to be justified and would need to be entirely related to the proposed primary use.
- 10.26 Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of need, as well as analysis of available land and its suitability for employment, housing and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site (referenced E1831 during Local Plan preparation), in paragraphs 253 and 254 of her report of 30/01/2019 the Local Plan Inspector concluded that there were no fundamental constraints that would prevent development of the site, that there were exceptional circumstances to justify the release of the site from the green belt, and that (subject to modifications which were adopted by the council) the site allocation was soundly based.

Loss of agricultural use

- 10.27 The Agricultural Land Classification (ALC) system was established by the Government in the 1960s. It provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The latest guidance from the Government regarding ALC states that the principal physical factors influencing agricultural production are climate, site and soil. These factors, together with the interactions between them, form the basis for classifying land into one of five ALC grades (grade 1 land being of excellent quality and grade 5 land of very poor quality). Grade 3, which constitutes about half of the agricultural land in England and Wales, is divided into two subgrades designated 3a and 3b. The NPPF and paragraph 001 (ref: 8-001-20190721) of the Natural Environment chapter of the Government's online Planning Practice Guidance define "best and most versatile agricultural land" as land in grades 1, 2 and 3a of the ALC. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Paragraph 175 states that, with regard to plan making, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

- 10.28 The Local Plan reflects Government guidance regarding agricultural land, and notes at page 35 (Strategy and Policies document) that the borough's Spatial Development Strategy will promote development that helps to reduce, adapt and mitigate climate change by – inter alia – avoiding the best and most versatile agricultural land where possible. The Local Plan does not, however, state that no agricultural land can be developed, and neither the Local Plan nor the council's current application validation requirements stipulate that an ALC assessment needs to be submitted with applications for developments at allocated sites that would involve the loss of agricultural land.
- 10.29 During the preparation of the Local Plan, a high-level assessment of the quality of agricultural land was carried out. The relevant Sustainability Appraisal Report assessed the proposed site allocation E1831 (which is now site allocation ES6) in relation to objective 11 (securing the efficient and prudent use of land), and stated:
- Where development takes place on greenfield land or areas of high quality agricultural land it is a less efficient use of land than development on brownfield sites or sites of lower quality agricultural land. This site is relatively large (21.11ha) and is on mainly greenfield land (although there is an existing property to the west of the site), the majority of which is classified as Grade 3 agricultural land; therefore a significant negative is likely.*
- 10.30 However, the same report also identified potential significant positive effects of employment development at the site. Having regard to a range of sustainability advantages and disadvantages (of allocating the land for employment development), the council concluded that the site was suitable for allocation.
- 10.31 The relevant Sustainability Appraisal Report stated that the negative effects (of development) would need to be considered further in terms of mitigation and/or enhancement, and that this may be achieved through Local Plan policies. However, in her report of 30/01/2019 the Local Plan Inspector did not refer to the loss of the site's agricultural use, and did not require or recommend further consideration of this matter. The Inspector did not require confirmation as to whether any part of the grade 3 land within the proposed allocation was in fact grade 3a and therefore "best and most versatile agricultural" land. Similarly, the subsequently-adopted site allocation ES6 requires no further consideration of this matter, and does not identify the quality of the site's agricultural land as a constraint.
- 10.32 Given known employment need, and given the range of sustainability advantages and disadvantages (of allocating the land for employment development) that were identified during the preparation of the Local Plan, with sufficient justification the council may still have allocated site ES6 for employment development even if it had been known that part of the site was grade 3a land.

- 10.33 In their comments relating to the current application, Natural England included generic advice regarding ALC, advising that local planning authorities are responsible for ensuring that they have sufficient detailed ALC information to apply NPPF policies (paragraphs 174 and 175). Natural England did not, however, request that an ALC and soil assessment be undertaken in connection with the application.
- 10.34 Natural England maintain a publicly-accessible online resource where the ALC grade of land can be ascertained. This resource confirms that the application site is grade 3 land, but does not clarify if this is grade 3a or 3b.
- 10.35 DEFRA's online "Magic" mapping resource does not include ALC information for the application site.
- 10.36 Given the limitations of the available online information, and given that no ALC assessment has been submitted by the applicant (as no such assessment is required by policy), it cannot be confirmed that no grade 3a land exists at the application site, and it therefore cannot be confirmed that no "best and most versatile agricultural land" would be lost.
- 10.37 However, given known employment need (having regard to Local Plan delivery targets), acceptance of the loss of agricultural land at the application site would still have been recommended even if it was known that grade 3a land existed at the application site.
- 10.38 Although in many locations land could be improved (and practices that cause soil degradation could be ceased), and/or land could be used more efficiently, agricultural land is a finite resource. The proposed development would unavoidably involve a reduction in productive agricultural land. This would be permanent. This can raise concerns regarding sustainability, however it is noted that definitions of sustainable development do not explicitly rule out the use of a part (and do not require the preservation of all) of any finite resources. The NPPF and the Local Plan (including policy LP1 – presumption in favour of sustainable development) similarly do not state that no part of any finite resources can be used. Of course, the using up of *all* of a finite resource would fail to comply with these definitions and policies (as this would clearly compromise the ability of future generations to meet their needs), however this is not what is proposed under the current application.
- 10.39 Concerns regarding sustainability and the UK's food security have understandably heightened interest in ALC and losses of agricultural land. The borough's agricultural land supply is finite, and the agricultural use of the land would be irretrievable. However, given current planning policy, and given the council's allocation of site ES6 for employment development (which, by its very nature, prevents the continued use of the application site for agriculture), this matter need not be considered further at application stage.

Proposed B8 use

- 10.40 As noted above, the application site is allocated for employment development, defined in the Local Plan's glossary (Strategy and Policies document) and paragraph 2.2 of the Local Plan Allocations and Designations document as including B8 use. In principle, the proposed B8 use of the site (with ancillary offices) is therefore considered acceptable.

- 10.41 Chapter 6 (paragraph 81) of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
- 10.42 Paragraph 83 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors, and that this includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 10.43 The Local Plan seeks to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs. Strategic objective 1 confirms that the council will support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.
- 10.44 The Leeds City Region Strategic Economic Plan notes the region's capabilities regarding logistics and Kirklees's transport connections. The Kirklees Economic Strategy supports the growth of employment uses and supporting infrastructure.
- 10.45 A total floorspace of 266,075sqm (GIA) in B8 use is proposed. A development of this size at a site allocated for employment development would make a significant contribution towards the delivery of jobs in Kirklees and meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application. An assessment of the number of jobs likely to be generated by the proposed development is provided later in this committee report.
- 10.46 Although other uses and proposals (such as those relating to precision engineering and textiles) would respond positively to specific emphases and objectives of the Leeds City Region Strategic Economic Plan and the Kirklees Economic Strategy, no parts of those strategies suggest B8 use would not be appropriate in this location. The proposed B8 use (and the number and range of jobs that the applicant intends to create as part of the proposed B8 use development) is compliant with the general objective of job creation set out in those strategies.
- 10.47 Residents have noted that the relevant Sustainability Appraisal Report published during the preparation of the Local Plan referred to B2, manufacturing and precision engineering uses at the application site. Residents have also noted that paragraph 250 of the Local Plan Inspector's report of 30/01/2019 stated that development at the site "would help to meet the identified needs of manufacturing businesses". These points are noted, however the relevant Sustainability Appraisal Report also refers to the proposed "employment allocation", and the Local Plan Inspector was aware that the council had proposed to allocate the site for a range of employment uses, and did not intend to limit the use of the site to B2 uses. As noted above, site allocation ES6, and the Local Plan's definition of "employment use", allow for B8 use of the application site.

- 10.48 With regard to paragraph 2.3 of the Local Plan Allocations and Designations document, officers are satisfied that the small amount of office floorspace proposed would be genuinely ancillary, and that its quantum is justified. The office floorspace would be entirely related and integral to the proposed primary B8 use, with internal connections within the building, and no separate welfare facilities, car parking or site entrance. As this floorspace is ancillary, it falls within the B8 use class, as does all other floorspace within the proposed development.
- 10.49 The principle of development at, and the proposed B8 use of, the unallocated land to the rear (north) of 294 to 298 Whitechapel Road is considered acceptable in relation to land use policies.

Quantum of development

- 10.50 Site allocation ES6 refers to a gross site area of 23.53ha, a net site area (omitting land from the developable area to accommodate a high pressure gas pipeline and buffer) of 10.68ha, and an indicative capacity of 37,380sqm of employment floorspace.
- 10.51 The application site area is 23.70ha, which includes unallocated land to the rear (north) of 294 to 298 Whitechapel Road. 266,075sqm (GIA) of floorspace is proposed.
- 10.52 In paragraph 254 of her report of 30/01/2019 the Local Plan Inspector stated:
- “The net developable area of the site and indicative capacity should be reduced in order to allow for provision of the landscaped buffer, and to take account of a gas pipeline across the site”.*
- 10.53 In light of the above, the draft site allocation initially submitted for Examination in Public was amended through the Local Plan process to reduce the net site area from 24.57 hectares to 10.68 hectares, and the site’s indicative capacity from 41,020sqm to 37,380sqm (modifications SD2-MM13 and SD2-MM14).
- 10.54 A proposal for a development that greatly exceeds (by 7x) the site allocation’s indicative capacity, and that extends across significantly more than 10.68 hectares of the site, should not automatically be identified as a departure (i.e., a development that does not comply with the relevant development plan). Local Plan policy LP64 does not state that the net site area and indicative capacity figures of site allocations must be adhered to, nor does it state that planning permission will be refused if those figures are exceeded by a proposed development. Should an applicant be able to demonstrate that a proposal (that exceeds those figures) is acceptable in relation to relevant planning considerations, there would be no policy-based reason for that development to be refused planning permission.
- 10.55 Paragraph 254 of the Local Plan Inspector’s report clarifies that the site’s developable area was reduced to 10.68 hectares to accommodate the landscape buffer (referred to at paragraph 251 as “a landscaped buffer in the southern section of the site [which] could help to provide mitigation and soften the edge of the development in this vicinity” and in the ES6 site allocation policy box as “landscape buffer areas along Whitechapel Road”) and the high pressure gas pipeline.

- 10.56 The Inspector added that “The masterplanning process will provide an opportunity to finalise the precise position of the landscape buffer and developable area, and any adjustments which are necessary to the site boundary in the southeastern corner adjoining land not within the Green Belt”. Given the construction of this sentence, it is possible that the Local Plan Inspector was only referring to “the precise position” in relation to the landscape buffer, and that her comment relating to the developable area could be read as “The masterplanning process will provide an opportunity to finalise the... developable area”. The following commentary, however, assumes that “the precise position” relates to both the landscape buffer and the developable area.
- 10.57 While this sentence refers to the *position* of the landscape buffer and the developable area, and does not explicitly refer to their size, officers are of the view that the amount of land required to address the relevant constraints (and, therefore, the amount of land that can be developed) can indeed be reviewed at application stage, given that works possible within easements and the design of the landscape buffer would normally be considered in detail at application stage (and certainly in more detail than would normally be considered during Local Plan preparation). An applicant may be able to devise solutions that acceptably address the site’s constraints, therefore it would be improper to require an applicant to strictly adhere to a developable area of no more than 10.68 hectares and to limit development as if an “undevelopable area” of 12.85 hectares applied. Officers do not believe that the Local Plan Inspector intended to be so restrictive when setting the net site area. Furthermore, it would be improper to consider the position of the landscape buffer and development area in isolation, without also having regard to their size. These two attributes of the landscape buffer and the developable area are not separable.
- 10.58 Of note, there have been previous examples of developments exceeding their site allocation’s indicative capacity (at, for example, Dyson Wood Way, Lingards Road, and the former North Bierley Waste Water Treatment Works). Although under-delivery against indicative capacities is more common, and although other examples didn’t involve as great an exceedance as is proposed at the ES6 site, the principle of exceeding indicative capacities is not unheard of. Indicative capacities are not intended to serve as inflexible caps on quanta. Higher or lower quanta can be deemed acceptable, subject to relevant policies and other material planning considerations.
- 10.59 Residents have stated that the 10.68 hectare net site area corresponds with the part of the ES6 site allocation to the northeast of the public footpath SPE/24/30. However, neither the report of the Local Plan Inspector nor the text of the site allocation stipulate that development must be restricted to that part of the allocation. Subject to the constraints listed in the site allocation, all of site ES6 is allocated for development. It is likely that a much smaller site allocation would have been proposed and adopted if no development was to be allowed to the southwest of the public footpath. A sketch masterplan (drawing 3/K15/5925/05, Martin Walsh Architectural) circulated during Local Plan preparation did not show development confined to the northeast side of the public footpath. Furthermore, had all 10.68 hectares of the site’s developable area been restricted to land northeast of the public footpath, space for soft landscaping would be severely reduced, which in turn may have made compliance with other planning policies difficult, if not impossible.

- 10.60 In summary, given the above assessment, it is considered that the site's final developable area can indeed deviate from the net site area set out in the site allocation, and that the final developable area can and should be determined through a masterplanning process undertaken in support of a planning application. That masterplanning process would ascertain how site constraints could be addressed, which in turn would finalise what space within the site allocation can be developed. If the constraints that limited the indicative capacity and net site area can be addressed, a greater quantum can be accepted. The proposed development, and the proposed quantum of development, do not represent a departure from the development plan.
- 10.61 Regarding another concern relevant to quantum, residents have expressed the view that many of the proposed development's impacts are a product of the amount of development proposed by the applicant, and that a reduced quantum of development could result in – for example – an on-site biodiversity net gain, more soft landscaping and reduced visual and amenity impacts. This is accepted, and it is noted that the scale of development (which is the result of decisions made by the applicant) is in itself not a justification for its impacts. However, the public benefits that would result from the applicant's chosen quantum are material planning considerations relevant to this planning application. These are weighed against the impacts of the proposal in the balance of planning considerations set out later in this committee report.

Mineral safeguarding

- 10.62 The application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, need for employment development and job creation, having regard to other Local Plan policies) for it.
- 10.63 A Mineral Resource Assessment was submitted with the application. This states that published geological data, and the results of site investigation, demonstrate that sandstones beneath the application site are of relatively limited thickness, are deeply weathered, and are not considered to be of a quality worthy of safeguarding. The report states that there is no evidence that underlying clays and mudstones are of economic interest or worthy of safeguarding. Regarding deeper coal seams beneath the application site, the report states that these have either been previously worked or lie at such a depth as to render their recovery impractical or unviable.
- 10.64 The author of the Mineral Resource Assessment notes the extensive cut and fill proposed by the applicant, and suggests that sandstones, clays and mudstones incidentally extracted from the site should be used within the proposed development wherever possible. Notwithstanding the earlier conclusions regarding coal, the author suggests that thin coals may be encountered in the southern parts of the application site, and that the recovery and sale of such coals could be considered. The author does, however, acknowledge that the market for coal is increasingly limited, and that it may not prove economic to recover such relatively minor volumes. The applicant has not proposed the extraction (for sale) of coal from the site as part of the proposed development, but has proposed to use excavated material as part of the reshaping of the site.

- 10.65 In their comments of 22/07/2021 the Coal Authority noted that a surface coal resource is present on the site, but did not comment on whether extraction of coal from the application site would be economically viable, technically feasible or environmentally acceptable.
- 10.66 Given the findings of the applicant's Mineral Resource Assessment, it is considered likely that the requirement of criterion 1a of policy LP38 of the Local Plan would be met.
- 10.67 The proposed development would not prejudice the future working of any mineral resources in the area surrounding the application site.

Employment, skills, social value and economic impact

- 10.68 The job creation objective (to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs) of the Local Plan is again noted, as is strategic objective 1 which confirms that the council will support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.
- 10.69 The Leeds City Region Strategic Economic Plan emphasises the need for "good growth", which means achieving both the right quantity and the right quality of growth, as well as creating a strong, productive and resilient economy where a radical uplift in business competitiveness, productivity and profits goes hand in hand with access to good jobs that pay higher wages, and where all residents have access to opportunity and enjoy improved quality of life. The plan sets out an intention to deliver upwards of 35,000 additional jobs and an additional £3.7 billion of annual economic output by 2036. The City Region also seeks to exceed the national average on high level skills, and to become a region with no people who are NEET (not in employment, education or training). The importance of inclusive growth and environmental sustainability are emphasised, and the region's capabilities regarding logistics and the digital economy are noted. For Kirklees, the plan notes the borough's transport connections, the need to regenerate North Kirklees and the need for space for businesses to grow.
- 10.70 The Kirklees Economic Strategy supports the growth of employment uses and supporting infrastructure. It commits the council to building local wealth, creating an economy that is inclusive (with every person realising their potential, through good jobs, and higher levels of skills, income and wellbeing) and productive (with innovative, outward- and forward-looking businesses, as well as higher productivity which creates more value per hour worked and can support good jobs and higher incomes. The need for skills and training, higher-paid jobs and reductions in deprivation are noted.
- 10.71 Given the above objectives, any employment development at the application site would be expected to deliver high numbers of quality, skilled jobs and apprenticeships, and opportunities for local employment should be maximised.

10.72 The applicant has submitted the following documents of relevance to employment, skills, social value and economic impact:

- Cleckheaton Socio-Economic Benefits Statement (Hatch, June 2021)
- Cleckheaton Socio-Economic Benefits Statement: Addendum (Hatch, March 2022)
- Response to Kirklees Council Social Value Policy 2022 (First Plan, 27/01/2023)
- Amazon Draft Framework Employment and Skills Plan (27/01/2023)
- Statement from Amazon UK (31/01/2023)
- Employment information (emailed 16/02/2023)

Employment

10.73 As noted above, the applicant expects between 1,500 and 1,700 people to be employed at the application site within the opening year. This is then expected to rise to between 2,000 and 2,400 people within three years. Paragraph 2.5 of the applicant's March 2022 addendum confirms that these job numbers are full time equivalent (FTE), and relate to on-site jobs.

10.74 A more detailed breakdown of staff numbers was provided on 16/02/2023. This included the following table setting out anticipated initial staff roles at the proposed development:

Skilled	270
Team Leader	70
Skilled Trade	57
Managerial	56
Admin	39
Technical	29
Professional	18
Apprentices	12
Warehouse operatives	950-1150
Total	1501-1701

10.75 The same submission included descriptions of some of the roles falling within the above "skilled" category, and a breakdown of jobs currently filled at Amazon's Wakefield DSA6 site. The applicant additionally informed officers that between 60 and 70 "high tech" engineering jobs would be created as part of the proposed development.

10.76 Of note, the council as Local Planning Authority cannot secure and enforce the employment numbers suggested by the applicant. However, if the council is satisfied that the applicant's information regarding job creation is reasonable and reliable, this matter would be a material consideration (and would carry weight) in the balance of planning considerations relevant to this application.

Two sources of information can be referred to, to help verify (albeit not conclusively) the applicant's job creation information, as follows:

1) Employment at Amazon's Wakefield DSA6 site – The applicant has confirmed that, at this recently-opened site, 1,900 staff are currently employed, including 100 managerial roles.

2) Employment densities guidance – Guidance published by the Homes and Communities Agency regarding typical employment densities for B8 uses suggests that 266,075sqm (GIA) of floorspace (rounded to 280,000sqm GEA) could support between 2,947 and 3,636 jobs, depending on whether a development is used as a regional or a national distribution centre. B8 floorspace typically had very low employment densities, although there has been an emergence in recent years of B8 uses that have higher employment densities than previously seen in warehousing, storage and distribution. The employment numbers achieved by such uses have, however, been limited to an extent by the use of automation.

- 10.77 Given the above assessment, it is accepted that the applicant's employment figures are achievable, and therefore reasonably reliable. Although it must be again noted that the above verification is not conclusive (and it cannot be guaranteed that the applicant's suggested job numbers will indeed be achieved), there is sufficient reassurance to enable significant positive weight to be attached to this aspect of the proposed development.
- 10.78 Queries have been raised in representations regarding future, further automation of the proposed development (through increased use of robotics), and the impact this may have on jobs.
- 10.79 The proposed development has been designed to incorporate a high level of automation, and the applicant's job creation figures already take into account the proposed use of robotics. No information has been submitted confirming that there would or would not be further automation in the future. As with other employment uses and developments, it cannot be guaranteed that such automation wouldn't occur.
- 10.80 Residents have queried why the applicant's predicted employment figures increased from approximately 1,500 (referred to in the initial application submission) to up to 2,400 (in the applicant's March 2022 submission). The applicant has explained that the confirmation of Amazon as the intended occupant enabled more accurate figures to be confirmed. Residents have countered that the applicant would have already known Amazon were to be the intended occupant when the lower figures were predicted.
- 10.81 Residents and elected representatives have stated that there are many warehouse job vacancies locally. Although officers note that a degree of staff turnover is normal in most industries, on 17/02/2023 the applicant additionally responded as follows:

Within the Kirklees area, there are approximately 8,000 people employed in the logistics industry. This represents 5% of jobs across all sectors in the same area – and is 0.6% lower than the average of 5.6% within Yorkshire and Humber. At the time of submission of information, there were only 99 vacancies advertised for warehouse roles within a five-mile radius of the Kirklees area; this included supervisor and management positions.

- 10.82 The above matter is a consideration relevant to the current application. The council would not want to see the proposed development only attracting and displacing already-employed people from their current roles, or only being staffed by existing Amazon employees (of note, 50% of the 100 managers working at Amazon's Wakefield DSA6 site were recruited from within the company). A significant impact on unemployment and economic inactivity would be expected, and measures to help achieve this (such as proactive targeted recruitment of people living in priority areas defined by ward or the Index of Multiple Deprivation, for example) would need to be included in an Employment and Skills Plan appended to a Section 106 agreement attached to any approval of planning permission for the proposed development.
- 10.83 The range of roles that the applicant expects to provide as part of the proposed development is noted. While the majority of roles would be "warehouse operatives", the applicant has highlighted the 551 other roles listed in the table above at paragraph 10.74 of this committee report, and has stated that all roles require some form of training.
- 10.84 As regards why a physically smaller development at Amazon's Wakefield DSA6 site is expected to achieve similar numbers of jobs, the applicant's submission of 16/02/2023 explains:
- LBA6 Cleckheaton will hold more inventory than the existing fulfilment centre at DSA6 Wakefield. However, the headcount is based upon the buildings' throughput which will be the same at both locations. Therefore, the headcount will be similar at both locations.*
- 10.85 The applicant has submitted further information regarding terms, wages, intended recruitment targeting and other matters. Of note:
- All roles would be direct employment contracts with Amazon.
 - The proposed development's jobs would include permanent and fixed-term contracts (although proportions have not been confirmed).
 - Full-time and part-time contracts would be offered (although proportions have not been confirmed).
 - No zero-hours contracts would be offered.
 - The majority of roles would be for 40 hours per week.
 - Part-time roles would be for a minimum of two shifts per week.
 - For fixed-term contracts, a minimum of 20 hours would be offered per week.
 - A variety of shifts would be offered to employees.
 - Entry-level wages start at £10.00 to £11.10 per hour.
 - Employees would be offered long service rewards, bonuses, benefits discounts and pensions.
 - Recruitment campaigns would involve Kirklees Council, Job Centre Plus and other local organisations.
 - For the proposed recruitment catchment area, an "approximate dynamic commute radius of 10.5 miles around the BD19 postcode area is likely to be the initial focus area" (of note, officers would propose initial targeting of closer areas within a 10km radius).
 - A wider catchment would be considered when necessary, and for seasonal recruitment.

- Recruitment would target people leaving care, deaf people, people with other disabilities, people leaving the military, HE students and long-term unemployed people.

- 10.86 Many of the above proposals are welcomed, and would attract positive weight in the balance of planning considerations where secured, or where sufficient relevant reassurance is provided. Provisions related to recruitment campaigns, catchments and proactive targeting of specific groups (including those listed above, as well as people with autism, secondary mental health conditions, people undertaking drug and alcohol addiction treatment and other groups including those who may emerge as priority groups in the future) would need to be secured in an Employment and Skills Plan appended to a Section 106 agreement attached to any approval of planning permission for the proposed development. Some matters listed above (such as the applicant's information regarding wages, terms and conditions) are not appropriate for inclusion in an Employment and Skills Plan.
- 10.87 Representations have been received, contradicting some of the above information, and stating that low numbers of low-skilled, low-paid, insecure jobs (with poor terms and conditions) would be created. References have been made to industrial action carried out by staff at other Amazon sites.
- 10.88 In addition (and prior) to the above operational-phase job creation, temporary construction-phase jobs would be created. The applicant's response of 16/02/2023 states that direct on-site construction-phase jobs would likely be in excess of 800 at key times. The applicant has added that the proposed development would support an estimated 1,800 construction-phase jobs (i.e., jobs linked to the development, including part-time jobs, both on-site and off-site jobs, and jobs at the suppliers of materials and services directly to the development).
- 10.89 As with the operational-phase jobs, provisions would need to be secured in an Employment and Skills Plan appended to a Section 106 agreement attached to any approval of planning permission for the proposed development. Although construction works may be carried out by parties other than the applicant or Amazon, those parties would be under contract, and the applicant would be expected – through the tendering process – to ensure that the terms of the relevant contract(s) would require contractors to adhere to relevant provisions within the Employment and Skills Plan.

Skills and social value

- 10.90 The references to skills and employment opportunities in strategic objective 1 of the Local Plan are again noted. Local Plan policy LP9 states that the council will work with partners to accelerate economic growth through the development of skilled and flexible communities and workforce in order to underpin future economic growth to deliver the Kirklees Economic Strategy. It adds:

Wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. Applicants should reach an agreement with the council about measures to achieve this, which could include: provision

of specific training and apprenticeships that are related to the proposed development or support other agreed priorities for improving skills and education in Kirklees or the creation of conditions to support a higher performing workforce, increasing productivity and the in work progression of employees. The Council will therefore seek to secure an agreed training or apprenticeship programme with applicants [where specified thresholds are met by proposed developments].

10.91 The proposed development meets the relevant threshold set out in policy LP9 (employment developments delivering 3,500sqm or more of business or industrial floorspace).

10.92 On 21/09/2022, Cabinet approved a new Social Value Policy which defines social value as:

...the broad set of economic, social and environmental benefits that may be delivered in addition to the original goods or service being provided. They may include jobs and training, support of local businesses and community organisations, and to our environment. These benefits may be delivered through procurement, our employment practices, our grants and investments or other processes.

10.93 The Social Value Policy confirms that the council will consider social value in relation to planning and development, particularly major planning applications. The council will negotiate social value obligations for all major developments, within the exiting Local Plan policy framework and subject to meeting legal tests of the Section 106 process, and will use Section 106 agreements and other levers to ensure commitments are achieved.

10.94 With regard to skills and training, the applicant has again referred to Amazon's Wakefield DSA6 site. At that recently-opened site, the applicant has confirmed that 1,900 staff are currently employed, and that all staff have received some form of training (taking between four and six weeks), including:

- 270 instructors trained to date;
- 94 team leaders (each managing a small team) trained to date, with future team leaders currently being trained;
- Four apprentices undertaking degrees at Coventry University.
- 30 dock clerks trained;
- 90 people trained to work on the robotics floor;
- 30 people trained in gatehouse duties;
- 140 indoor marshals trained to date.

10.95 Regarding apprenticeships, the applicant's information of 16/02/2023 (and relayed in the table above at paragraph 10.74 of this committee report) refers to 12 apprentices, however later information provided by the applicant on 16/02/2023 suggests the following 24 apprenticeships would be provided:

Apprenticeship pathway	Anticipated number	Apprenticeship level
Engineering - Mechatronics	4	3
IT Support	1	3
IT Engineer	1	6
Safety Specialist	1	4
HR Support	1	3
Chartered Manager	1	6
Supply Chain Warehouse Operative	15	2

10.96 The Government has defined apprenticeship levels as follows:

- Level 2 – GCSE
- Level 3 – A-level
- Levels 4, 5, 6 and 7 – Foundation degree and above
- Levels 6 and 7 – Bachelor’s or master’s degree

10.97 The above 24 apprenticeships would be welcomed, and it is recommended that these be secured via an Employment and Skills Plan appended to a Section 106 agreement attached to any approval of planning permission for the proposed development.

10.98 Officers have suggested that local colleges be involved in the delivery of apprenticeships and other training at the application site. Representatives of Amazon initially expressed reluctance in response, as the company operates a national apprenticeships programme, and participants may move sites during their apprenticeships. Officers remain of the view, however, that reference to local schools and colleges should still be referred to in an Employment and Skills Plan, and that the involvement of local institutions should be sought if this would result in better outcomes for participants.

10.99 Also of relevance, the applicant has highlighted Amazon’s emphasis on in-work training. This is welcomed, as it is likely to encourage longer-term employment, which in turn is welcomed in relation to social sustainability. Further commentary is provided later in this committee report. Clarification regarding the proposed proportions of permanent and fixed-term contract staff at the site is needed from the applicant, as this has a bearing on how many of the staff would be able to access training.

10.100 The applicant’s document title Response to Kirklees Council Social Value Policy 2022 (First Plan, 27/01/2023) focuses on key areas (residents, communities, businesses and the environment). In addition to reiterating the employment, skills and economic impact information assessment in the above and below paragraphs, it provides environmental information (including in relation to air quality, renewable energy and transport, all considered elsewhere in this committee report) and community engagement (including relevant charity and voluntary work).

Economic impact

10.101 The applicant has provided headlines figures regarding the benefits the proposed development would bring to the local economy. The applicant has used the Gross Value Added (GVA) measure, which the Government has defined as follows:

Gross Value Added (GVA) measures the contribution to the economy of each individual producer, industry or sector. Simplistically it is the value of the amount of goods and services that have been produced, less the cost of all inputs and raw materials that are directly attributable to that production.

- 10.102 The applicant's March 2022 addendum states that the proposed development would generate "£89m of gross direct GVA rising to £104m after three years of operation, and £62m of indirect and induced GVA rising to £73.4m after three years of operation". On 03/03/2023 the applicant explained that these are annual figures. The applicant added that, in this instance, "direct" relates to the total on-site jobs (and resulting GVA) that would be directly supported by Amazon's activity at the site, that "indirect" impacts are generated as a result of spend (associated with the on-site activities) on services and/or suppliers required for their day-to-day operations, and that "induced" impacts are associated with local expenditure of those who derive incomes from the direct (on-site) and/or supply chain (off-site) impacts of the development.
- 10.103 The March 2022 addendum also states that the proposed development would generate 930 off-site jobs (FTE), rising to 1,095 jobs (FTE) after three years of operation.
- 10.104 Regarding supply chain benefits, there is no guarantee that local vendors and manufacturers would supply the products to be delivered to the proposed development and later sold by Amazon, or that other local business would be employed by Amazon to maintain the site and assist with other jobs that may arise during the life of the development. The applicant has, however, provided the following headline information regarding Amazon's economic impact in West Yorkshire:
- Since 2010, Amazon has invested over £410 million in West Yorkshire.
 - This investment led to the production of goods and services that contributed over an estimated £430 million to the region's GDP since 2010.
 - West Yorkshire has over 3,250 SME selling partners.
 - Small business from the region selling on Amazon recorded over £75 million of export sales in 2021.
- 10.105 There is also the possibility that staff of the proposed development would patronise local businesses in Scholes and Cleckheaton on their way to and from work. Prior to the operational phase commencing, although there is no guarantee that the proposed development (if granted planning permission) would be carried out by local construction companies, such construction work often involves local labour, and the possibility of construction-phase employees patronising local businesses is likely.
- 10.106 The applicant's 16/02/2023 submission states that the estimated financial investment in the construction of the proposed development is approximately £185m.

Conclusion regarding employment, skills, social value and economic impact

- 10.107 In conclusion, aspects of the proposed development (particularly in relation to overall job numbers, numbers of skilled roles, targeted recruitment, apprenticeships and wider economic benefits) are very much welcomed, as is the overall scale of investment proposed. These matters attract significant positive weight in the balance of planning considerations relevant to this application. Evidence exists, and measures can be secured (albeit not in respect of all matters noted above, such as job numbers and wages), to provide sufficient certainty that the benefits of the proposed development would indeed materialise.
- 10.108 With specific regard to employment and skills matters, on 31/01/2023 the applicant submitted a draft Employment and Skills Plan which – subject to amendments and additions as per the above commentary – is considered to be appropriate for appending to a Section 106 agreement attached to any approval of planning permission for the proposed development.

Sustainability and climate change

- 10.109 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.110 The application must demonstrate that the proposed development would deliver net gains in respect of all three sustainable development objectives (economic, social and environmental).
- 10.111 The council's Planning Applications Climate Change Guidance document advises applicants to submit a Climate Change Statement with all applications. A Sustainability and Climate Change Statement was submitted with the current application (and updated in March 2022), and the applicant has referred to sustainability and climate change in other submission documents.
- 10.112 The application site is considered to be a sustainable location for employment development, as it is relatively accessible (particularly in relation to the Strategic Road Network) and close to existing settlements. The proximity of the application site to an existing population (i.e., workforce) was noted in the relevant Sustainability Appraisal Report published during the preparation of the Local Plan. A large population exists within sustainable commuting distances of the application site, and although relevant infrastructure is lacking in places (there are, for example, narrow footways to Whitehall Road and Whitechapel Road in places), the limited bus services, cycle lane markings and footways of Whitechapel Road, the bus services available in Cleckheaton, and the traffic-free (and cyclable) Spen Valley Greenway (providing a 2.4km connection to Low Moor railway station, and a 1.6km connection to the centre of Cleckheaton) at least provide some opportunities for staff to move to and from the proposed development using sustainable modes of transport. It is noted, however, that additional sustainable transport provision would be required in support of the proposed development.

Economic sustainability

- 10.113 Economic sustainability can concern a range of matters, including job creation, diversifying employment within the borough, training opportunities and providing a sufficient supply of employment floorspace that is fit for purpose, assists productivity and enables businesses to expand.
- 10.114 Construction-phase and post-construction employment opportunities are relevant to the consideration of the proposed development's economic sustainability. With the proposed provision of 266,075sqm (GIA) of employment floorspace, the expected creation of around 800 on-site construction-phase jobs and the later expected creation of between 1,500 and 2,4000 new jobs, the proposed development would contribute significantly to the economic development of Kirklees and West Yorkshire. Although construction-phase jobs would be temporary and would not significantly contribute towards longer-term economic sustainability, the overall economic impact of the proposed development, and the scale of investment proposed, would be significant.
- 10.115 As noted earlier in this report, the provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and the proposed development meets the relevant thresholds of that policy. The provision of construction-phase and post-construction training and apprenticeships would significantly contribute to the borough's skills base and economic resilience.
- 10.116 The applicant has highlighted the training and progression opportunities available within Amazon, and it is noted that some of the skills typically acquired are transferable. This further suggests that the skills, the diversity of roles and the economic resilience of Kirklees's workforce (and, in turn, economic sustainability) would be improved by the proposed development.
- 10.117 The proposed development would provide latest-specification employment floorspace suited to current business needs. Such accommodation is not provided at older sites, hence Amazon's recently-announced intention to close three fulfilment centres in the UK (in Gourock, Doncaster and Hemel Hempstead). This is of relevance to productivity (noted as an important planning consideration at paragraphs 8 and 81 of the NPPF), and – as productivity relates to more efficient use of (often finite) resources – to sustainability.

Social sustainability

- 10.118 In relation to any proposal for large-scale development, a significant element of social sustainability concerns the maintenance of good levels of amenity, utility and convenience, so that people would want to continue living in the places where development is proposed. Places offering low or deteriorating standards of residential amenity are often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. High levels of local unemployment can similarly undermine people's desire (or ability) to remain living in a place.

- 10.119 High pay, short commutes, in-work progression, and the provision of other opportunities that would encourage employees to remain, can result in fewer people wanting or having to relocate (and leaving behind family and social roots) to seek work.
- 10.120 For some, the proposed development would undoubtedly cause amenity impacts in relation to noise, disturbance, air quality, traffic and external lighting. The extent of these impacts, and the numbers and locations of receptors, must be considered when ascertaining whether there would be a significant effect in relation to social sustainability.
- 10.121 The proposed location of a major source of employment relatively close to an existing populated area would create new opportunities for local employment for people to live close to their workplace, potentially minimising journey-to-work times, resulting in better live/work balances, and resulting in benefits in relation to childcare and other aspects of life outside work. Residents living further afield and along public transport, walking and cycling routes would also have access to the proposed development's new employment opportunities. The improvements proposed by the applicant in relation to transport would further enhance access to the proposed jobs. The applicant's commitment to local recruitment (likely to be initially based on an approximate commute radius of 10.15 miles around the BD19 postcode area) is welcomed, although it must also be noted that Amazon would also be free to recruit from within the company, and from populations further afield.
- 10.122 The applicant has provided information regarding in-work progression at Amazon's other sites. This is encouraging, as – if similar opportunities are available at the ES6 site – there would be less need for employees to leave the area to progress.

Environmental sustainability

- 10.123 The proposed development would involve the use of a relatively large area of previously-undeveloped (greenfield) land. Energy and materials would be used in site preparation and the construction and operation of the proposed development. A zero-carbon development is not proposed.
- 10.124 The applicants do, however, propose the following (of relevance to environmental sustainability and climate change):
- A “Very Good” rating under the Building Research Establishment Environmental Assessment Method (BREEAM);
 - A commitment to achieve EPC rating ‘A’;
 - A 4MW photovoltaic (PV) array (covering approximately 1 hectare, and anticipated to generate 3,000MWh per year) at roof level in accordance with Local Plan Local Plan policy LP26 which encourages proposals for renewable and low carbon energy proposals;
 - Intelligent low energy LED lighting;
 - High levels of thermal insulation;
 - High levels of air tightness (less than 3 cubic metres per hour per sqm) in the building in excess of Building Regulations;
 - Green roofs to parts of the proposed development;

- Timber to be sourced from sustainable forestry, by carrying the Forest Stewardship Council certificate;
- Prohibition of materials containing CFCs and HCFCs; and
- A 10% biodiversity net gain (albeit off-site, via a financial contribution) in accordance with Policy LP30 of the Kirklees Local Plan.

10.125 For a development at this site, of the scale proposed, transport is among the key considerations of relevance to sustainability assessment. Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site that was entirely reliant on the use of the private vehicle is unlikely to be considered sustainable. Further consideration of these matters is set out elsewhere in this report, however it is noted that the following is proposed and/or would be secured:

- Provisions for pedestrians and cyclists, including improvements at Chain Bar and the provision of a connection between public footpath SPE/24/30 and the Spen Valley Greenway;
- Implementation and monitoring of a travel plan;
- A financial contribution of £1,000,000 towards local bus provision;
- A financial contribution of £46,000 towards improvements to local bus stops;
- 88 on-site cycle parking spaces; and
- Electric vehicle charging points.

10.126 Although only annotated as “indicative PV array” and “hatched area denotes zone of future PV arrays” on proposed roof plan drawing 7384 SMR 00 RF DR A 2122 S3 rev P7, other documents submitted by the applicant confirm that the array would be provided as part of the proposed development. A relevant condition securing its provisions is recommended.

10.127 Green roofs are proposed above the western projection of the main building, and above the decked car park. These are welcomed. A condition is recommended, requiring the submission of full details of the green roofs (including confirmation that inferior sedum mats would not be used).

10.128 During the life of the application, officers advised the applicant to explore the potential for providing more extensive green roofs. Officers noted that green roofs can be provided (and can be effective) beneath PV arrays. In response, the applicant stated that a green roof covering the building would require a concrete deck at roof level, as well as a more substantial building beneath it to support the greater load, requiring more construction material (which has implications for sustainability and cost), and resulting in a longer construction phase and a taller building. Although the applicant hasn't provided evidence to demonstrate that the carbon savings achieved by such a green roof would be cancelled out by the carbon cost of constructing it, hasn't confirmed how much taller the building would need to be, and hasn't confirmed by how much the construction phase would be extended, it is accepted that an extensive green roof covering the building would have significant loading implications, given the need to provide a concrete deck as well as growing substrate of at least 80mm depth.

- 10.129 A condition is recommended, securing the submission of assessment evidence to demonstrate that no less than BREEAM “Very Good” would be achieved and has been achieved by the proposed development. For the avoidance of doubt, it is the UK New Construction version 6 (2022) of BREEAM that would be applicable to the proposed development.
- 10.130 In some submission documents the applicant has referred to an ambition to achieve net zero. This would be welcomed, however in the absence of a clear commitment to achieving net zero, this matter carries no weight in the balance of planning considerations relevant to this application.
- 10.131 Drainage and flood risk minimisation measures would need to account for climate change.
- 10.132 Further reference to, and assessment of, the environmental sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Urban design matters (including masterplanning and heritage)

- 10.133 Local Plan policies LP2, LP5 and LP24 are of particular relevance to this application in relation to design, as is the text of site allocation ES6, chapters 11 and 12 of the NPPF and the National Design Guide.
- 10.134 Most of the application site is currently undeveloped, greenfield land in agricultural (arable) use. It has several constraints relevant to design, including in relation to topography, the site’s prominence and visibility, drainage (including a mapped watercourse), a high pressure gas pipeline, public footpath SPE/24/30, trees and vegetation (including TPO-protected trees) and the limited options for new site entrances. Below-ground heritage assets, coal mining legacy and historic field boundaries are also relevant considerations. The application site’s context provides further design-relevant constraints and considerations in the form of surrounding uses (and neighbour amenity), surrounding green belt land, wildlife habitats the local highway network, and above-ground heritage assets. A list of constraints is provided in the text of site allocation ES6.
- 10.135 Given that relatively few existing buildings surround the application site, its immediate context does not exhibit a clear typological or massing pattern that new development would need to conform to. There are, however, residential properties to the south of the site, and these have a relatively fine grain, being detached or semi-detached, and mostly of two storeys (although some single-storey dwellings exist locally). This grain and modest footprint pattern continues westwards into Scholes. There are no large-footprint non-residential buildings adjacent to the site, although to the east Whitechapel Primary School has a larger footprint than the area’s residential properties, and to the north and east of junction 26 of the M62 there are larger-scale buildings in employment use, some constructed relatively recently at the former North Bierley Waste Water Treatment Works site. None of these, however, are of the scale of what is proposed at the application site. Further along the M62 corridor, there are large buildings in employment use, including Amazon’s Wakefield DSA6 building (approximately 20km to the east) and Rochdale DXM3 building (approximately 32km to the west). Other companies also have large buildings of similar designs along the M62 corridor.

- 10.136 The main volume of the proposed building would measure 317.4m by 178.25m, however projections (or “extruded pods”, to accommodate offices, staff rooms, lift and stair cores etc) would extend beyond these dimensions, resulting in maximum overall dimensions of 354m by 223m. The building would be 23m in height to parapet level, with its tallest stair core reaching 26.05m. Most of the proposed building would be clad in metal in several shades of grey. Shallow pitches are proposed at roof level, with their ridges and valleys set behind a proposed parapet. A green roof is proposed above the office and staff room projection. Signage areas are annotated on all four principal elevations. As the ground floor floorspace would be 64,587sqm GIA (incorrectly referred to as a “footprint” figure in one of the submission documents), the GEA of the building (and, therefore, its actual footprint) will be approximately 68,000sqm.
- 10.137 A 2-storey decked car park (with a green roof) is proposed on the west side of the proposed building. Single-storey outbuildings are also proposed within the application site: a gatehouse and a guardhouse kiosk to the north of the proposed building, a secondary gatehouse proposed to the south, and an electricity substation (indicatively shown) close to the proposed Whitehall Road entrance.
- 10.138 New internal roads, yards, car and HGV parking areas, a bus turning area, and shelters are proposed, as are two new site entrances/exits. Green areas would be retained or provided around the edges of the site and along the high pressure gas pipeline easement, however the majority of the site would be developed with new buildings and hard surfaces, where none currently exist.

Masterplanning

- 10.139 Site allocation ES6 states that a masterplan is required for this site, and that this must be prepared in accordance with policies in the Local Plan. Policy LP5 in the Local Plan concerns masterplanning, and states that masterplans must involve all the relevant stakeholders, including the council, landowners, developers, the local community, service providers and other interested parties. It adds an expectation for masterplans to be developed in consultation with the council prior to the submission of a planning application, and sets out a list of 15 requirements that masterplans are expected to achieve.
- 10.140 Masterplans are particularly important at groups of sites or large sites in fragmented ownership, and/or where proposals are brought forward via applications for outline planning permission. Risks and shortcomings associated with multi-developer, phased and/or piecemeal development can be addressed through a masterplanning process. Masterplanning is, however, also a useful tool for schemes involving a single developer and operator, where an entire site is to be developed in one phase, and where a single application for full planning permission is submitted.

10.141 Pre-application discussion initiated by the applicant involved the council and other stakeholders. Commentary on the 15 requirements of Local Plan policy LP5 is provided as follows:

- *An indicative development layout and phasing and implementation plan* – The applicant has submitted a fully-detailed proposed layout and other drawings, as well as a draft Construction Environmental Management Plan. A single-phase development is proposed.
- *High standards of design that respect the character of the landscape, heritage, adjacent and nearby settlements and built development, reflecting the urban to rural transition with appropriate boundary treatment* – The design of the proposed development is assessed later in this committee report, as are landscape and visual impacts and the applicant's landscaping proposals. A soft landscaped buffer is included in the proposed development, as required by site allocation ES6 and the Local Plan Inspector.
- *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 applicant proposes a very intensive use of the application site.
- *Create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness* – The proposed development would not achieve this.
- *Plan for integrated development, providing for a mix of housing that addresses the range of local housing needs, and encourages community cohesion* – This consideration is not relevant to the proposed development.
- *Reduce the need for car use and encourage sustainable modes of travel, including provision for public transport, cycle routes, footpaths and bridleways and electric charging points* – These matters are assessed later in this committee report.
- *A network of permeable and interconnected streets and public spaces* – Footways and cycleways would be provided as part of the proposed development, as would a publicly-accessible route through the site, and a connection between public footpath SPE/24/30 and the Spen Valley Greenway.
- *Measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks* – This matter is assessed later in this committee report.
- *Timely delivery of physical infrastructure, including sewage connections and fibre optic broadband* – The delivery of necessary highway and drainage infrastructure is considered later in this committee report. Regarding other infrastructure, no objections have been received from relevant consultees.
- *Appropriate employment provision and community facilities to serve the new development (e.g. local shops, community halls, schools and health facilities, community sport and fitness provision)* – Employment use of the site is proposed. Community facilities are not required as part of the proposed development.
- *Accessible open space to meet identified local needs and/or increase accessibility to existing open spaces* – This consideration is not relevant to the proposed development.

- *A green infrastructure strategy, providing an integrated network of green spaces* – Appropriate soft landscaping is proposed.
- *Appropriate measures to mitigate flood risk and ensure that the development is resilient to the potential impacts of climate change* – This matter is assessed later in this committee report.
- *Assessment of the potential for energy efficient design including renewable energy schemes* – A roof-level PV array is proposed.
- *Demonstration of a good understanding and respect for the natural environment, its heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the natural environment and heritage assets will be conserved and enhanced* – These matters are assessed later in this committee report.

10.142 Policy LP5 additionally requires a management plan to be provided as part of the master-planning process, to demonstrate how infrastructure and community assets will be maintained and managed following completion of development. Appropriate conditions are recommended regarding the management and maintenance of drainage, the diverted public footpath, soft landscaping and biodiversity enhancement measures.

10.143 Residents have stated that they do not believe that the correct masterplanning process has been followed by the applicant, as in their view there was no proper consultation with the local community at the design stage. Residents have noted policy LP5's confirmation that "Masterplans must involve all the relevant stakeholders" (residents have correctly stated that this must include residents) and that "Masterplans will be developed... prior to the submission of a planning application". The highlighted text of policy LP5 is indeed relevant, as is the text of paragraphs 40 and 126 of the NPPF regarding engagement with local communities. The local pre-application consultation carried out by the applicant (as summarised in the submitted Report on Community and Stakeholder Engagement) is also noted. While thorough pre-application engagement with residents is very much encouraged by the council, it is considered that planning permission for the proposed development could not reasonably be withheld on these grounds in relation to masterplanning.

Urban design assessment

10.144 High quality context-appropriate design is required by Local Plan policy LP24. Paragraph 126 of the NPPF emphasises the importance of creating high quality, beautiful and sustainable buildings and places. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

10.145 The proposed development accommodates and responds to some of the application site's constraints. In particular, the proposed site layout has been informed by the high pressure gas pipeline and its easement. Drainage requirements (and the need to locate attenuation towards the lower parts of the site, to enable drainage by gravity) have kept development out of some areas. Site entrances are proposed where safety, drainage and topographic considerations allow. With these "fixes" taken into consideration, and given the applicant's chosen quantum of development, the possible locations of features such as the car parks and bus turning area (which is appropriately located close to the entrance the buses would use) are accordingly determined, as are the routes of internal roads.

- 10.146 Other constraints have not been worked with in the proposed design, largely because of the scale and nature of development that the applicant has chosen to propose.
- 10.147 In relation to topography, although some cut and fill would be unavoidable to accommodate development at this allocated site, sloped sites should normally be worked with as far as is possible, and not radically reshaped. At the application site, however, the applicant proposes significant cut and fill. The southern and central parts of the application site would be excavated to depths of up to 11m beneath the existing surface level, and the northern parts of the site would be raised by up to 10m above existing levels. 382,166 cubic metres of material would be excavated, 411,123 cubic metres would be added, and therefore 28,957 cubic metres of fill would be imported. This amount of reshaping, and the proposed levels within the application site, have been informed by the applicant's intention to provide a large, uninterrupted / continuous (i.e., not split-level) floorplate, and by the need to achieve appropriate gradients along roads within the application site.
- 10.148 Regarding other constraints, the applicant proposes to divert a public right of way, and fell TPO-protected trees. These matters are considered later in this report.
- 10.149 The scale and prominence of the proposed building must be considered. Using the levels annotations on the applicant's drawing 1169-RHD-ZZ-XX-DR-C-0101 rev P08, and in particular the 119m AOD level (at the proposed Whitehall Road site entrance) and the 131m AOD level (at the base of the proposed building, above a substantial retaining wall), the proposed 23m height of the nearest (north) corner of the building would result in a 35m difference between the road level and the proposed parapet level. This difference would be even greater if the lower ground levels of Whitehall Road (further towards Chain Bar) are used – the same drawing indicates that the road level is 107m AOD where the Spen Valley Greenway bridge crosses the road, although from this vantagepoint the topography and intervening banking would lessen the visibility of the proposed building, and the distance between the viewer and building would lessen the visual impact.
- 10.150 The commentary above refers to the proposed 23m parapet height. There are two taller projections (reaching 26.05m) proposed for the building, however these would not be located close to the building's northern edge, and would not be prominent in views from Whitehall Road. They would, however, be more readily visible in other views.
- 10.151 Also of note, the above commentary describes the most significant ground-to-parapet level difference, which would occur on the north side of the site. Elsewhere around the site, such differences would not be so great. To the south, drawing 1169-RHD-ZZ-XX-DR-C-0102 rev P09 annotates the road level of Whitechapel Road (at the point where a site entrance is proposed) as 142m AOD. Given the 131m AOD figure provided by the applicant for the base of the proposed building, the building's parapet would be 12m higher than the road level of Whitechapel Road. To the east and west, existing levels vary, as would ground-to-parapet levels. A full assessment of the proposed development's visual impacts is provided later in this committee report.

- 10.152 The elevations of the proposed building would be largely blank, but interrupted by projections, horizontal “ribbon” windows and signage areas. The varied shades of the proposed cladding (considered below) would also help break up the expansive elevations.
- 10.153 For practical, longevity, cost, durability, and security reasons, metal cladding is proposed by the applicant as the predominant external material. Such cladding has been used extensively in the borough, and its use at the application site raises no concerns in principle, however given the scale of the proposed development, careful consideration needs to be given to the colours of the proposed cladding. Five shades of grey, in horizontal bands, are proposed, as follows:
- RAL 9010 pure white / light grey white (top of the elevations).
 - RAL 9002 grey white.
 - RAL 7035 light grey.
 - RAL 080 70 05 goosewing grey.
 - RAL 180 40 05 merlin grey (bottom of the elevations).
- 10.154 This recessive arrangement is intended to help limit the development’s visual impact, and responds to the lighter sky and the darker ground. The applicant has highlighted the neutrality of grey, and that the lightest colour would be seen against the sky (while noting that sky conditions vary). Some of the projections beyond the main elevations would be highlighted RAL 9010 metal cladding, and vertical glazing strips would feature RAL 7016 anthracite grey spandrel panels.
- 10.155 The proposed layout is intended to enable efficient movement of products and staff in and out of the site. The proposed building responds to the requirements of the intended occupant (page 11 of the applicant’s initial Design and Access Statement confirms that “The scale has been driven by market requirements”). The result is a functional design with a utilitarian appearance, which has not been tailored to the site as much as would normally be expected. In terms of its elevational appearance, the proposal does not speak of Kirklees and does not reflect the appearance of most development found in the borough. The NPPF’s requirement for “beautiful” development (paragraph 126) expectation would not be met.
- 10.156 There are, however, other design-relevant considerations that should be acknowledged. Regarding the proposed building’s functional design, it is noted that the external appearance of buildings should generally reflect their uses. Of relevance to local character and distinctiveness, as noted earlier in this committee report, the application site’s immediate context provides no clear typological or massing pattern that new development at this site would need to conform to, and it could be argued that a new character is emerging along the M62 corridor, where large warehouse developments (clad in grey metal) are now reasonably common. Much of the major industrial and non-residential development in Kirklees in recent years has had a similar box-like form (albeit not on a scale like that currently proposed) and has used a relatively consistent, subdued palette dominated by pale grey metal cladding. While it must be noted that the proposed colours would by no means render the building invisible, and subject to consideration of samples at conditions stage, the applicant’s approach to materials is considered appropriate. Crucially, the applicant has not opted for bright primary-coloured elevations or features which would further draw attention to what would already be a highly

noticeable building – several unfortunate examples of such an approach is evident at large warehouse developments long the M62 and M1 corridors, and that approach should not be repeated at the application site. An appropriate soft landscaping scheme has been proposed which would help soften (but not fully mitigate) the proposed development's visual impact.

- 10.157 Notwithstanding the above, it is considered that the proposed building would cause visual impacts, and that – other than the elevational treatments and landscaping already proposed by the applicant – no more could be done to lessen those impacts (unless the proposals were to be scaled down). Those impacts weigh negatively in the balance of planning considerations.
- 10.158 The proposed outbuildings are relatively small, single-storey structures that raise no concerns in design terms. Close to the proposed Whitehall Road entrance, a “substation area” (as annotated on the applicant's section Z-Z), or a “proposed HV incoming” (as annotated on other drawings) is shown – no details of this structure have been submitted, however it would be similarly small in scale, and details of its appearance can be secured by condition. Materials of all outbuildings would be required to match those of the main building, in accordance with details to be submitted and approved at conditions stage.
- 10.159 External lighting is proposed in the form of luminaires mounted to walls and columns at heights of 4m, 6m, 8m, 10m and 12m above ground level.
- 10.160 The following boundary treatments are proposed:
- 2.4m solid fence (with barbed wire above, resulting in a maximum height of 2.991m) along the site's eastern boundary;
 - 2.4m paladin fencing (with barbed wire above, resulting in a maximum height of 2.991m) to the north and south;
 - Acoustic close-boarded timber fencing (3m in height) north of 280 (The Royds), 282 and 284 Whitechapel Road;
 - Acoustic close-boarded timber fencing (2m in height) north of 294 to 298 Whitechapel Road;
 - Timber post and rail fencing (1.2m in height) along the east and west edges of the application site;
 - A dry stone wall (existing along Whitechapel Road, rebuilt further into the application site); and
 - Lower handrails, barriers and marker posts within the application site.
- 10.161 Extensive retaining walls are proposed. These would be most prominent close to the northwest corner of the application site, where a retaining wall of varying height (but up to 11m high) is proposed. This wall would be faced with pitched-faced concrete blocks in a grey or gritstone colour. The same finish would be used on retaining walls to the south of the proposed building and along the road leading into the site from Whitechapel Road. A precast concrete crib wall is proposed (facing into the application site) along a stretch of the internal road running through the application site. Gabion walls (incorporating gritstone or similar rubble) are proposed along the eastern and northern edges of the application site.

10.162 While some of the proposed retaining walls would contribute to the visual impact of the proposed development (considered elsewhere in this committee report), overall the applicant's approach to retaining wall design, boundary treatments and the design of lighting columns is considered acceptable. The security-related reasons for the proposed boundary treatments are accepted. Overbearing boundary treatments are not proposed at the proposed site entrances. Soft landscaping can be used to help soften the visual impacts of the proposed retaining walls, where necessary. With a single site user, and a single approach to the design and provision of such installations, a co-ordinated appearance across the site can be achieved, and duplication (and, therefore, clutter) can be avoided. It is recommended that detailed sections and the precise details of materials of the retaining walls be secured by condition. Sufficient details of the proposed luminaires have been provided on drawing 1169-RHD-SW-XX-DR-E-3300 rev P11, such that a further condition requiring details of the proposed light installations is not recommended.

Heritage assets

10.163 Local Plan policies LP24 and LP35 and chapter 16 of the NPPF inform the council's approach to considering impacts relating to heritage assets. Where relevant, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. Where relevant, Section 72 of the same Act requires the council to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

10.164 The application site is not within a conservation area, and does not form part of the setting of a listed building. The nearest designated heritage assets are Scholes (Cleckheaton) Conservation Area, listed buildings within that conservation area, and the Grade II listed Whitechapel Church. At its nearest, the application site is 490m away from the conservation area.

10.165 No character appraisal has been published for the Scholes (Cleckheaton) Conservation Area, however Appendix 1 of the superseded Kirklees Unitary Development Plan described the conservation area as follows:

Stone built village centre around Towngate, the village green and St Philip and St James' Church with a landmark spire. Mainly nineteenth century cottages but some earlier buildings.

10.166 The three versions of the applicant's Design and Access Statement does not refer to the conservation area, however chapter 14 of the applicant's ES (and the Desk Based Heritage Assessment at Appendix 14.1) does. It states that the proposed development would have a negligible impact upon this designated heritage asset. KC Conservation and Design provided similar advice regarding the conservation area and the listed buildings within it, noting that intervening development obscures views between the application site and these heritage assets. Glimpses of the proposed development would be possible from the conservation area (although it is noted that figure 11 on page 35 of the applicant's Desk Based Heritage Assessment shows a view from a vantagepoint on Branch Road that is not, in fact, within the conservation area), however these limited views would not result in material harm to the conservation area's character or appearance, or to the setting of its listed buildings.

- 10.167 Residents have stated that, due to the proposed development's traffic, the identity of Scholes would change from a historic village to a route to the Amazon size. This concern is noted, however the anticipated traffic flows (relative to those already experienced) are considered unlikely to materially affect the character of the conservation area.
- 10.168 The churchyard of the Grade II listed Whitechapel Church is located approximately 200m away from the nearest part of the application site. Due to the intervening M62 motorway, topography and tree cover, the proposed development would have a negligible effect on the setting of this listed building.
- 10.169 Non-designated heritage assets in and near to the application site include Royd House at 280 Whitechapel Road, graves within Cleckheaton New Cemetery, public footpath SPE/24/30 and field boundaries. NPPF paragraph 203 and Local Plan policy LP35 enable the council to take into account the significance of non-designated heritage assets when assessing planning applications, however in this case, due to the location and design of the proposed development, the proposed soft landscaping, the physical relationships between the proposed development and the assets, and the assets' level of historic interest, it is considered that a low level of harm to the non-designated heritage assets would occur.
- 10.170 Site allocation ES6 notes the site's proximity to an archaeological site. A Class 2 Archaeological Site has been identified at the churchyard of the Grade II listed Whitechapel Church.
- 10.171 In addition to the Desk Based Heritage Assessment, the applicant submitted an Archaeological Evaluation (WYAS Archaeological Service, January 2021, ref: 3507) and a later Phase 2 Evaluation (WYAS Archaeological Service, January 2022, ref: 3656), although the relevant ES appendix title (for appendix 14.2) refers to an "Archaeological Trial Trenching Report as appendix 14.2".
- 10.172 The applicant's Desk Based Heritage Assessment states that the site's archaeological potential for the prehistoric and Roman periods is low to moderate, but notes the possibility of a late Iron Age square barrow having been identified during a geophysical survey, and that this has the potential to be of regional significance. The application site contains buried remains of medieval ridge and furrow which the applicant considers to be of negligible significance, and remains of postmedieval field boundaries and early 20th century agricultural buildings and plantation enclosures which the applicant also considers to be of negligible significance. The applicant's Archaeological Evaluation details trial trenching carried out in late 2020, and concluded:

Archaeological evaluation by geophysical survey and subsequent trial trenching has confirmed that the fields have been used agriculturally at least since the post-medieval period and likely since the medieval period. The site comprises a well preserved series of plough furrows with occasional perpendicular ditches of earlier date than the present field boundaries. A single post-hole and associated pit may offer some suggestion of a structure although this remains tenuous. Small discrete features of uncertain function were also identified across the site.

- 10.173 The applicant's Phase 2 Evaluation detailed further archaeological investigation work, concluding that, although there is evidence of Iron Age activity at the application site, overall it has a low archaeological potential.
- 10.174 In initial comments, the West Yorkshire Archaeology Advisory Service (WYAAS) advised that further site investigation would be necessary, and recommended conditions. However, following the applicant's submission of a Phase 2 Evaluation, WYAAS further advised that, given the site's low archaeological potential and poor state of preservation, no further archaeological works were necessary. Accordingly, no archaeology conditions are recommended.

Crime prevention

- 10.175 The proposed fencing and lighting (detailed above) is of relevance to the prevention of crime and anti-social behaviour.
- 10.176 In earlier comments, the West Yorkshire Police Designing Out Crime Officer raised no objection to the proposed site layout and security measures, noting that the proposed development would be occupied 24 hours a day with security personnel on-site, reducing the risk of unauthorised intrusion. Further detailed advice was provided regarding security measures.
- 10.177 Crime prevention measures related to the diverted public footpath are considered later in this committee report.

Landscape and visual impacts

- 10.178 Policy LP32 of the Kirklees Local Plan states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the setting of settlements and buildings within the landscape; and the patterns of woodland, trees and field boundaries. Site allocation ES6 does not specifically require the submission of a Landscape and Visual Impact Assessment (LVIA), however it states that "Landscape character assessment has been undertaken for this site which should be considered in the development masterplan". Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by – inter alia – protecting and enhancing valued landscapes, and recognising the intrinsic character and beauty of the countryside.
- 10.179 The application site generally slopes downhill from south to north. The site's highest point is the relatively flat field adjacent to Whitechapel Road. The site's northernmost point is its lowest, close to where the Spen Valley Greenway crosses Whitehall Road. The application site meets Whitehall Road and Whitechapel Road, and views into the site are available from these roads. The application site is highly visible from public footpath SPE/24/30 (which runs through the site) and Cleckheaton New Cemetery. Views into the application site are also available from the Spen Valley Greenway, Cleckheaton Golf Course, several points along the M62, and from nearby and adjacent residential properties. In longer views, the site can be seen from several vantagepoints.

- 10.180 Due to this topography and visibility from surrounding vantagepoints, and due to land to the north, northeast, south and west being within the green belt (and, along with other nearby land, being largely undeveloped), the application site has a relatively high degree of landscape sensitivity. Large-scale development of this site has the potential to cause significant landscape impacts, although the extent of impact would be influenced by factors including levels, heights and massing, materials, landscaping and lighting. Any development of the application site would inevitably be transformative. During the preparation of the Local Plan, the relevant Sustainability Appraisal Report noted the potential for landscape impacts at this site, and the Local Plan Inspector (in her report of 30/01/2019) noted at paragraph 251 that “Development would, by virtue of its extent, be visible and alter the open agricultural character of the site”.
- 10.181 The proposed site levels, scale of cut and fill, and building heights are again noted.
- 10.182 The applicant has submitted an LVIA as chapter 11 of the ES. Seven related appendices were also submitted:
- Appendix 11.1 Landscape and Visual Impact Assessment (LVIA) – Methodology and Assessment Criteria
 - Appendix 11.2 LVIA figures
 - Appendix 11.3 Technical Visualisations – Photowires
 - Appendix 11.4 Technical Visualisations – Photomontages
 - Appendix 11.5 Sections
 - Appendix 11.6 Landscape Effects Table
 - Appendix 11.7 Visual Effects Table
- 10.183 The applicant's LVIA followed standard methodology, including referral to previous landscape characterisation, identification of a zone of theoretical visibility and sensitive receptors, and assessment the impacts of the development when the site is seen from surrounding viewpoints. The visual receptors identified by the applicant were:
- A – Cleckheaton, east of the M62
 - B – Whitechapel Road, west of the M62 (including The Royds and other properties bordering the application site)
 - C – Whitechapel Grove / Whitechapel Road, west of Cleckheaton New Cemetery
 - D – Branch Road
 - E – Hightown Heights
 - F – Gomersal
 - G – Hunsworth
 - H – Oakenshaw
 - I – Spen Valley Greenway
 - J – Spen Valley Heritage Trail (to the north of the application site)
 - K – Spen Valley Heritage Trail (within the application site)
 - L – Spen Valley Heritage Trail (south of Scholes)
 - M – Spen Valley Heritage Trail (east of the River Spen)
 - N – Whitehall Road
 - O – Whitechapel Road
 - P – M62

- Q – Cleckheaton New Cemetery
- R – Cleckheaton Golf Course
- S – Beardsworths Ltd

10.184 Fully rendered photomontages (winter and summer, years 1, 5 and 15) have been submitted for the following viewpoints:

- Viewpoint 1 – Whitechapel Road
- Viewpoint 2 – Application site's eastern boundary
- Viewpoint 7b – Spen Valley Greenway A58 bridge
- Viewpoint 13b – Whitehall Road
- Additional viewpoint 1 – Whitechapel Road

10.185 Photowire images have been submitted for the following viewpoints:

- Viewpoint 3 – Branch Road
- Viewpoint 4 – Hightown Heights
- Viewpoint 5 – Ashley Close
- Viewpoint 6 – Hunsworth
- Viewpoint 7a – Spen Valley Greenway looking over M606
- Viewpoint 8a – Oakenshaw Lane (view south)
- Viewpoint 8b – Oakenshaw Lane (view east)
- Viewpoint 10 – Wellands Lane
- Viewpoint 11b – view from footpath SPE/2/10
- Viewpoint 13a – Whitehall Road

10.186 The applicant's Landscape Effects Table identified a range of effects (caused by the proposed development) at construction, completion and year 15. It concluded that there would be no significant effects in relation to landscape character, except in relation to the application site and its immediate context during construction and upon completion (although, at year 15, no effect is anticipated by the applicant in respect of this receptor).

10.187 The applicant's Visual Effects Table (as revised in March 2022) identified a range of effects at construction, completion and year 15. It concluded that there would be significant visual effects at year 15 in respect of visual receptors B and K (and at other visual receptors in earlier years), but no significant visual effects at year 15 elsewhere.

10.188 The applicant's landscape and visual impact assessment methodology is considered acceptable. However, not all of the applicant's findings regarding impacts are accepted. Commenting on 31/05/2022, KC Landscape disagreed with the applicant's findings regarding visual effects as follows:

- Receptor I at year 15 – Whilst the proposed woodland would be established and would assist in integrating the development into the landscape, there would still be significant effect for visual receptors on the Spen Valley Greenway.
- Receptor J at construction, completion and year 15 – Whilst the proposed planting would establish and assist in integrating the development into the landscape, there would still be significant effect for visual receptors on the Spen Valley Heritage Trail.

- Receptor M at construction, completion and year 15 – Whilst the proposed planting would establish and assist in integrating the development into the landscape, there would still be significant effect for visual receptors on the Spen Valley Heritage Trail and public footpaths (east of the River Spen).
- Receptors O and S – Same comment as above.
- Receptor Q at construction and completion – Being immediately adjacent, overall effects would be substantial adverse rather than moderate adverse. Final column should note a significant overall effect at construction and completion.

10.189 An assessment submitted by 2B Landscape Consultancy Ltd on behalf of Save Our Spen has also arrived at different conclusions to the applicant regarding the proposed development's landscape and visual impact, stating that some of the effects and their significance had been downplayed.

10.190 The added comment of Save Our Spen that the proposal "alters the landscape dramatically" is not disputed by officers.

10.191 In response to KC Landscape's concerns, the applicant has stated that professional judgements can differ, which is accepted, however KC Landscape remain of the view that the impacts of the proposed development would be greater than suggested in the applicant's submission.

10.192 Officers have taken into account the measures proposed by the applicant to mitigate the visual and landscape impact of the proposed development, including the use of neutral, recessive greys (and the avoidance of eye-catching primary colours) and soft landscaping. While these measures would help to an extent, topography and constraints such as the high pressure gas pipeline limit options for planting, as does the applicant's decision to propose development of the majority of the site. As illustrated by the applicant's own photomontages, the visual impacts of the proposed development would not be fully mitigated. Due to its scale and location, the proposed building cannot be hidden, camouflaged or fully screened. The proposed development would be visually obtrusive in several views, and would cause visual harm which weighs negatively in the balance of planning considerations.

10.193 The above assessment includes consideration of the proposed development's impacts on the application site's rural edge and semi-rural context, the adjacent green belt, the urban green space to the east, and Cleckheaton New Cemetery.

10.194 Night-time visual impacts are also an important consideration. Noting the proposed development's external lighting and 24-hour operation, 2B Landscape Consultancy Ltd stated that the applicant's submissions barely addressed the visual impact of the proposed development's external lighting (and noted that chapter 16 of the ES addressed other lighting matters), and lacked visualisations of what the proposed development would look like at night-time. These are valid points. 2B Landscape Consultancy Ltd submitted a night-time visualisation of the proposed development (figure 05/2), stating that it demonstrates the significant visual effect of the lit building and surroundings at night-time, in stark contrast to what is, at present, a completely dark field.

- 10.195 These concerns were raised with the applicant, who subsequently submitted a Landscape and Visual Response document (dated 31/01/2023). This recapped the measures proposed by the applicant to limit the impacts of the proposed external lighting, including automatic dimming and fixing luminaires to face into the application site. The applicant considered that figure 05/2 should be treated with a degree of caution, as it related to the year 1 scenario, and further soft landscaping had since been added to the proposals (limiting the visibility of the proposed development and its lighting).
- 10.196 These points are noted, however it cannot be disputed that the proposed development would introduce significant lighting into what is currently an unlit site. This lighting would be visible from surrounding viewpoints, and – although not assessed in chapter 11 of the ES – officers consider it likely that this aspect of the proposed development would result in significant visual effects, and material harm.
- 10.197 Residents have suggested that the visual and landscape impact of the proposed development could be reduced by further excavation of the application site, to allow the proposed building to sit lower down in the landscape, and to reduce its prominence. This could also assist with addressing residents' noise and light pollution concerns, and could reduce HGV revving noise and emissions as entering vehicles climb from Whitehall Road. These points have merit, however the applicant is already proposing significant cut and fill, and – as noted earlier in this committee report – the preference is for sites (and their topographies) to be worked with as far as is possible, and not radically reshaped with extensive excavation and retention. Paragraphs 4.25 and 4.26 of the applicant's Planning Statement Addendum (March 2022) add that any further lowering (to achieve a meaningful lowering of the proposed building) would generate significant volumes of material that would need to be removed from the site (resulting in more HGV movements and a longer construction phase), and would create unworkable road gradients (where these have already been maximised to enable the proposed building to sit as low as possible).

Trees and landscaping

- 10.198 Regarding trees, Local Plan policy LP33 is relevant.
- 10.199 Tree Preservation Orders 08/81/g2 and 08/81/g3 apply to trees to the rear of The Royds. TPO 08/81/t4 applied to an Ash tree on Whitechapel Road – although this tree appears to have been removed between 2000 and 2002 without consent, the TPO has not been varied and it remains in force.
- 10.200 The applicant's tree survey found all trees within the application site – including those that are TPO-protected – to be of category U, B or C (trees unsuitable for retention, of moderate quality or of low quality), however category A trees were identified along the site's western boundary, north of the boundary shared with Cleckheaton New Cemetery.
- 10.201 Other than those category A trees along the site's western boundary, the applicant proposes to remove all of the site's trees, including two street trees on Whitechapel Road (although future design work and safety auditing would review the necessity of these removals).

- 10.202 During the life of the application, further information has been provided regarding the condition of the trees within the protected tree groups, numbered T1, G1 and G2 in the applicant's survey. The applicant's Updated Arboricultural Assessment & Method Statement provides explanation as to why these trees would need to be removed to facilitate the proposed development. The ground level changes needed to achieve the developable area for the site are set out in the applicant's proposed cut and fill plan, which clarifies that the changes in ground level of between 4.5m and 6.2m in close proximity to these trees makes it not possible to retain them. In addition, the earthworks proposed by the applicant are integral to the noise mitigation proposed and would help screen the site from wider views.
- 10.203 Given the poor condition of some of the trees within these groups and the ground level changes described it is not considered possible to retain the protected trees listed above as part of the proposed development of the application site. The proposed development would result in the loss of mature trees with public amenity value, however it is accepted that their removal would enable better results for visual screening and noise mitigation for the wider site.
- 10.204 The tree losses in the protected tree groups would be mitigated in the landscaping scheme proposed for the application site. The proposals are for large scale woodland planting around the periphery of the site, but also include extra heavy standard trees which are suitable for replacing trees of public amenity value.
- 10.205 The management and maintenance of the comprehensive tree planting has been addressed within the applicant's Landscape and Ecology Management Plan (LEMP).
- 10.206 In relation to trees, the proposed development complies with policies LP24i and LP33 of the Local Plan. A condition requiring implementation in compliance with the applicant's arboricultural method statement and tree protection plan is recommended.
- 10.207 Outside the application site, there would be a limited loss of trees on the south corner of junction 26 of the M62, where Bradford Road joins the roundabout and the westbound sliproad. This is necessary to provide the required visibility and a retaining wall as part of the junction improvement scheme associated with the proposed development. There is scope on the adjacent highway land for compensatory tree planting, which can be secured via the S278 process, and a planning condition related to this matter is not considered necessary.
- 10.208 Two hedgerows exist within the site. These are not deemed "important" under the Hedgerow Regulations 1997. The applicant proposes to remove them.
- 10.209 Discussions regarding the landscaping of the application site have taken place during the life of the application, and relevant members of the applicant team met KC Landscape and other officers on 22/06/2022. The applicant has responded positively to most of the concerns raised by officers, including through the submission of amended proposals and a Landscape and Visual Response document (dated 31/01/2023). The proposals now include small whip planting (increasing the likelihood of establishment and success) as well as large trees. It is accepted that the bund behind Whitechapel Road is not an ideal location for heavy standard and additional woodland planting (in addition

to the planting already illustrated in drawing 09256-FPCR-XX-XX-DR-L-0009 rev P14 and submitted sections), due to the retaining wall and fencing proposed, and the land being raised and drier. Street trees are proposed along the route through the application site in accordance with paragraph 131 of the NPPF, Green Streets principles, and council guidance. An instant hedge – intended to grow to 2m to 3m – is proposed along Whitechapel Road. Climbing plants (ivy) are proposed adjacent to retaining walls. The green roof proposed to the decked car park would help limit the visibility of the 283 vehicles that could park on the upper deck. Bulb planting in the form of native wild daffodils is proposed in appropriate locations. Species mixes throughout the proposed landscaping scheme are considered appropriate.

- 10.210 It is considered that the applicant has proposed an appropriate landscaping scheme within the limited available space (considering the constraints of the application site red line boundary and the scale of the proposed development). While the proposed landscaping would not hide the proposed development or mitigate all its impacts (a smaller and/or lower development, with green walls and roofs, would be necessary for that to be achieved), the proposals are reasonable and show thought and good detail in terms of layers, colours and biodiversity. However, to ensure the proposed landscaping is effective and mitigates impacts as much as is possible (given the parameters allowed by such a large development), it must be of as high a quality as possible and successfully established for the longer term. Conditions are recommended regarding landscaping, including longer-term maintenance for a period of 15 years, which is considered appropriate given the applicant's LVIA assesses impacts at year 15.
- 10.211 While acceptable landscaping is proposed, it is noted again that due to its scale and location, the proposed building cannot be hidden, camouflaged or fully screened. The proposed landscaping would, however, help to soften and filter views of the development, and is welcomed.
- 10.212 The potential for planting within the high pressure gas pipeline easement is considered later in this committee report.

Biodiversity

- 10.213 Local Plan policy LP30, the council's Biodiversity Net Gain Technical Advice Note, and chapter 15 of the NPPF are relevant. A net biodiversity gain needs to be demonstrated in accordance with those policies and advice, and the Environment Act 2021.
- 10.214 Land to the east and northeast of the application site forms part of the borough's Wildlife Habitat Network. Bats are known to be present in the area. All of the application site is within a Biodiversity Opportunity Zone (Pennine Foothills). The application site is not close to a Site of Special Scientific Interest (SSSI), nor is it within an Impact Risk Zone (IRZ) of an SSSI. Land to the northeast forms part of the Strategic Green Infrastructure Network.
- 10.215 Chapter 10 of the applicant's ES addresses ecology and biodiversity. Ecological surveys were carried out by the applicant in 2020, and additional site visits were carried out by the applicant in June and August 2021, and August 2022. In late 2022 the applicant acknowledged that the earlier surveys had passed the timeframe by which the Chartered Institute for Ecology and Environmental Management (CIEEM) considers survey results to remain

valid. The applicant therefore reviewed the validity of the various ecological submissions, and subsequently asserted that, given the site has been in continued agricultural use throughout the survey periods, habitats remain as were reported in the applicant's initial submissions and the comparable bat survey results noted between 2020 and 2021. The applicant considers the data, assessments and proposed mitigation measures presented in the ecological reports and ES addenda remain valid.

- 10.216 The submitted documents provide a comprehensive assessment of the site. In light of the applicant's more recent site visits, it is considered that the submitted ecological information remains valid.
- 10.217 Potential faunal impacts are considered to be no more significant than at site / local level. Significant negative impacts during construction can be avoided through appropriate mitigation measures, which can be secured via a CEMP: Biodiversity. The application site is dominated by two large arable fields, with a mosaic of smaller areas of habitat throughout the site. The majority of the habitats on site (including trees and hedgerows) would be lost to the proposed development, however through the recommendations detailed within the submitted information, along with further mitigation measures to be secured by condition, it is anticipated that negative effects can be avoided. The proposed woodland and tree planting would ensure there is a continuity of woodland habitat, which can be managed in a way to ensure that the ecological objectives of the Kirklees Wildlife Habitat Network are met. The applicant's information sets out a number of enhancement measures for a variety of faunal groups, which would provide a significant uplift in opportunities for roosting bats, nesting birds and invertebrates. These provisions would need to be secured through a condition for a Biodiversity Enhancement Management Plan (BEMP).
- 10.218 The application site's baseline and post-development habitats have been accounted for in a submitted DEFRA Metric 2.0 assessment submitted by the applicant. Although this is not the most up to date DEFRA metric, the 2.0 metric still provides a suitably comprehensive calculation for the baseline and post-development biodiversity units, and is in accordance with the council's Biodiversity Net Gain Technical Advice Note (adopted June 2021). At present, the on-site baseline consists of 49.08 habitat units and 3.92 hedgerow units. Following on-site intervention, 39.76 habitat units and 10.60 hedgerow units would be achieved. Therefore, the development would deliver a 19% loss in habitat units and a 170% gain in hedgerow units. To achieve the required 10% net gain, a total of 53.99 habitat units is required, and so 14.23 additional units must be provided. Throughout the life of the application officers and the applicant have discussed the possibility of delivering the required habitat units on the site, or off-site (following the cascade set out in the council's Biodiversity Net Gain Technical Advice Note). Following these discussions, it is clear that on-site and near-site opportunities have been exhausted and a commuted sum can therefore be accepted. This sum would be £327,290, based on £20,000 per habitat unit (figure taken from 2019 DEFRA Impact Assessment) plus a 15% admin fee (figure taken from the council's Biodiversity Net Gain Technical Advice Note). This would need to be secured via a Section 106 agreement. The sum would be spent locally in consultation with ward Members, possibly at Spen Bottoms or another nearby site.

- 10.219 Management prescriptions for the habitats to be delivered on-site have been detailed within the submitted information and would need to be adhered to throughout the life of the development. However, to ensure that the required habitat units are delivered at the site along with the protected species provisions which are to be incorporated into the proposed design, further provisions would need to be secured through the recommended BEMP condition.
- 10.220 Natural England and the Environment Agency have not raised objections to the proposed development in relation to biodiversity.

Amenity impacts

- 10.221 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. Policy LP52 states that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally-sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.
- 10.222 Sensitive receptors adjacent and near to the application site include:
- The Royds at 280 Whitechapel Road (the application site abuts this curtilage).
 - 298 Whitechapel Road (the application site abuts this curtilage).
 - 282, 284, 294 and 296 Whitechapel Road.
 - Residential properties on the south side of Whitechapel Road.
 - Cleckheaton New Cemetery.
 - The Spen Valley Greenway.
 - Public footpath SPE/24/30.
- 10.223 The sports pavilion and playing fields (Albert Morton Pavilion and Whitcliffe Mount Playing Fields), the gas distribution station, Whitehall Road Nurseries (Beardsworths Ltd) and Cleckheaton Golf Course are not considered to be sensitive receptors in relation to noise, but users of some of those facilities may be considered sensitive in relation to air quality and dust.
- 10.224 Existing sources of noise and emissions close to the application site include the traffic using the M62 (and its junction 26), the M606, Whitehall Road and Whitechapel Road. The nearby playing fields may also be an occasional source of noise.

10.225 Given the relationships between the proposed development (particularly its main building, retaining walls, bunds and landscaping) and existing neighbouring residential properties, it is considered that the proposed development would not cause unacceptable amenity impacts in relation to privacy and overlooking, outlook or access to natural light. Furthermore, planning decisions cannot be used to protect views from private vantagepoints, into or across land not within the ownership of the viewer.

Construction-phase impacts

10.226 The proposed development's construction phase has the potential to create significant impacts in relation to noise, vibration, air quality, dust and other environmental matters. While some impacts have been assessed by the applicant, or likely impacts can be otherwise ascertained, further information would need to be submitted. A draft Construction Environmental Management Plan (CEMP) has been submitted by the applicant, however this is not considered complete. To ensure impacts on existing neighbouring residents during the construction phase is minimised, a final version of a CEMP would need to be devised, approved and implemented. This would need to include measures relating to noise, vibration, dust, hours of works, external lighting and other matters.

10.227 The applicant's Noise Assessment (October 2022) states that during the construction phase, noise levels at existing noise sensitive properties would be within the BS 5228 fixed limit criteria.

10.228 Residents have noted that page 37 of the applicant's Noise Assessment states that "The closest sensitive property to the south of the development (The Royds) is identified as being approximately 160m away from any significant on-site piling activities (where the main building is to be sited) and therefore beyond the threshold where cosmetic damage may occur" and "As such, no significant effects with respect to vibration are expected to occur", however the Construction Noise Contour Plot (figure 5.5) suggests such works are indeed proposed close to The Royds. The applicant's response on this matter is awaited.

Noise

10.229 The applicant proposes noise mitigation measures in the form of bunds and acoustic fencing at the southern end of the application site (2m and 3m in height), and proposes to prohibit the use of the development's Whitechapel Road entrance/exit by staff (except for those using staff buses) between the hours of 23:00 to 07:00.

10.230 The applicant's Noise Assessment refers to the tests set out at paragraphs 174e, 185a and b, 187 and 188 of the NPPF.

10.231 In relation to the noise generated by road traffic associated with the proposed development, the applicant's assessment states that noise levels at nearby existing sensitive receptors are predicted to fall within and below the No Observed Adverse Effect Level. It adds that noise intrusion assessments have shown that cumulative operational LAeq noise levels are predicted to be within the BS 8233 / WHO criteria at all nearby sensitive receptor locations on the basis of worst-case assumptions, and would result in a negligible change in

overall ambient noise levels at existing properties. Furthermore, the applicant has stated that noise emission limits have been specified to ensure that cumulative plant noise rating levels are at least 10 dB below existing daytime and night-time background noise levels, and that, therefore, operational noise is predicted to be at or below the Lowest Observed Adverse Effect Level.

- 10.232 The applicant concludes that the proposed development is not expected to have an adverse impact on health or quality of life in relation to noise.
- 10.233 In light of the further information and clarification provided by the applicant during the life of the application, KC Environmental Health do not object to the proposed development on noise grounds, subject to conditions regarding the acoustic fencing and fixed plant.
- 10.234 Some documents within the applicant's submission refer to the restricted use of the Whitechapel Road access during seasonal peak periods, however this night-time restriction on use of Whitechapel Road access should be year-round, and an appropriate condition is recommended.
- 10.235 Residents have suggested that a gap in the proposed acoustic fencing would funnel noise. This, however, is considered unlikely. Although sound can indeed move around obstacles, most of the noise reaching the fencing would be reflected back into the site, and would not find its way through the gap. It is also noted that the gap in the acoustic fencing would not be entirely unobstructed.
- 10.236 Residents have expressed concerns regarding the use of HGV reversing warning sounds, and the impacts of these upon neighbouring amenity. With reference to an appeal decision relating to a site in Milton Keynes and standard BS4142, residents have stated that a penalty of at least 6db should be added to the applicant's predicted noise figures to take into account the nature of the sound. The applicant's response to this matter is awaited, however KC Environmental Health have not raised this as a matter of material concern, and it is noted that broad band (or "white noise") reversing sounds are often used instead of tonal sounds (or "beeps") to address neighbour amenity concerns. No condition is recommended regarding the type of sounds to be used, however, as this matter would be determined by health and safety considerations and relevant risk assessment.
- 10.237 Residents have raised several other queries regarding the applicant's noise information, and these have been relayed. Although the applicant's responses are awaited, these are not needed for officers to be able to advise that the proposed development would be acceptable in terms of noise impact.
- 10.238 An error at appendix 13.2 of the applicant's ES (showing link 14 in the wrong location), resulted in the applicant assessing a worst-case scenario, where all the traffic to/from the Whitechapel Road access flowed past that point to the west of the access. Correcting appendix 13.2 would reveal lower figures for that point to the west of the access, therefore impacts would be less than those set out in the assessments provided to date relating to noise and air quality.

Air quality

- 10.239 The application site is not located within an Air Quality Management Area (AQMA). The text of site allocation ES6 that states “Site is within an Air Quality Management Area” was included in error.
- 10.240 The applicant’s revised Air Quality Assessment (revision 6) refers to revised traffic and transport information and includes a revised future year scenario to 2023 in accordance with the updated traffic data. The report details the impact that the development will have on existing air quality, and how this would impact existing and future sensitive receptors, by considering dust emissions during the construction phase and air pollution from the additional traffic during the operational phase. The pollutants modelled were nitrogen dioxides (NOX) and particulate matter (PM10 and PM2.5). According to the applicant’s assessment, all the predicted changes in pollutant concentrations would be well below the national air quality objectives and as such the impact of the development on air quality due to traffic movements with respect to NO2, PM10 and PM2.5 is determined by the applicant to be “negligible” in accordance with guidance issued by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM).
- 10.241 In accordance with the West Yorkshire Air Quality Low Emission Strategy (WYLES) Technical Planning Guidance, a damage cost calculation has been undertaken by the applicant. This is to determine the amount (value) of mitigation required to offset the detrimental impact that the development would have on air quality. The calculation has been made in accordance with DEFRA guidance, The applicant has arrived at a damage cost figure of £245,590. Air quality mitigation measures (to a value exceeding £245,590) are set out at Table 10-3 of the applicant’s report, although any such measures would need to comply with WYLES guidance on what can and can’t be counted towards damage cost mitigation. The applicant’s report states “The calculated figure will be put towards various mitigation measures shown in Section 10 of the report; it does not represent a sum owed by the developer”, which is correct, although a relevant Section 106 provision is recommended, to be applied in the event that measures up to the damage cost value are not implemented.
- 10.242 Of note, the applicant’s proposals regarding improved walking and cycling facilities, cycle parking, electric vehicle charging, public bus services, staff buses, bus stops and travel planning would all have positive and/or mitigative effects in relation to air quality.
- 10.243 Residents have stated that the applicant’s baseline air quality data has varied across the various submissions made during the life of the application, and is therefore suspect. The applicant’s response to this concern is awaited, however it must be noted that an applicant’s evidence cannot be rejected due to suspicion, and that there is no evidence currently before the council to suggest that the applicant’s latest air quality data is unreliable.

Odour

- 10.244 The text of site allocation ES6 notes that development at this site has the potential to impact upon the adjacent Cleckheaton New Cemetery in relation to odour.

10.245 Given the nature of the proposed development, the only potential source of odour likely to be created would be the ground floor kitchen and staff break room shown on drawing 7384 SMR 00 GF DR A 2117 S3 rev P8. The applicant's ES (chapter 8) and the related Air Quality Assessment (revision 6) state that measures will be implemented at the site to control odour so that there would be no adverse effects at nearby sensitive receptors inclusive of nearby residential dwellings and at Cleckheaton New Cemetery. An appropriate condition is recommended.

Light impacts

10.246 As noted earlier in this committee report, the application site is unlit, although it receives some night-time light from surrounding roads. It currently has no sources of light affecting surrounding residential amenity or wildlife habitat.

10.247 Chapter 16 of the applicant's ES assesses the impacts of the proposed development's lighting in relation to neighbouring amenity. The applicant has also submitted an External Lighting Layout drawing 1169-RHD-SW-XX-DR-E-3300 rev P11 and an External Lighting Spill Layout drawing 1169-RHD-SW-XX-DR-E-3301 rev P09.

10.248 The applicant's proposals are considered acceptable in relation to external lighting impacts. An appropriate condition is recommended, prohibiting the installation of any different or additional lighting beyond what is shown on the applicant's current drawings. National Highways have also advised that a condition regarding lighting adjacent to the M62 would be necessary.

10.249 Regarding the headlights of vehicles leaving the application site via Whitechapel Road, it is noted that this exit would be opposite the non-residential Albert Morton Pavilion. The momentary sweep of vehicles' headlights would also be partly screened by existing fencing and vegetation on the opposite side of Whitechapel Road. The impact of this light on neighbouring residential amenity would therefore not be significant.

10.250 A Glint and Glare Assessment (issue 3, dated 25/10/2022) has been submitted by the applicant in relation to the PV array proposed at roof level. The applicant's assessment has determined that, due to the height of the proposed building, the proposed fixed 10-degree pitch of the PV array and the topography of the site, there are unlikely to be any glint and glare effects on the surrounding receptors, including those located on Whitechapel Road.

Highway and transportation issues

10.251 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

10.252 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms

of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

- 10.253 Regarding cumulative impacts, paragraph 014 of the Government's online Planning Practice Guidance (Travel Plans, Transport Assessments and Statements chapter) states that it is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e., development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next three years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval.
- 10.254 Existing highway conditions must be noted. Two field gates (both with dropped kerbs) provide access into the application site from Whitechapel Road. No formal vehicular access points into the application site exist on Whitehall Road.
- 10.255 Outside the application site, Whitehall Road is subject to National Speed Limit (60mph and 70mph) restrictions, and comprises a short stretch of dual carriageway that becomes a single carriageway road further to the west. Whitehall Road is lit, is not subject to stopping restrictions, and is not served by buses. A pedestrian refuge exists where public footpath SPE/24/30 meets Whitehall Road. The road lacks adequate footways for much of its length on its. Outside the southern edge of the application site, Whitechapel Road is subject to a 30mph speed restriction. The road is lit, and has westbound cycle lane markings, a stretch of double yellow lines, speed plateaux, and footways on both sides of the carriageway. The 255, 256 and 259 bus routes serve this road.
- 10.256 Further away from the application site, other highway conditions are relevant. Branch Road is signed as being unsuitable for large vehicles and is subject to a 7.5T weight limit. A 20mph zone has been designated in Scholes. To the northeast, National Highways are the authority responsible for junction 26 of the M62 (including the Chain Bar roundabout).
- 10.257 Conditions for pedestrians and cyclists must also be noted. Public footpath SPE/24/30 runs along part of the application site's eastern edge (at the top of the motorway embankment), and crosses the site close to its centre, providing pedestrian access between Whitehall Road and Whitechapel Road. This footpath forms part of the Spen Way Heritage Trail (referred to as the Spen Valley Heritage Trail on some maps). Close to the application site's northeast edge, the Spen Valley Greenway runs roughly northwest-southeast, with bridges over the M62 and Whitehall Road. The Spen Valley Greenway forms part of the existing core walking and cycling network (as identified in the Kirklees Local Plan). There is currently no connection between public footpath SPE/24/30 and the Spen Valley Greenway. Whitechapel Road is a well-used walking-to-school route.

10.258 Other than the bus services of Whitechapel Road referred to above, public transport services surrounding the site are limited. The 255 bus was cut to an hourly service in 2022. Further afield, however, there are bus stops on Bradford Road where the regular 268 MAX (Bradford to Wakefield) service stops. These bus stops are within 930m and 1.1km walking distance of the proposed Whitehall Road site entrance.

Proposals

10.259 The proposed development would be a fulfilment centre, where products would be received mostly from Amazon receive centres, but with a small proportion of products arriving directly from vendors and manufacturers. This could include deliveries from abroad. From the proposed development, products would be transported to Amazon's "sortation centres". "Last mile" deliveries would not depart from the proposed development.

10.260 Two site accesses are proposed. The Whitehall Road access would comprise a new signalised junction with a right-turn lane for traffic approaching from the west. This entrance would be used by staff and all HGV traffic. Crossing facilities for pedestrians and cyclists are also proposed at this new junction. At Whitechapel Road, a secondary staff entrance/exit is proposed – this would be a priority junction, and would be used by staff (in cars and buses) and by emergency services vehicles, but with no HGV usage. The applicant proposes to prohibit the use of this entrance/exit by staff (except for those using staff buses) between the hours of 23:00 to 07:00. A pedestrian/cycle crossing is proposed adjacent to the Whitechapel Road access.

10.261 An internal road is proposed between the Whitehall Road and Whitechapel Road entrances, providing access to the proposed parking areas. Other internal roads would provide access to yards, HGV docks and HGV parking areas proposed on the north, east and south sides of the building. A bus turning area is proposed on the south side of the building. 82 HGV docks and 191 HGV parking spaces are proposed.

10.262 Away from the two site accesses, the applicant proposes:

- Junction works to assist with mitigating the impacts of the proposed development:
 - At junction 26 of the M62 (Chain Bar), capacity improvements (including lane widening and reallocation) and new crossings for pedestrians and cyclists are proposed.
 - At the Whitechapel Road / Turnsteeds Avenue junction the applicant proposes the narrowing of the existing bellmouth, and an improved pedestrian crossing island.
 - A £10,000 (2x £5,000) contribution towards MOVA upgrades at the Whitehall Road / Westfield Lane signalised junction and the A638 Bradford Road / A643 St. Peg Lane / A638 Dewsbury Rd / A643 Parkside signalised junction.
- A £70,000 Traffic Mitigation Bond (to allow future implementation of TROs and additional traffic calming measures on local roads surrounding the site, should these be required) is proposed.
- Bus stop upgrades have also been agreed to by the applicant.

10.263 Also in relation to highways and transportation, the applicant proposes travel planning measures, provision of staff buses, and a £1,000,000 contribution to increase the frequency of existing bus services and to extend the period across the day that these services operate to coincide with the development's shift patterns.

Trip generation, traffic impact and network assessment

10.264 The applicant's Transport Assessment (TA) and supplementary submissions include assessments of impacts of the proposed development at the following junctions:

- Junction 1: Whitehall Road / Westfield Lane signalised junction;
- Junction 2: Northern site access / Whitehall Road (A58);
- Junction 3: Chain Bar interchange (M62 junction 26);
- Junction 4: Southern site access / Whitechapel Road;
- Junction 5: Whitechapel Road / Turnsteads Avenue;
- Junction 6: Bradford Road / Whitechapel Road / Hunsworth Lane signalised junction;
- Junction 7: Whitecliffe Road / Turnsteads Avenue / West End;
- Junction 8: Bradford Road / Whitecliffe Road;
- Junction 9: A638 Bradford Road / A643 St. Peg Lane / A638 Dewsbury Rd / A643 Parkside signalised junction;
- B6120 Scholes Lane / Westfield Lane priority crossroads junction; and
- B6120 Scholes Lane / A649 Halifax Road / A643 Walton Road staggered priority junction.

10.265 Regarding trip generation, the applicant's Transport Assessment (as corrected on 08/02/2023) refers to a recent, comparable example of an Amazon fulfilment centre, and forecasts vehicle movements generated by the proposed development. This includes the total peak period development vehicles flows for the normal and "Sensitivity Test" (e.g., the 3-month Seasonal Peak from October to December) periods, together with the staff car/van flows (extracted from the applicant's SRTA) for the Whitechapel Road access, which are as follows:

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	90	494	10	7	17	414	97	511
0800-0900	21	10	31	15	10	25	36	20	56
1700-1800	131	81	212	13	16	29	144	97	241
1800-1900	438	436	874	13	12	25	451	448	899

Intended Occupier Forecast 'Seasonal Peak' Vehicle Trips (750 Staff per shift + 150 staff 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	24	11	35	15	10	25	39	21	60
1700-1800	145	92	237	13	16	29	158	108	266
1800-1900	501	516	1017	13	12	25	514	528	1042

Table 5.17 – Whitechapel Road Traffic Flows (Sensitivity Test Traffic Flows)

Time	Arrivals	Departures	Two-way
0700-0800	144	31	175
0800-0900	7	3	11
1700-1800	44	28	71
1800-1900	151	155	306

Note: Discrepancies due to rounding.

- 10.266 Traffic survey data was obtained by the applicant at the above-listed junctions, with data from 2019, 2022 and 2023 used within the assessment (2020 data was also obtained, however this was superseded by later 2022 data).
- 10.267 Regarding cumulative impacts, the applicant's traffic modelling has taken the following committed schemes into account:
- Barratt Homes development at Whitechapel Road;
 - Merchant Fields development at Hunsworth Lane;
 - Blue Hills Farm development at Whitehall Road West;
 - Westgate development, Cleckheaton;
 - Former Crosslea Factory development, Brighouse; and
 - Developments approved and that were pending at the former North Bierley Waste Water Treatment Works.
- 10.268 The proposed "Thornhills Garden Suburb" site allocation within Calderdale has not been taken into account as a committed scheme, as no planning permission for major development at that site has been granted. The site allocation has not, in fact, been formally adopted yet, although it is understood that a decision on adopting Calderdale's Local Plan is due to be made at Cabinet level on 22/03/2023.
- 10.269 The applicant's traffic modelling takes into account predicted background traffic growth, and assesses impacts in the years 2023 and 2033.
- 10.270 The implementation of the Bradford Clean Air Zone on 26/09/2022 was not expected to significantly alter traffic flows around the application site to the extent that remodelling would be necessary.

10.271 The applicant's approach to traffic modelling is considered acceptable. The results of this modelling have informed the assessment of junction impacts set out in the following paragraphs. Junction numbering in the following paragraphs reflects that used in the applicant's Transport Assessment (TA).

Whitehall Road / Westfield Lane junction (junction 1)

10.272 Modelling of this junction has been carried out by the applicant and reviewed by officers. The applicant had asserted that no mitigation is needed at this junction as the development traffic impact at the junction would be minimal. The applicant added that, although the junction would operate above capacity, the level of development traffic would have little impact on the operational performance of the junction, and the impact does not exceed the "severe" threshold of the NPPF.

10.273 Whilst officers agree that the impact at this junction may not be regarded as severe in isolation, development traffic would have an impact on junction performance. As such, officers have requested that a £5,000 financial contribution be made to enable the existing MOVA (Microprocessor Optimised Vehicle Actuation) equipment to be upgraded to current standards, which would help to optimise the performance of the junction and help to mitigate development traffic impact. The applicant has agreed to this, and it is recommended that the contribution be secured via a Section 106 agreement.

Northern (A58 Whitehall Road) site access (junction 2)

10.274 This access is intended for HGV use and the majority of staff access. Separate left- and right-turn lanes are proposed from the site for traffic heading west and east on the A58, and a dedicated (and separately signalled) right-turn lane is proposed for inbound traffic entering the site. The junction would be fully signalised and provided with crossings for pedestrians and cyclists in all directions, which would connect to the diverted public footpath SPE/24/30 (and which, in turn, would connect to the Spen Valley Greenway).

10.275 In the applicant's original submissions, this site access was proposed as a priority junction with right turn lane. However, concerns were raised by the Police, the council's Road Safety Team and KC Highways Development Management regarding this form of junction, due to the high traffic speeds on the A58, local accident history, and other highway safety and operational issues. As such, consideration was given to providing either a roundabout or signal controlled access, with the latter now proposed due to land and development constraints making a roundabout unfeasible. A signalised site access in this location is considered acceptable in principle.

10.276 A Stage 1 road safety audit (RSA) for this junction was carried out during the life of the application, and the design of this access junction has taken into account the RSA recommendations.

10.277 To help to mitigate the impact of introducing the new signalised site access on the operation of the A58, and to allow the proposed access to operate more safely, the council's Road Safety Team have previously confirmed that in principle a reduction in the speed limit would be supported, with the most appropriate option being to extend the existing 40mph limit from the Chain Bar roundabout to the west, past the proposed site access and beyond the merge section, before transitioning back to a reduced 50mph limit (from National Speed Limit) for the remaining section of the A58 Whitehall Road to the west leading to the 40mph transition at Wyke.

- 10.278 The applicant is agreeable to this proposal. The cost of consulting on and implementing the relevant Traffic Regulation Order (TRO) would need to be met by the applicant. Of note, the applicant's agreement to this speed limit reduction would not guarantee that a reduction in the speed limit would be introduced – implementation of such a change would be subject to local consultation via a process separate to the consideration of the current planning application. The process would also determine what speed would be appropriate for this road, and the extent to which any change would apply.
- 10.279 Notwithstanding the above, the signalised northern site access has been designed in accordance with either a 40mph (70A design speed) or 50mph (85A design speed) speed limit past the site access, as the preferred reduction in speed limit of 40mph cannot be guaranteed at this stage. This approach has been taken to ensure that adequate design parameters and visibility requirements can be satisfied even if the speed limit were reduced to a lesser extent to 50mph following the statutory consultation process that is required (for the avoidance of doubt, it is the 40mph speed limit that would be pursued where possible).
- 10.280 Any change to the speed limit would require additional signing, road markings, gateway features and other associated works. Again, the cost of these works would need to be met by the applicant. Any such works would also need to be designed in conjunction with the works proposed by the applicant at Chain Bar. In addition to the speed limit changes, the council's Road Safety Team have also confirmed that Clearway or No Waiting restrictions would be supported within the vicinity of the site access, and these would be pursued as part of the implementation of this access.
- 10.281 Given the acceptable design (subject to detailed work and further safety audits) of the proposed Whitehall Road access, and the applicant's traffic modelling which demonstrates that the junction would function adequately, it is considered that this aspect of the proposed development is acceptable.

M62 junction 26 (Chain Bar) (junction 3)

- 10.282 This junction forms part of the Strategic Road Network, and is also junction 1 of the M606.
- 10.283 An earlier proposal to provide a sliproad flyover from the M62 westbound to the M606 northbound is no longer proposed by National Highways.
- 10.284 The applicant has engaged in extensive discussions with National Highways regarding improvements at Chain Bar, culminating in an acceptable scheme being arrived at relatively recently. This scheme was informed by road safety audits, and a walking, cycling and riding assessment.
- 10.285 Capacity improvements are now proposed in the form of widening to three arms of the junction, improved lane utilisation and other works to improve the junction's performance. Signal-controlled crossings for pedestrians and cyclists are also proposed around the junction.

- 10.286 In late 2022, National Highways informally indicated that limited departures from Design Manual for Roads and Bridges (DMRB) standards could be accepted (in the applicant's proposals) due to the departures that already existed at the junction. On 03/03/2023 National Highways confirmed that they were satisfied with the proposals in principle.
- 10.287 The junction improvement proposals are illustrated in drawing 194663-21/A/45 rev F (Vectos/SLR, 14/10/2022) and would be subject to detailed design. National Highways have stated that further work would be required involving the applicant, National Highways and the council to finalise the scheme's design. This work would need to include agreement on road markings, a MOVA control strategy and MOVA validation. National Highways also expect the applicant to have submitted and received final sign-off on the identified DMRB departures from standard via National Highways' departures approval system (DAS). The scheme would then be subject to satisfactory sign-off via a stage 2 road safety audit before it could be considered accepted for delivery.
- 10.288 The proposed junction improvement scheme is welcomed and appears to mitigate the impact of development traffic, with some betterment in network peak periods.
- 10.289 An appropriate condition, requiring details and implementation of the junction improvement scheme, is recommended.

Southern (Whitechapel Road) site access (junction 4)

- 10.290 For this priority junction, no right turning pocket or lane is proposed, as traffic modelling has confirmed that this would not be necessary. A pedestrian/cycle crossing is proposed adjacent to the access. A 4m wide shared cycle/footway is proposed along the application site's Whitechapel Road frontage, which would improve the existing footway that has restricted width due to street trees.
- 10.291 In earlier comments, KC Highways Development Management recommended the deletion of this access from the proposals. However, following further consideration and the submission of additional supporting information from the applicant, including restrictions on the access use, officers concluded that the provision of a secondary access on Whitechapel Road, as requested by the applicant, has merit and could provide operational benefits. Staff who live in areas to the south of the application site (such as Heckmondwike, Dewsbury and Brighouse) – who would already be travelling on the local highway network (but not necessarily all on this stretch of Whitechapel Road) – would be able to use this access and would not have to travel a longer distance to Whitehall Road via Chain Bar or less suitable routes such as Branch Road.
- 10.292 The Whitechapel Road access would only be used by staff cars, staff buses and for emergency service vehicles, but with no HGV usage. The applicant proposes to prohibit the use of this entrance/exit by staff (except for those using staff buses) between the hours of 23:00 to 07:00, and a relevant condition is recommended to ensure this restriction is applied year-round.

- 10.293 Regarding the use of this access in emergencies, officers are of the view that this would need to be restricted to scenarios involving the emergency services and highway authorities, and that genuine emergencies would not include what Amazon may consider to be an economic or operational emergency. This has now been confirmed by the applicant in their draft Operational Management Plan (OMP).
- 10.294 A Stage 1 road safety audit (RSA) for this junction was carried out during the life of the application, and the design of this access was amended to address earlier concerns and all the recommendations of the Stage 1 RSA. Modelling has confirmed that this access would not require a ghost island right turn lane.
- 10.295 The proposed access controls at Whitechapel Road have been the subject of lengthy discussion. The applicant has confirmed that staff would use their work passes to access the site, and that the proposed control barrier can cater for 360 to 400 vehicles per hour, or six to seven cars per minute. Therefore, based on the peak usage (confirmed by the applicant) of 3.9 vehicles per minute, the barriers would be adequate to accommodate this vehicle throughput. To ensure that blocking doesn't occur at the barriers, the applicant has confirmed that the barriers would be monitored by site security at all times, and would send security staff to the barriers to rectify any issues that may occur, with these measures set out in a Car Park Management Plan (CPMP) to be secured by condition. An intercom system has been added to the proposals, as have yellow box markings and space for vehicle turning to ensure that a vehicle that may be refused entry can turn and exit without being blocked by queuing traffic to their rear.
- 10.296 Based on the peak arrival rate at the barriers of up to four vehicles per minute, it would take a delay of over three minutes for a queue to form that could extend back to Whitechapel Road (queueing space for 13 vehicles is available). This is unlikely to ever occur, as an unauthorised vehicle that is turned away would be able to do so in less than three minutes.
- 10.297 Whilst the applicant is confident that the access barrier would function efficiently without any queuing problems occurring, they have agreed to install ducting that will enable an Automatic Number Plate Recognition (ANPR) system to be installed later if necessary, and have agreed that this remedial measure would be confirmed in the Operational Management Plan (OMP) that would be secured by a recommended condition. This futureproofing is considered appropriate.
- 10.298 The applicant's draft Car Park Management Plan (CPMP) also confirms that in the event of any problems occurring at the site access barriers, security staff would be sent to the barriers resolve any issues.
- 10.299 Given the acceptable design (subject to detailed work and further safety audits) of the proposed Whitechapel Road access, and the applicant's traffic modelling which demonstrates that the junction would function adequately, it is considered that this aspect of the proposed development is acceptable.

Whitechapel Road / Turnsteads Avenue junction (junction 5)

- 10.300 The applicant's assessment confirms that during all time periods and flow scenarios, this junction would continue to operate well within capacity. Therefore, it is concluded that the junction is adequate in capacity terms to accommodate the additional development traffic.
- 10.301 The applicant proposes the narrowing of the existing bellmouth (which is wider than it needs to be), and an improved pedestrian crossing at this junction. These proposals are welcomed, and would improve the experience and safety of pedestrians.
- 10.302 Of note, works were carried out at this junction by the council relatively recently. Prior to the previous improvement, the junction did not include any pedestrian refuge island (it had a grass splitter island without any pedestrian facilities), and this shortcoming was the reason for the previous improvement. The previous improvement also reduced the inbound radius for the left turn from Whitechapel Road (west) to Whitechapel Road (north), with the aim of reducing vehicle speeds. This provided a significant improvement for pedestrians. The improvement scheme now proposed by the applicant complements what was done previously, but would expand on the benefits of the previous scheme, and accords with current design guidance.
- 10.303 Residents have suggested that vehicle tracking diagrams prepared by the applicant demonstrate an intention to allow HGVs to access the proposed development via Whitechapel Road, however vehicle tracking (for all sizes of vehicles currently entitled to use a junction) is routinely assessed when such works are proposed to ensure that turning movements for all vehicle types that are legally permitted to use the junction are not compromised.

Bradford Road / Whitechapel Road / Hunsworth Lane junction (junction 6)

- 10.304 The applicant's modelling demonstrates that this junction would operate over capacity in the 2023 AM and PM peak network peak periods (and further over capacity in 2033), and in the AM shoulder peak period in the base situation (and close to capacity in the PM shoulder peak). As would be expected, with the introduction of development traffic, the junction would further exceed capacity. However, no mitigation is proposed by the applicant at this junction.
- 10.305 Officers generally agree that the impact at this junction may not be regarded as severe in isolation. Officers have considered whether any improvements could be made at this junction to improve its operational performance, however it has been confirmed that the junction currently includes the latest MOVA and bluetooth monitoring equipment. Therefore, there are no significant improvements that could be made at the junction within existing highway boundary constraints. However, it is noted that the proposed development's access strategy, with a staff access on Whitechapel Road, would help to minimise the level of traffic that would use this junction.

Whitecliffe Road / Turnsteads Avenue / West End mini-roundabout (junction 7)

- 10.306 The applicant's assessments confirm that during all time periods and flow scenarios this junction would continue to operate well within capacity. Therefore, it is concluded that the junction is capable in capacity terms of accommodating the additional development traffic.

Bradford Road / Whitecliffe Road junction (junction 8)

- 10.307 The applicant's assessments confirm that during all time periods and flow scenarios this junction would continue to operate well within capacity. Therefore, it is concluded that the junction is capable in capacity terms of accommodating the additional development traffic.

A638 Bradford Road / A643 St Peg Lane / A638 Dewsbury Rd / A643 Parkside signalised junction (junction 9)

- 10.308 The applicant's modelling shows that this junction would operate within capacity in the 2023 AM and PM peak network peak periods, with the addition of development traffic. However, during the AM shoulder peak period, development traffic would take the junction slightly over capacity. Similar results are shown in the 2033 assessments.

- 10.309 Whilst officers acknowledge that increasing the signal cycle time would improve the traffic capacity at this junction, this would also increase pedestrian wait times at the crossings and is not desirable in this urban location. Therefore, whilst officers agree that the impact at this junction may not be regarded as severe in isolation, development traffic would have an impact on the performance of the junction. As such, officers have requested that a £5,000 financial contribution be made to enable the existing MOVA equipment to be upgraded to current standards, which would help to optimise the performance of the junction and help to mitigate development traffic impact. The applicant has agreed to this, and it is recommended that the contribution be secured via a Section 106 agreement.

B6120 Scholes Lane / Westfield Lane junction

- 10.310 An assessment of this junction was requested by officers on 14/12/2022 in light of the applicant's further traffic information.

- 10.311 In order to undertake junction capacity modelling at the B6120 Scholes Lane / Westfield Lane / Tabbs Lane / New Road East priority crossroads junction, the applicant obtained additional traffic count data carried out at the junction on Thursday 12/01/2023. The applicant has also reviewed the most recent personal injury collision (PIC) data at the junction – this has identified that there has been a single PIC at the junction in the last five years, which does not represent a pattern of incidents at the junction.

- 10.312 Junction capacity assessments demonstrate that the junction would operate within capacity in all assessment periods. The additional development traffic would not materially impact the operation of this junction.

B6120 Scholes Lane / A649 Halifax Road / A643 Walton Road

- 10.313 An assessment of this junction was requested by officers on 14/12/2022 in light of the applicant's further traffic information.
- 10.314 The council has developed proposals for a signalisation scheme at this staggered crossroads junction, to address a number of right-turn collisions that have occurred. Nine incidents of all types in total have occurred over a five-year period, including three serious and one fatal incident. Residents have referred to this junction in representations, stating it is an accident black spot. Objections to a related Traffic Regulation Order were considered by Cabinet on 27/02/2023.
- 10.315 The applicant obtained additional traffic count data carried out at the junction on Thursday 12/01/2023. The applicant then utilised the same base modelling parameters that the council used when developing the proposed signalisation scheme.
- 10.316 The applicant's modelling demonstrates that the proposed signalised junction would operate within capacity during most 2033 with and without development scenarios, with development traffic having no significant impact on the junction's operation. Therefore, the junction is forecast to operate adequately when the impact of the development is considered against the proposed junction improvements. It is concluded that the development traffic can be accommodated at this junction with the council-proposed signalisation scheme (which is due to be implemented imminently) in place.

Other junctions and routes

- 10.317 Cllr Smaje (Birstall and Birkenshaw ward) requested modelling of scenarios where the M62 is congested or blocked at or near to junction 26, and where traffic diverts via junction 27, the A650 and the A58, causing problems in Birkenshaw. These concerns are noted, however neither the council nor National Highways have asked the applicant for an assessment relating to junction 27 of the M62, or the A58 diversion route, as that junction would not be used during normal highway operation. This is in accordance with the NPPF Planning Practice Guidance (and National Highways assessment guidance) which requires traffic assessments to be undertaken using "typical (neutral)" traffic data that reflects normal traffic conditions (i.e., not exceptional or not-normal scenarios, such as when junction 26 might be blocked and traffic might divert to other junctions). The same assessment approach was adopted by the council and National Highways in relation to other development proposals including those at Merchant Fields and Chidswell. Cllr Smaje has responded, stating that that such diversions are indeed "normal".
- 10.318 A resident has requested additional assessment of impacts on routes that may be used by staff using the Whitechapel Road entrance. The applicant has already assessed the proposed entrance, the Whitechapel Road / Turnsteads Avenue junction, the B6120 Scholes Lane / A649 Halifax Road / A643 Walton Road junction and the B6120 Scholes Lane / Westfield Lane junction. Officers do not anticipate that there would be significant usage of the route via Halifax Road / Moorside / Westgate / South Parade / Whitcliffe Road / Turnsteads Avenue by staff traffic (and none by commercial vehicles associated with the proposed development), as this route would not provide journey time saving

when compared to the route via Scholes. Also, the nature of the route via South Parade is likely to be unattractive, particularly given the recent introduction of traffic calming measures on this road. The resident also referred to Clifton Common. Assuming this was a request for an assessment of the A643 Clifton Common / Towngate / A643 Highmoor Lane junction, and/or the A643 / A644 / A641 junctions in Brighouse, these are not considered necessary, as beyond the B6120 Scholes Lane / A649 Halifax Road / A643 Walton Road junction, traffic would have dissipated to an extent that does not warrant additional assessments.

Road safety

- 10.319 Officers have reviewed personal injury accident data for the area surrounding the application site, and this has informed the assessments set out above.
- 10.320 Several residents have noted that Whitechapel Road is a popular walking to school route. Accordingly, officers asked the applicant if shift patterns could be changed to avoid early start times at local schools, however the applicant has stated that this would not be possible. One of the reasons for this, is that the shift times have been designed to minimise traffic impact during network peak periods, as well as to avoid the main school start/finish times. Therefore, moving the AM shift start time any earlier, would result in the PM shift end time being earlier, and occurring during the PM network peak period which would be undesirable.
- 10.321 Various measures proposed by the applicant are expected to improve safety for road users. In particular, the potential speed limit reduction to Whitehall Road, the provision of formal pedestrian/cycle crossings (on Whitehall Road, Whitechapel Road and at Chain Bar), and the improvements to the Whitechapel Road / Turnsteads Avenue junction are expected to improve safety. Furthermore, all interventions proposed in the local highway network have undergone initial Stage 1 road safety audits, and further assessment related to safety would be carried out at the detailed design stage.

Sustainable travel

- 10.322 As noted earlier in this committee report, for a development at this site, of the scale proposed, transport is among the key considerations of relevance to sustainability assessment. Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site that was entirely reliant on the use of the private vehicle is unlikely to be considered sustainable. The following is proposed and/or would be secured:

- Provisions for pedestrians and cyclists, including improvements at Chain Bar and the provision of a connection between public footpath SPE/24/30 and the Spen Valley Greenway;
- Implementation and monitoring of a travel plan;
- A financial contribution of £1,000,000 towards local bus provision;
- A financial contribution of £46,000 towards improvements to local bus stops;
- 88 on-site cycle parking spaces; and
- Electric vehicle charging points.

- 10.323 The above measures would enable and encourage staff, visitors and the wider public to use sustainable modes of transport to, from and around the proposed development.
- 10.324 The £1,000,000 contribution towards local bus provision was proposed by the applicant in consultation with the West Yorkshire Combined Authority, and is intended to improve the bus service along Whitechapel Road with the 255 route reinstated to a bi-hourly service and the operating hours to be extended to cover shift changes. It is recommended that a flexible approach to utilising the funds should be adopted to ensure the funding is utilised in the most effective manner. This approach may allow the funding to be utilised over a longer period than five years, with the bus service improvements funded / subsidised until the full £1,000,000 contribution has been expended. The applicant has agreed to pay the contribution in five instalments, with £400,000 paid prior to first occupation and a further four annual payments of £150,000 paid. It is recommended that this contribution be secured via a Section 106 agreement. This provision carries positive weight in the balance of planning considerations.
- 10.325 Further pedestrian and cycle accessibility improvements would be achieved via the proposed improvements to Chain Bar and Whitehall Road, and the proposed connection to the Spen Valley Greenway. These would improve ease of access to the 268 MAX bus serving Bradford Road, and Low Moor railway station.
- 10.326 The applicant has agreed to a £46,000 contribution towards a new bus shelter and real-time display at a new eastbound stop on Whitechapel Road and a real-time display at a new westbound stop on Whitechapel Road, with a new shelter to be provided at Stop ID 15423.
- 10.327 A condition is recommended, requiring the provision of the 88 cycle parking spaces prior to occupation. No electric cycle charging, shower and changing facilities for cyclists are shown on the applicant's drawings (although commitments to provide these facilities have been provided in the applicant's draft Travel Plan), therefore an appropriate condition is recommended, securing the provision of these.
- 10.328 A draft travel plan has been submitted by the applicant, and it is recommended that the final travel plan be secured by condition.

Internal layout

- 10.329 A new internal road is proposed between the application site's Whitechapel Road and Whitehall Road accesses. This road includes a combined cycle/footway proposed alongside it that would be accessible to the public.
- 10.330 Swept path analysis has been provided to confirm that the site layout is acceptable, and would allow suitable access for staff buses via the Whitechapel Road access.
- 10.331 A 3m wide combined cycle/footway is proposed along the internal road, which would link Whitechapel Road to the proposed new pedestrian / cycle connection to the Spen Valley Greenway (SVG) to the north. This provision is welcomed, and carries positive weight in the balance of planning considerations.

- 10.332 The internal road and the combined cycle/footway would not be adopted, and therefore standards and requirements applicable to them would be less onerous than for an adopted road, however the council would still need to be assured that the pedestrian/cycle through-route is fit for purpose, and a condition requiring the submission of full details of this publicly-accessible link is therefore recommended. The same condition requires the route to remain accessible to the public for the lifetime of the development.
- 10.333 The applicant has incorporated additional traffic calming measures along the internal road, with an additional four speed reduction ramps, together with a 10mph speed limit and associated speed limit roundel markings. These additional features are considered acceptable. However, it is recommended that similar speed limit roundels are incorporated on the pedestrian/cycle route through the site to discourage excessive speeds by cyclists.
- 10.334 The vehicular route into the site from Whitehall Road (for use by HGVs reaching the yards and docks proposed around the building) would be no steeper than 5% (1:20). This is considered acceptable.

HGV management and waiting

- 10.335 There are no specific policies in the Local Plan regarding HGV management and parking provision for HGVs, however paragraph 109 of the NPPF states:

Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

- 10.336 Department for Transport Circular 01/2022 “Strategic road network and the delivery of sustainable development” (2022) is also relevant.
- 10.337 It is essential that adequate provision be made and secured to ensure the proposed development does not result in HGVs queueing or parking on the local road network surrounding the application site. Concerns regarding HGV impacts have featured prominently in residents’ objections to the proposed development, with many residents noting problems that have emerged at other sites.
- 10.338 Of note, given the legal limits on driving hours, and the fact that the proposed development could be visited by HGVs from abroad, it is highly likely that some drivers will need to break their journeys, and appropriate provision needs to be made for this to avoid problems arising locally.
- 10.339 Earlier responses provided by the applicant did not adequately address these concerns. A list of potential waiting locations for HGV drivers included unsuitable locations that lacked access or facilities, such as Cleckheaton Tesco. However, the applicant’s latest draft Delivery and Service Management Plan (DSMP) has now correctly identified more suitable HGV waiting/layover locations (e.g. dedicated truck stops and motorway service areas).

10.340 The following alternative measures (and relevant considerations) have been discussed between officers and the applicant and would be secured in the development's DSMP:

- A dedicated Operations Team, overseen by a Senior Operations Manager, would be responsible for the day-to-day management of the service yard and freight movements.
- A Vendor Booking System would schedule arrival times of all delivery vehicles. This would help minimise congestion around the yards and reduce freight waiting times around the site.
- A two-hour grace period (one hour either side of the expected arrival time) is to be allowed. Within that period, HGVs would not be turned away from the site.
- If there is space on-site for HGVs arriving outside the grace period, they would be let onto the site.
- At the proposed development, drivers would not be involved in unloading, and there is therefore an opportunity for breaks to be taken at the application site. Appropriate break rooms are proposed.
- A holding area (not a physically designated area, but an allowance) is proposed on-site for HGVs.
- To reduce vehicle movements, reduce driving waiting times and improve the efficiency of the service yard, a "Trailer Drop-And-Swap" process is proposed.
- Traffic information would be relayed to drivers.
- Facilities at Hartshead Moor services can be used by HGV drivers. On 09/01/2023 the operator of that facility (Welcome Break) advised officers that site has 52 eastbound HGV spaces, 82 westbound HGV spaces, and that overnight occupancy is typically 58%. Overnight parking costs between £29 and £31. The facility is open 24 hours a day, 365 days a year, and has showers and washrooms.
- A Traffic Regulation Order relating to a Clearway on Whitehall Road would be pursued as part of the site access (Section 278) works, to prevent HGVs stopping / waiting on the A58.

10.341 The provision of an on-site waiting layby has been suggested by officers, however the applicant has stated that this could not be provided for safety reasons, and such provision would require a reduction in on-site green space. Instead, the internal loading dock and HGV parking spaces have been designed to allow for the anticipated HGV demand, and to allow for the two-hour grace period that is proposed for delivery vehicles, to ensure that problems do not occur at the site access.

10.342 The further information provided by the applicant is welcomed and sets out a range of measures that would help to ensure the service access and yard arrangements operate effectively. The applicant has agreed to such measures being secured in an Operational Management Plan (OMP) and a Delivery and Services Management Plan (DSMP), both of which would be secured by conditions.

10.343 Additional measures would, however, also need to be secured through the OMP and DSMP, to ensure adequate monitoring and review is in place, and these documents would need to include robust mechanisms to ensure that HGVs would not cause queuing, parking or waiting problems at the site access and on the local highway network. Appropriate wording in the relevant

conditions is recommended. A financial contribution would also be secured to allow additional TRO's to be provided on the local highway network, should they be required in future (this is in addition to the Clearway and No Waiting TROs that would be provided from the outset).

Staff parking

- 10.344 The proposed on-site staff parking is considered adequate, and responds positively to the expectations of the council's Highway Design SPD and has been confirmed as being adequate to accommodate shift change times. Therefore, the risk of staff parking overspilling onto adjacent roads is considered to be low. A draft Car Park Management Plan (CPMP) has been submitted by the applicant, and this includes measures to prevent any staff parking on the highway. However, an expanded and final version of the CPMP would need to be submitted, and an appropriate condition is recommended.

Construction traffic and access

- 10.345 A draft Construction Environmental Management Plan (CEMP) has been submitted. This includes limited information regarding how the proposed development would be constructed, and sets out some of the measures needed to ensure highway impacts during the construction phase are addressed.
- 10.346 Regarding construction access, the draft CEMP is unclear, stating on pages 15 and 17 that "No construction trafficking will be undertaken to build out the scheme from Whitechapel Road... all construction process access and egress will be via Whitehall Road" (which provides some reassurance) but also state that "Initial site access will be via Whitechapel Road" without clarifying what this would involve, and that later access from Whitechapel Road would be "for construction operatives to the site compound area only" without confirming likely numbers of movements. Figure 7 in the same draft document annotates "Contractors welfare and carparking access via Whitechapel Road".
- 10.347 At the very most, Whitechapel Road should only be used for an initial drop-off of plant (if it is proven that Whitehall Road can't be used). All other excavation, fill importation and construction traffic should use Whitehall Road (and should be prohibited from using Whitechapel Road). Recommended condition 3 has been worded accordingly.
- 10.348 Given that the applicant has not clarified likely numbers of vehicle movements during the construction phase, it cannot be ascertained whether the improvement works to junction 26 of the M62 would be required prior to development (including excavation works) commencing. The applicant is unable to commit to delivering these works prior to the construction phase, and officers have therefore requested more detail regarding construction traffic volumes. A further response is awaited, however, it is likely that restrictions on construction traffic flows and timing will be required, and these would be secured by the recommended CEMP and CTMP conditions.

Public right of way

- 10.349 Paragraph 10.103 of the Local Plan (Strategies and Policies document) states that, where a new development affects an existing public right of way (PROW), for example by changing the alignment, levels, surface, drainage arrangements, provision of new structures, or obstruction, full details will be required within the planning application with appropriate mitigation measures to ensure the protection of the PROW for users.
- 10.350 Public footpath SPE/24/30 runs along part of the application site's eastern edge (at the top of the motorway embankment), and crosses the site close to its centre, providing pedestrian access between Whitehall Road and Whitechapel Road. The footpath rises (from both Whitehall Road and the southeast) to a high point close to the centre of the application site. It appears to be reasonably well used, and – when visited by officers – was in a relatively good condition and was unobstructed. Although it is not connected to the Spen Valley Greenway (which is not a public right of way) it is reasonably accessible. It offers a good level of amenity (residents have stated that the Local Plan Inspector noted that it was an attractive route), having views across open fields on both sides. It is currently affected by traffic noise, and is a sensitive receptor in that respect. It is identified as a constraint in site allocation ES6.
- 10.351 The footpath forms part of the Spen Way Heritage Trail (referred to as the Spen Valley Heritage Trail on some maps). It appears to be historic, appearing on older Ordnance Survey maps, and previously forming part of a longer route running roughly north-south between White Chapel (Whitechapel Church) and Oakenshaw. Given that a church has stood at the site of Whitechapel Church since 1130, it is possible that the route of the public footpath is of significant age. That route has, however, been interrupted by the M62, and a later diversion was proposed by Barratt Homes. The historic route is therefore now very much disrupted.
- 10.352 A separate application to divert the public footpath under Section 257 of the Town and Country Planning Act has been submitted to the council. This is currently under consideration, it has been the subject of a preliminary informal consultation in July 2022, and a related report will be brought to the council's Heavy Woollen Sub-Committee in due course. The council's PROW team are awaiting the applicant's response to the public footpath diversion preliminary consultation responses.
- 10.353 Approval of the current planning application would not (and could not) formally divert the public footpath, however the acceptability of the proposed development in planning terms would be key to the process of consideration of the public footpath diversion application. If the council is minded to grant planning permission for a large single building on this allocated site, this would inform the diversionary options available for the public footpath. Without prejudice to the separate application and the future decision of the Heavy Woollen Sub-Committee, the council's PROW team are of the view that a diversion would generally be acceptable if the proposed development is considered acceptable in planning terms.

- 10.354 Various other public footpaths previously diverted through employment and commercial sites by order further to planning permissions have resulted in those paths being routed along or by estate roads in close proximity to the associated vehicular traffic, whereas the current proposal for the ES6 site would generally keep the off-road public pedestrian link away from vehicular traffic (which is preferable). Residents have stated that a campus-style employment development, or an industrial estate of several buildings, could have had a grain and layout that enabled the retention of the public footpath along its current alignment, however in that scenario the footpath may have become lined on both sides with buildings and boundary treatments. The proposed diversion would force users to walk along a longer stretch of the M62 embankment between a new retaining wall and the motorway (and, therefore, the amenity of the footpath would be reduced), however it is noted that part of the existing public footpath already runs along the top of the M62 embankment and much of the existing footpath is already subjected to traffic noise from the motorway. Of note, the applicant's Noise Assessment states that – in relation to the footpath – there may be a minor negative effect to the tranquillity of the area, as the footpath would be moved closer to the motorway and therefore exposed to higher traffic noise levels. Much of the amenity of the footpath (such as that derived from its views across the open fields) would be lost as a result of the proposed development, however that would have also been the case had development been proposed on either side of a retained alignment. The proposed diversion would result in longer walk for people moving between Whitechapel Road and Whitehall Road (and could therefore be regarded as less convenient), however this concern would be outweighed by the proposal to connect the footpath to the Spen Valley Greenway, the useful connection proposed for cyclists between the Spen Valley Greenway and Whitehall Road, and the significant, formal crossing arrangements and footway improvements proposed at Whitehall Road. Furthermore, it is noted that another publicly-accessible north-south route would be provided through the application site – this would be lit, relatively well used, and therefore potentially safer at night than the diverted footpath.
- 10.355 Regarding safety, it is noted that – with a retaining wall and the M62 lining much of the diverted route – there would be reduced escape opportunities for people who feel vulnerable or who feel threatened or unsafe while using the diverted footpath. Currently, users have the option of fleeing across the adjacent fields to safety. This is a valid point, however it is also noted that the connection to the Spen Valley Greenway would provide a new escape option, and that the activity, 24-hour use and lighting of the developed site could help reduce opportunities for crime and anti-social behaviour along the route. The applicant's response (dated 14/02/2023) to earlier comments of the West Yorkshire Police Designing Out Crime Officer (WYPDOCO) addressed concerns regarding forward visibility, and in further comments dated 22/02/2023 the WYPDOCO confirmed that the amended layout of the route was acceptable.
- 10.356 Sufficient space has been allowed by the applicant to ensure the diverted footpath would be suitably commodious. Along its northern stretch (between the Spen Valley Greenway and Whitehall Road), space has been allowed for use of the route by cyclists.

- 10.357 The new surfaces and associated landscaping proposed for the diverted footpath provide opportunities for improved accessibility and amenity in some respects. The proposed connection to the Spen Valley Greenway (which, it is understood, Sustrans are agreeable to) would improve neighbourhood connectivity, and is welcomed. Better access to part of the Strategic Green Infrastructure Network would be provided.
- 10.358 Conditions regarding the design, protection and implementation of the footpath diversion are recommended. As the connection to the Spen Valley Greenway would be outside the application site's red line boundary, an appropriate Grampian-style condition (securing the connection's provision) is recommended.

Flood risk and drainage issues

- 10.359 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.
- 10.360 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding.
- 10.361 A short watercourse has been mapped in part of the application site, flowing northwards towards the gas distribution station, however this watercourse has not been found by the applicant during site investigation. To the north, on the other side of Whitehall Road, a watercourse (Stubs Beck) flows eastwards towards junction 26 of the M62.
- 10.362 A total of 14 attenuation tanks are proposed within the application site. These are illustrated at Appendix H of the applicant's Flood Risk Assessment and Drainage Strategy. Ultimately, all the site's surface water would discharge into the Stubs Beck culvert beneath the A58 at a maximum rate of 41.2 litres per second.
- 10.363 The Lead Local Flood Authority (LLFA) support the proposed drainage strategy, including the proposed discharge rate to Stubs Beck. Regarding the on-site watercourse that has not been found, the LLFA are of the view that the proposed site layout can accommodate its retention, if it is found during the construction phase (an appropriate condition is recommended). The LLFA have advised that a 20% allowance for climate change is acceptable, that permeable paving is not advisable at this site, and that drainage management and maintenance arrangements can be secured by condition (rather than via the usual Section 106 route) as the developed site would have a single owner, occupant and operator.
- 10.364 Regarding the applicant's proposed on-site attenuation, it is noted that crate storage is not normally supported by the LLFA, due to concerns regarding maintenance and inspection access. However, such storage has been accepted at other commercial sites where a single party is responsible for site-wide drainage infrastructure.
- 10.365 A condition is recommended regarding temporary drainage during the construction phase.

High pressure gas pipeline

- 10.366 A high pressure gas pipeline runs north-south across the application site. The pipeline enters the application site approximately in the middle of the site's Whitechapel Road frontage, then veers westwards towards Cleckheaton New Cemetery, then northwards close to the site's western boundary before leaving the site close to where public footpath SPE/24/30 meets Whitehall Road.
- 10.367 The pipeline and its easement have been acknowledged as a constraint by the applicant. The proposed site layout accounts for the pipeline, and no buildings are proposed above it. An existing dry stone wall along Whitechapel Road would be rebuilt further into the application site within the easement (and above the pipes where they enter the application site), and a 4m wide shared cycle/footway would extend into the easement. Hedge planting is proposed along Whitechapel Road within the easement, and soft landscaping (grassland and bulb planting) is proposed along the majority of its route.
- 10.368 Paragraph 45 of the NPPF states that local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them. The council therefore consulted Northern Gas Networks (NGN), Cadent and the Health and Safety Executive on the current application.
- 10.369 NGN initially objected to the proposed development, but later withdrew this objection subject to an appropriate condition (relating to works close to the pipeline) being applied. Although the NPPF and the Local Plan do not specifically state that existing infrastructure must be protected via planning decisions, the gas pipeline at the application site is essential infrastructure that needs to be protected and maintained. Furthermore, public safety (in relation to impacts on infrastructure) is also a material planning consideration. NGN's proposed condition is, therefore, recommended (condition 12).
- 10.370 In an email dated 02/02/2023, NGN additionally clarified what works can and cannot be accepted within a high pressure gas pipeline easement. With the rebuilt dry stone wall still maintaining a 2.5m off-set from the pipeline, NGN were satisfied that the pipeline could still be accessed for maintenance. For the point where the dry stone wall would be above the pipes where they enter the application site, NGN advised that this would be acceptable if a 600mm gap was maintained between the bottom of the wall and top of the pipes (so that the wall would not sit directly on them), and suggested a bridging beam be used. Regarding the "instant" hedge (of field maple, hazel, hawthorn, blackthorn and dog rose) that would be 1.75m when planted and would be allowed to grow to 2m to 3m in height, NGN raised no objection provided that the pipeline is kept clear of heavy bush growth to allow NGN personnel to access the easement for maintenance and inspection purposes.
- 10.371 In comments dated 15/07/2021 the Health and Safety Executive did not advise, on safety grounds, against the granting of planning permission. Residents later stated that, in light of the applicant's revised employment numbers (above the 1,500 approximate figure originally stated), the HSE would now raise concerns regarding the proposed development on safety grounds. The council duly reconsulted the HSE, however not further comments were received.

Public health

- 10.372 Noise, air quality, odour and light pollution are relevant public health considerations, and are assessed earlier in this committee report.
- 10.373 The Construction Environmental Management Plan (to be secured by recommended condition) would assist in mitigating impacts on existing residents during the construction phase.
- 10.374 Other matters raised by KC Public Health (regarding active travel, the use of public transport, electric vehicle charging, and employment, training and apprenticeships) are considered elsewhere in this committee report. KC Public Health's information regarding workplace health will be relayed to the applicant.
- 10.375 Residents have commented that the proposed development (during both its construction and operational phases) would have an adverse impact on mental health. It is accepted that a development of this size and nature could have implications for people's mental health, due to the loss of green space (and access to nature and quiet space), noise and disturbance caused by the development, and commuter stress caused by additional traffic, delays and disruption. However, given unemployment is known to significantly impact upon mental health, development can also contribute positively through job creation. Mental health impacts can be a material planning consideration that the council is required to have due regard to (under section 149 of the Equality Act 2010) where mental health conditions have a long-term effect on normal day-to-day activity and are therefore considered a disability. The Royal Town Planning Institute published their Mental Health and Town Planning practice advice in 2020. Local Plan policy LP47b recognises the relevance of green spaces and green infrastructure to people's mental health.
- 10.376 The applicant's Health Impact Assessment briefly addresses mental health impacts in relation to noise, access to green infrastructure and journey distress. However, information regarding the mental health impacts of major development is otherwise scarce, and it would be difficult to identify and quantify the degree of such an effect. It is therefore considered appropriate to consider related matters (such as noise) in accordance with relevant policy and guidance, and with regard to wider amenity objectives. Ensuring good levels of amenity should similarly help ensure mental health impacts are limited.

Site contamination and stability

- 10.377 In relation to the area's coal mining legacy, parts of the application site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area. Therefore, within the site and surrounding area there are coal mining features and hazards that are material planning considerations. In comments, the Coal Authority noted that parts of the application site lie within areas of both recorded (western part of the site only) and probable unrecorded shallow coal mining, and that the northeastern part of the application site lies within the boundary of a site from which coal has been removed by surface mining (opencast) methods.

- 10.378 The applicant submitted a Coal Mining Risk Assessment as Appendix 15.1 of the ES. This stated that, as a result of shallow coal workings having been encountered at various depths across the site (as a result of faulting across the site), a scheme of proof drilling and grouting (ground stabilisation works) would be required beneath buildings and all sensitive structures (e.g., highways and retaining walls). All works would be carried in accordance with current UK guidance (CIRIA C758D – Abandoned mine workings manual). In addition, the applicant proposed a watching brief to be maintained during all groundworks for any unrecorded mine entries that may be present within the site.
- 10.379 The Coal Authority concurred with the conclusion and recommendations of the applicant's Coal Mining Risk Assessment. A condition suggested by the Coal Authority is recommended as condition 44, and concerns the validation of the proposed coal mining legacy mitigation works.
- 10.380 Much of the application site is within the outer zone of a Hazardous Material Site at Nufarm Ltd, Wyke Lane. Two historic landfill sites exist to the west of the application site, along Whitehall Road. The 200m and 250m buffer zones of those landfill sites extend across much of the application site.
- 10.381 In comments dated 15/07/2021 the Health and Safety Executive did not refer to the Hazardous Material Site, and did not advise, on safety grounds, against the granting of planning permission.
- 10.382 The text of site allocation notes that the application site is potentially contaminated.
- 10.383 KC Environmental Health have advised that the applicant's Phase I report is acceptable. The applicant has additionally submitted a Phase II report, detailing the findings of site investigation work. These found no significant soil contamination at the site. KC Environmental Health have advised that a further Phase II report is required, and that this can be secured by condition. Ground gas would be further considered at conditions stage.
- 10.384 Four conditions are recommended regarding site contamination, in accordance with KC Environmental Health advice.

Representations

- 10.385 To date, a total of 1,935 representations have been received in response to the council's consultation. The comments raised have been addressed in this report.

Planning obligations

- 10.386 A development of this scale would have significant impacts requiring mitigation. The following planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) would need to be included in a Section 106 agreement:

- 1) Highways and sustainable transport
 - a) £46,000 Bus shelter/real-time contribution (to fund new shelter and real-time at new eastbound stop and real-time display at new westbound stop on Whitechapel Road, with a new shelter at Stop ID 15423).
 - b) £15,000 Travel Plan Monitoring Fee.
 - c) £1,000,000 Bus contribution to increase the frequency of existing services and to extend the period across the day that these services operate.
 - d) £70,000 Traffic Mitigation Bond (to allow future implementation of TROs and additional traffic calming measures on local roads surrounding the site, should these be required).
 - e) £10,000 (2x £5,000) for MOVA upgrades at Whitehall Road / Westfield Lane signalised junction and A638 Bradford Road / A643 St. Peg Lane / A638 Dewsbury Rd / A643 Parkside signalised junction.
- 2) Social value – Employment and Skills Plan to be submitted, approved and implemented.
- 3) Air quality – Financial contribution to be made in the event that measures up to the damage cost value are not implemented.
- 4) Biodiversity net gain – Contribution of £327,290 to be made towards off-site measures to achieve biodiversity net gain.

10.387 All contributions are to be index-linked.

Conditions

- 10.388 Full wording of conditions are not normally set out in committee reports, however for this application several conditions have been drafted during discussions with National Highways and Northern Gas Networks, or were included in consultee responses, and a full list of conditions is therefore appended to this committee report.
- 10.389 The recommended conditions are worded to accommodate a soft opening (for training and set-up) of the proposed development, where the approved B8 use may not have properly commenced, but vehicle movements and other activity may have begun, and external lighting may be in use.
- 10.390 A personal permission not considered necessary, given the controls included in the Operational Management Plan (condition 23).
- 10.391 Conditions 4, 9, 11, 13, 23, 24, 25, 26, 31 and 33 were drafted in consultation with National Highways. Given their implications for the Strategic Road Network, National Highways wish to be consulted on the relevant Discharge of Conditions submissions.
- 10.392 Northern Gas Networks wish to be consulted on the relevant Discharge of Conditions submissions pursuant to condition 12.
- 10.393 The applicant's confirmation that all pre-commencement conditions are agreed is awaited.
- 10.394 It is recommended that authority to amend and add to this draft conditions list be delegated to the Head of Planning and Development.

Other matters

- 10.395 Residents have referred officers to a 2022 appeal decision (ref: APP/H1705/W/22/3301468) relating to a site in Basingstoke where an Inspector dismissed an appeal on landscape and visual impact grounds. While there are similarities between some aspects of that proposal and the development proposed at the ES6 site, that appeal decision carries little or no weight in the consideration of the current application, as it related to a different proposal at a different site (with a different context) where a different policy landscape and range of material considerations applied.
- 10.396 The proposed development's impact upon property values is not a material planning consideration.
- 10.397 Criticisms of Amazon as an employer are not material planning considerations relevant to the current application.
- 10.398 The applicant's submission makes no mention of the use of drones at or from the application site. No drone launching areas are annotated on the roof of the proposed building, however roof pitches and photovoltaic arrays are shown. The submitted drawings show vertical circulation (in projections above parapet level) providing roof access, however this is assumed to be for normal maintenance access, rather than drone use. Drones are more likely to be used in "last mile" deliveries, which are not proposed at the application site. Planning permission would not be needed to use drones at this site unless that activity involved a material change of use.
- 10.399 A planning application (ref: 2022/91299) for the erection of nine dwellings is currently under consideration at an adjacent site (Chainbarrows Farm, Whitechapel Road). Major development at the ES6 site could have amenity and other implications for that adjacent site, however as that application ref: 2022/91299 has not yet been determined, its nine dwellings are not a relevant material consideration at this stage.

11.0 CONCLUSION

- 11.1 The application site is allocated for employment development under site allocation ES6, and the principle of such development at this site is considered acceptable.
- 11.2 The application site has constraints relating to highways and access, landscape, topography, adjacent residential development (and the amenities of those properties), a public footpath, air quality, noise, drainage, trees, ecological considerations, an existing high pressure gas pipeline and other matters relevant to planning. Some of these constraints have been sufficiently responded to by the applicant, or would be addressed at conditions stage.
- 11.3 The proposed development would cause harm in some respects, particularly in relation to visual impacts, and there would be impacts in relation to amenity, increased traffic, the loss of TPO-protected trees, the lack of an on-site biodiversity net gain, and impacts upon a public footpath. The proposed development does not comply with every aspect of every relevant policy in the Local Plan. These matters weigh negatively in the balance of planning considerations.

- 11.4 The proposed development would deliver public benefits in relation to job creation, economic development and regeneration, social value, public transport provision, highway improvements including improvements for pedestrians and cyclists, and the proposed connection between the diverted public footpath and the Spen Valley Greenway. The proposed development would be a major investment in Kirklees. These matters weigh positively in the balance of planning considerations.
- 11.5 With the proposed development's harm mitigated as far as is possible (given the constraints of the site and the quantum and layout proposed by the applicant), the benefits and shortcomings of the proposed development must be weighed. Given the assessment set out in this committee report, and having particular regard to the proposed development's economic benefits, approval of the application is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.6 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. On balance, and subject to conditions and a Section 106 agreement, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS

- 12.1 The following conditions are recommended (subject to authority to amend and add to this list being delegated to the Head of Planning and Development):

Implementation

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule 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 in the interests of visual amenity, residential amenity and other matters relevant to planning and to accord with the Kirklees Local Plan and the National Planning Policy Framework.

Construction management

3. Prior to the commencement of development (including ground works), a Construction (Environmental) Management Plan (C(E)MP) shall be submitted to and approved in writing by the Local Planning Authority. The C(E)MP shall include a timetable of all works, and details of:

- Any phasing of development;

- Hours of works;
- Points of access for construction traffic (confirming that construction traffic will access the site from Whitehall Road, and that no construction traffic would access the site from Whitechapel Road unless otherwise approved in writing by the Local Planning Authority);
- Construction vehicle sizes and routes;
- Numbers and times of construction vehicle movements;
- Locations of HGV waiting areas and details of their management;
- Parking for construction workers;
- Loading and unloading of plant and materials;
- Storage of plant and materials;
- Signage;
- Measures to be taken to minimise the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site, including the provision of adequate wheel washing facilities within the site;
- Street sweeping;
- Measures (set out in a Dust Management Plan) to control and monitor the emission of dust and dirt during construction;
- Site waste management, including details of recycling/disposing of waste resulting from construction works;
- Mitigation of noise and vibration arising from all construction-related activities, including restrictions on the hours of working on the site including times of deliveries;
- Artificial lighting used in connection with all construction-related activities and security of the construction site;
- Site manager and resident liaison officer contacts, including details of their remit and responsibilities, and how their contact details would be communicated to local residents;
- Engagement with local residents and occupants or their representatives; and
- Engagement with the developers of nearby sites to agree any additional measures required in relation to cumulative impacts (should construction be carried out at nearby sites during the same period).

The development shall be carried out strictly in accordance with the C(E)MP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity, to ensure the highway is not obstructed, in the interests of highway safety, to ensure harm to biodiversity is avoided, and to accord with Policies LP21, LP24, LP30 and LP52 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, to avoid increased risks to highway safety, and to prevent or minimise amenity and biodiversity impacts are devised and agreed at an appropriate stage of the development process.

4. Prior to the commencement of the development hereby approved (including ground works) a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The CTMP shall include as a minimum:

- Details of construction operation hours;

- A routing and signing strategy for construction vehicles to and from site;
- Details of construction delivery hours which shall, wherever possible, minimise HGV movements during network peak periods and school start and end times, with the exception of abnormal load movements and/or continuous concrete pours;
- Details of all construction traffic during network peak periods and school start and end times, which shall wherever possible, minimise all construction traffic movements during these time periods;
- Details of expected number of construction vehicles per day;
- Details of car parking for construction workers and visitors;
- Details of arrangements to maintain safe access and parking provision for visitors during the period of construction;
- Details of the construction site access arrangement, phasing and times of use, together with details of any Temporary Traffic Management (TTM). All construction site access and TTM proposals to be supported by traffic capacity modelling and Road Safety Audit(s), and
- Details of wheel washing facilities and measures to ensure the highway is maintained clear of mud and debris.

The development shall be carried out strictly in accordance with the CTMP so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with National Highways.

Reason: To ensure the highway is not obstructed, in the interests of highway safety, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20, LP21, LP24, LP30 and LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid obstruction to the wider highway network, and to avoid increased risks to highway safety are devised and agreed at an appropriate stage of the development process.

5. Prior to the commencement of the development hereby approved (including ground works) a survey of the existing condition of the highway (the extent of highway to be surveyed to be agreed with the Local Planning Authority in advance) shall be carried out jointly with the Local Highway Authority and submitted to and approved in writing by the Local Planning Authority. The survey shall include carriageway and footway surfacing, verges, kerbs, edgings, street lighting, signing and white lining. Upon completion of the development hereby approved (or at any earlier stage to be agreed with the Local Planning Authority in advance) a post-construction survey of the agreed extent of highway shall be carried out and the post-construction survey and a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority. The approved remedial works shall be carried out following the completion of all construction works related to the development and prior to the occupation of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. Should any highways defects (affecting highway safety) attributable to the construction traffic of the development hereby approved be identified during the construction period, remediation of these

shall also be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the effective maintenance of the highway and to accord with Policy LP21 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure highways surrounding the site are appropriately surveyed prior to works commencing, and to ensure responsibility for remedial works can be fairly assigned with reference to evidence.

6. Prior to the commencement of the development hereby approved (including ground works and vegetation clearance) a Construction Environmental Management Plan related to biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include:

- Risk assessment of potentially damaging construction activities that refers to the most up-to-date site-specific survey information and specifically to nesting birds, bats, badgers, hedgehogs and invasive species;
- Identification of “biodiversity protection zones”, where appropriate;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works, where appropriate;
- Details of responsible persons and lines of communication; and
- Use of protective fences, exclusion barriers and warning signs, where appropriate.

The development shall be carried out strictly in accordance with the CEMP: Biodiversity so approved throughout the period of construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To protect biodiversity during construction by avoiding direct impacts to protected species and preventing the spread of non-native plants, and to accord with Policy LP30 of the Kirklees Local Plan.

This pre-commencement condition is necessary to ensure measures to prevent or minimise biodiversity impacts are devised and agreed at an appropriate stage of the development process.

7. The development hereby approved shall be carried out in accordance with the Tree Protection Plan 9256-T-07 rev E and advice and recommendations within the Updated Arboricultural Assessment & Method Statement, (FPCR, October 2022, 9256AA – issue G).

Reason: To protect trees in the interests of visual amenity and biodiversity and to accord with Policy LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

8. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless authorised in writing by the Local Planning Authority in response to evidence to be submitted in writing to the Local Planning Authority demonstrating that no birds will be harmed and/or

that there are appropriate measures in place to protect nesting bird interest on site.

Reason: To prevent significant ecological harm to birds, their eggs, nests and young and to accord with Policy LP30 of the Kirklees Local Plan and chapter 15 of the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved (including ground works) a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The scheme shall:

- Detail any phasing of the development and any phasing of temporary drainage provision;
- Include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and details of how flooding of adjacent land (including adjacent strategic highway infrastructure land) would be prevented; and
- Include methods of preventing contamination of watercourses once the new drainage has been installed.

The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To ensure the risk of flooding does not increase during the construction phase, to limit the siltation of any on- or off-site surface water features, in the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20, LP21 and LP27 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid increased flood risk are devised and agreed at an appropriate stage of the development process.

10. Prior to the commencement of the development hereby approved (including ground works) a scheme for the protection of public footpath SPE/24/30 and its users during excavation and construction works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of signage, guarding, safe operations, compounds, vehicle movements, deliveries, loading and unloading. The development shall be carried out strictly in accordance with the details so approved throughout the period of excavation and construction and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

Infrastructure protection

11. Prior to the commencement of any excavation works and/or landscaping works hereby approved, a geotechnical report written in accordance with DMRB Standard CD622 shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The report shall demonstrate:

- That there is no risk of failure to or of any retaining walls and structures adjacent to strategic highway infrastructure;
- That an inspection and maintenance regime relating to any retaining walls and structures shall be implemented;
- That any grouting of mine workings on the site are designed to prevent grout or displaced mine water entering strategic highway infrastructure land; and
- That the specification and placing of any earthworks and/or infilling adjacent to strategic highway infrastructure (including any temporary piling or bunding of soils or other arisings) is either based on that contained in the Specification for Highways Works or a comparable specification approved in writing by the Local Planning Authority in consultation with National Highways.

The development shall be carried out strictly in accordance with the details so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure measures to avoid impacts related to essential infrastructure are devised and agreed at an appropriate stage of the development process.

12. Prior to the commencement of development (including ground works), Pipeline Integrity Assessments, associated Risk Assessments and Method Statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Northern Gas Networks, with the Local Planning Authority taking account of any representations and/or concerns raised by Northern Gas Networks in this respect). The required submissions shall include measures to ensure the continued safety and integrity of the existing Northern Gas Networks High Pressure Pipelines within and adjacent to the application site, shall include measures to protect these assets from the effects of ground movement, vibration, electrical interference, landscaping and vehicular loading, and shall ensure risks to the public are acceptably addressed. The development shall be carried out strictly in accordance with the documents so approved throughout the period of construction, the completed development shall operate strictly in accordance with the documents so approved, and no change therefrom shall take place without the prior written consent of the Local Planning Authority (in consultation with Northern Gas Networks).

Reason: To ensure essential infrastructure is protected, to ensure the continued safety and integrity of the existing Northern Gas Networks High

Pressure Pipelines within and adjacent to the application site, and to ensure risks to the public are acceptably addressed.

This pre-commencement condition is necessary to ensure measures to avoid impacts related to essential infrastructure are devised and agreed at an appropriate stage of the development process.

Highway matters

13. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, the junction mitigation works shown in drawing 194663-21/A/45 rev F (Vectos/SLR, 14/10/2022), or an alternative mitigation scheme that provides equal or greater benefit, shall be completed. Following completion of the mitigation works, prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, confirmation of completion of the mitigation works shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Notwithstanding the details submitted to date, prior to the commencement of development (including ground works) of the development hereby approved, a scheme detailing the proposed final designs of the Whitehall Road junction and site access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- All highway design details, including crossings, verges, trees and other planting, cycleways, footways, details of swept paths for HGVs, buses, emergency service vehicles and a 11.85m refuse vehicle, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines;
- Full details of the signalised site access, pedestrian/cycle crossings and associated works;
- Yellow box markings on the A58 at the site access, to prevent queues blocking back towards Chain Bar roundabout;
- Changes to the speed limit on the A58 Whitehall Road as indicatively shown in the Supplementary Revised Transport Assessment (SRTA), including a scheme of gateway features, signage and road markings;
- Introduction of Clearway or No Waiting restrictions on the A58 Whitehall Road;
- Combined cycle/footway links, including improvement to the route that links the site access to the improved facilities proposed at Chain Bar roundabout, including signage, road markings and other associated highway features;
- Improved connections from the A58 works to PROW SPE/24/10 and SPE/24/30 (diverted route) and associated highway features;

- All Road Safety Audits stages (stages 1 to 4) for all of the above works, and Designers' Responses and Agreed Actions covering all aspects of this work; and
- Details of the delivery of the scheme under an appropriate Section 278 approval.

The development hereby approved shall not be brought into first use and the B8 use hereby approved shall not commence until the construction of the Whitehall Road junction and site access has been completed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity, to achieve a satisfactory layout, and to ensure street trees and adequate drainage is provided in accordance with Policies LP20, LP21, LP24, LP27, LP28 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of the junction and access are agreed at an appropriate stage of the development process.

15. Notwithstanding the details submitted to date, prior to the commencement of development (including ground works) of the development hereby approved, a scheme detailing the proposed final designs of the Whitechapel Road junction and site access shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- All highway design details, including crossings, verges, trees and other planting, cycleways, footways, details of swept paths for buses and emergency service vehicles, full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines;
- Full details of site access arrangements and associated works;
- Combined cycle/footway and associated highway widening along the site frontage;
- Physical highway features associated with the new bus stops, excluding shelters and realtime displays;
- Pedestrian/cycle crossing facilities on Whitechapel Road;
- Alterations to No Waiting restrictions within immediate vicinity of the site access;
- All Road Safety Audits stage (stages 1 to 4) for all of the above works, and Designers' Responses and Agreed Actions covering all aspects of this work; and
- Details of the delivery of the scheme under an appropriate Section 278 approval.

The development hereby approved shall not be brought into first use and the B8 use hereby approved shall not commence until the construction of the Whitechapel Road junction and site access has been completed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity, to achieve a satisfactory layout, and to ensure street trees and adequate drainage is provided in accordance with Policies LP20, LP21, LP24, LP27, LP28 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of the junction and access are agreed at an appropriate stage of the development process.

16. Prior to the commencement of development (including ground works) of the development hereby approved, a scheme detailing improvement works to the Whitechapel Road / Turnsteads Avenue junction shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include independent Stage 1, 2 and 3 Road Safety Audits, Designers' Responses and Agreed Actions, and details of the delivery of the works under an appropriate Section 278 approval. The development hereby approved shall not be brought into first use and the B8 use hereby approved shall not commence until the junction improvement works been completed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and mitigating the impacts of the development, in accordance with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details of the highway works are agreed at an appropriate stage of the development process.

17. Notwithstanding the details submitted to date, prior to the commencement of development (including ground works) of the development hereby approved, a scheme detailing the internal route through the site (to which public access would be available) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all highway design details, including full sections, drainage details, street lighting, signing, surface finishes and the treatment of sight lines, together with details of the delivery of the scheme and the provision of public access throughout the life of the development. The development hereby approved shall not be brought into first use and the B8 use hereby approved shall not commence until the internal route has been completed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity, to achieve a satisfactory layout, and to ensure street trees and adequate drainage is provided in accordance with Policies LP20, LP21, LP24, LP27, LP28 and LP33 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of the publicly-accessible internal route are agreed at an appropriate stage of the development process.

18. Prior to the commencement of the development hereby approved (including ground works) a scheme for the diversion of public footpath SPE/24/30 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of implementation of the diversion, provision of alternative routes, any relevant public footpath diversion order, and any proposals for temporary closure orders at the appropriate stage of the diversion process, as well as detailed drawings including levels information, and details of construction, gradients, surface materials, and drainage. The development hereby approved shall be implemented in accordance with the approved details and the public footpath shall be maintained in that manner thereafter. Unless otherwise agreed in

writing by the Local Planning Authority, until such time as the legal diversion of the public footpath has been formally confirmed and the approved diverted route has been completed, the existing Public Right of Way shall not be altered and shall remain available for use.

Reason: To ensure diverted and otherwise affected Public Rights of Way are accessible, attractive, maintained to an acceptable standard and appropriate for their operation in accordance with Policies LP20, LP23, LP24 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details relating to Public Rights of Way are agreed at an appropriate stage of the development process.

19. Notwithstanding the details submitted to date, prior to the commencement of the development hereby approved (including ground works) a scheme detailing the connection of public footpath SPE/24/30 to the Spen Valley Greenway shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of construction, gradients, surface materials and markings, and drainage. The development hereby approved shall not be brought into first use and the B8 use hereby approved shall not commence until the connection has been completed in accordance with the details so approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of connectivity and amenity, to achieve a satisfactory layout, to encourage the use of sustainable modes of transport and to accord with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, the National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development.

This pre-commencement condition is necessary to ensure that details of the connection are agreed at an appropriate stage of the development process.

20. Where highway retaining structures and/or private structures within close proximity of the highway are necessary, prior to development commencing on the superstructure of the development hereby approved, the design and construction details of any such structures (and any temporary highway retaining structures that may be deemed necessary) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, together with structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be completed in accordance with the approved details before any part of the development is first occupied and shall be retained as such thereafter.

Reason: To ensure that any new retaining structures do not compromise the stability of the highway in the interests of highway safety and to accord with Policy LP21 of the Kirklees Local Plan.

21. All cycle parking facilities shown on the drawings hereby approved, together with electric cycle charging, shower and changing facilities for cyclists, shall be available for use prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved. The facilities shall thereafter be retained.

Reason: In the interests of encouraging the use of sustainable transport modes, and to accord with policies LP20, LP21, LP22 and LP24 of the Kirklees Local Plan.

Use, operation and management

22. The floorspace of all of the development hereby approved shall comprise B8 use, all office floorspace hereby approved shall remain ancillary to the B8 use, and no non-ancillary office or E use floorspace shall be created.

Reason: To limit impacts upon amenity, to ensure assessments of traffic generation remain robust, to ensure the viability and vitality of existing centres is not undermined, and to accord with Policies LP13, LP21 and LP24 of the Kirklees Local Plan.

23. Six months prior to the first occupation of the development hereby approved and six months prior to the commencement of the B8 use hereby approved, an Operational Management Plan (OMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The OMP shall include as a minimum:

- Detail of proposed fixed shift patterns and the proportion of staff working these fixed shifts;
- Total Development Vehicle trips caps for network and development peak periods at each site access;
- Restriction on usage of the development, to ensure that there is no 'last mile' parcel distribution use;
- Restriction on the usage of the development, to ensure that the development is occupied by a single user and is not sub-divided;
- Details of the restrictions of use of the Whitechapel Road site access;
- Details of the staff buses to be operated during the 'Seasonal' peak period;
- Details of the Community Liaison Panel;
- Monitoring and review procedures;
- Details of the remedial measures and trigger points that are required to address any exceedance of vehicle trip caps and to address other highway safety or operational issues.

The development shall be occupied and operated strictly in accordance with the OMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Six months prior to the first occupation of the development hereby approved and six months prior to the commencement of the B8 use hereby approved, a Delivery and Servicing Management Plan (DSMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The DSMP shall include as a minimum:

- A strategy for the use of the development's servicing areas and individual access points for the management of inbound HGV movements to minimise impacts on the strategic and local highway network;
- Details of servicing facilities at the site, including the access and yard arrangements;
- Details of on-site servicing procedures, including the two-hour grace period for early/late deliveries;
- Details of the delivery driver procedures, including measures to ensure that HGV parking does not occur on the highway;
- Details of the on-site holding area(s) for waiting Operational Vehicles;
- Details of the driver welfare facilities;
- Details of the measures to ensure that HGV queuing at the service yard access does not cause blocking back to the site access junction and highway;
- Monitoring and review procedures;
- Details of the remedial measures that may be required to address any highway safety or operational issues.

The development shall be occupied and operated strictly in accordance with the DSMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

25. Six months prior to the first occupation of the development hereby approved and six months prior to the commencement of the B8 use hereby approved, a Car Park Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The CPMP shall include as a minimum:

- Measures set out in the Framework Car Park Management Plan;
- Detail to demonstrate how the use of the development's car parks and individual access points shall minimise the impact on the strategic and local highway at all times, including during peak periods and at shift changeover;
- Monitoring and review procedures; and
- Details of the remedial measures that may be required to address any safety or operational issues.

The development shall be occupied and operated strictly in accordance with the CPMP so approved and no change therefrom shall take place without the prior written consent of the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an

effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

26. Six months prior to the first occupation of the development hereby approved and six months prior to the commencement of the B8 use hereby approved, a Final Travel Plan (FTP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with National Highways. The FTP shall include as a minimum:

- The appointment of a Travel Plan Co-ordinator;
- The identification of objectives and targets for trip reduction and modal shift;
- Measures to be implemented to meet the objectives and targets including an accessibility strategy to specifically address the needs of staff and visitors with limited mobility requirements;
- A timetable / phasing of the implementation of the FTP measures and its operation thereafter;
- Mechanisms for monitoring and review for the five-year formal monitoring period;
- Mechanisms for reporting, review and agreement of annual action plans;
- Remedial measures to be applied in the event that targets are not met; and
- Mechanisms for securing variations to the FTP following monitoring and reviews.

The completed development shall be occupied and operated in accordance with the approved FTP for the life of the development unless otherwise agreed in writing by the Local Planning Authority in consultation with National Highways.

Reason: To ensure staff of and visitors to the development are encouraged to use sustainable forms of transport and to mitigate the highway and air quality impacts of the development in accordance with Policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, National Planning Policy Framework, the West Yorkshire Low Emissions Strategy and Circular 01/2022: The Strategic Road Network and the Delivery of Sustainable Development.

27. Prior to the commencement of superstructure works, details of storage and access for collection of wastes from the development hereby approved, and details of management of waste collection points, shall be submitted to and approved in writing by the Local Planning Authority. The works and arrangements comprising the approved details shall be implemented prior to first occupation and shall be so retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and highway safety, to assist in achieving sustainable development, and to accord with Policies LP21 and LP24 of the Kirklees Local Plan.

Design and related matters

28. Notwithstanding the details submitted to date, prior to the commencement of superstructure works, details of all external materials to be used shall be submitted to the Local Planning Authority, and large-scale

sample panels shall be presented on site for the inspection and approval in writing of the Local Planning Authority. No materials other than those approved in accordance with this condition shall be used.

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

29. Notwithstanding the details submitted to date, prior to the commencement of superstructure works, details of all electricity substations to be provided on-site in association with the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall include plans, elevations and sections, and details of external materials and any boundary treatments. The substation(s) shall be constructed in accordance with the details so approved.

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

30. Notwithstanding the details submitted to date, prior to the commencement of superstructure works, details (including sections and details of levels) of all boundary treatments, retaining walls and gabions shall be submitted to and approved in writing by the Local Planning Authority. The details shall correspond with measures relating to flood routing, shall be designed to prevent and deter crime and anti-social behaviour, and shall provide for the movement of hedgehogs. The development shall be implemented in accordance with the details so approved. The approved works shall be retained thereafter.

Reason: In the interests of visual amenity, highways safety and biodiversity, to minimise flood risk, to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, and LP30 and LP47 of the Kirklees Local Plan and the National Planning Policy Framework.

31. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, fencing adjacent to strategic highway infrastructure shall be erected in strict accordance with drawing 7384-SMR-00-ZZ-DR-A-2108-S3-P17 and shall be retained and maintained thereafter unless otherwise agreed in writing by the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

External lighting

32. Other than as may be approved pursuant to condition 33, no external lighting other than that detailed in the following documents shall be installed at the site unless otherwise agreed in writing by the Local Planning Authority:

- Environmental Statement Addendum 2 (DeltaSimons, October 2022, ref: 19-152.19);
- External Lighting Layout drawing 1169-RHD-SW-XX-DR-E-3300 rev P11; and

- External Lighting Spill Layout drawing 1169-RHD-SW-XX-DR-E-3301 rev P09.

The installed external artificial lighting shall be operated thereafter in strict accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of nearby properties and to accord with the National Planning Policy Framework and Policies LP24 and LP52 of the Kirklees Local Plan.

33. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, external lighting shall be installed adjacent to strategic highway infrastructure in strict accordance with drawings 1169-RHD-SW-XX-DR-E-3300 rev P11 and 1169-RHD-SW-XX-DR-E-3301 rev P09 and shall be retained and maintained thereafter. No other external lighting shall be installed adjacent to strategic highway infrastructure unless otherwise agreed in writing by the Local Planning Authority in consultation with National Highways.

Reason: In the interests of highway safety and mitigating the impacts of the development, to ensure that the M62/M606 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, and to accord with Policies LP20 and LP21 of the Kirklees Local Plan and the National Planning Policy Framework.

Noise

34. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, details of an acoustic bund and barrier, as recommended in Section 6 of the Noise Assessment (Tetra Tech, October 2022, ref: 784-A117502 – revision 8), shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- A plan showing the location of the bund and barrier;
- The minimum height of the bund and barrier relative to the adjacent ground level; and
- The construction and specification of the bund and barrier including the support structure, the materials, the minimum thickness, the minimum density of the material and details of where the barrier meets the bund.

The use hereby approved shall not commence until the construction of the acoustic bund and barrier has been completed. The bund and barrier shall be retained thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure the development hereby approved does not cause harmful noise pollution at neighbouring noise sensitive locations, in the interest of amenity, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

35. The combined noise from any fixed mechanical services and external plant and equipment installed at the site shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time (“rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019).

Reason: To ensure the development hereby approved does not cause harmful noise pollution at neighbouring noise sensitive locations, in the

interest of amenity, and to accord with Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

36. No vehicles other than staff buses shall be permitted to use the Whitechapel Road access point between the hours of 23:00 07:00 on any and all days.

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

Air quality and odour

37. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, the air quality mitigation measures detailed in the revised Air Quality Assessment (Tetra Tech, 28/10/2022, ref: 784-A117502 – revision 6) shall be implemented in full and shall be retained thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority. Following completion of the air quality mitigation measures a verification report detailing a breakdown of their costs shall be submitted to and approved in writing by the Local Planning Authority. The report shall detail the expenditure of each of the air quality mitigation measures, and this shall reflect the total sum of cost damages that have been calculated for the development.

Reason: In the interests of amenity and to mitigate the air quality impacts of the development in accordance with policies LP20, LP21, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

38. Prior to the commencement of superstructure works, a scheme detailing the dedicated facilities to be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of the 855 parking spaces hereby approved; and
- Where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) Fast (7-23kW) or Rapid (43kW+) charging points (if Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points, a lower number of charging points may be acceptable).

The scheme shall additionally include details of dedicated facilities to be provided for charging electric and hybrid HGVs. The use hereby approved shall not commence until the electric vehicle charging facilities have been installed in accordance with the details so approved. The electric vehicle charging facilities shall be retained thereafter and no change therefrom shall take place without the prior written consent of the Local Planning Authority.

Reason: To ensure staff of and visitors to the development are enabled and encouraged to use lower-carbon and more sustainable forms of transport

and to mitigate the air quality impacts of the development in accordance with policies LP20, LP24, LP47, LP51 and LP52 of the Kirklees Local Plan, chapters 9 and 15 of the National Planning Policy Framework, and the West Yorkshire Low Emissions Strategy.

39. Prior to the commencement of any cooking at the site, details of a kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the following information:

- A risk assessment for odour which considers the amount and type of food to be cooked together with details of the proposed dispersion of odours and details of the proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours – the effective stack height (discharge height plus plume rise) must be high enough to ensure that adequate dilution takes place before the plume interacts with the nearest sensitive receptor;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that will be incorporated into the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that will be implemented to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Prior to the commencement of any cooking at the site the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

Reason: To ensure the proposed development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity, and to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

Site contamination and stability

40. Prior to the commencement of development (including ground works, other than those required to inform a site investigation report) of the development hereby approved, a Phase II Intrusive Site Investigation Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified at an appropriate stage of the development process.

41. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 40 above, prior to the commencement of development (including ground works, other than those required to inform a site investigation report) a Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. The

Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

42. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 41 above. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered is identified or encountered on site, all works in the affected area (other than site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within two working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework. This pre-commencement condition is necessary to ensure that contamination is identified and suitable remediation measures are agreed at an appropriate stage of the development process.

43. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To ensure unacceptable risks to human health and the environment are identified and removed, and to ensure that the development is safely completed in accordance with the requirements of Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

44. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, a validation statement/declaration related to coal mining legacy shall be submitted to and approved in writing by the Local Planning Authority. The statement/declaration shall be prepared and signed by a suitably competent person, shall confirm that the site is, or has been made, safe and stable for the development hereby approved, and shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To minimise risk associated with the area's mining legacy in accordance with Policy LP53 of the Kirklees Local Plan

Drainage and flood risk

45. Prior to the commencement of development (including ground works, other than those required to inform site investigation), investigation works to locate the watercourse shown on Ordnance Survey mapping shall be undertaken. The works shall be directed by the Lead Local Flood Authority and shall include trial pit investigation. The findings of the works shall be submitted in writing to the Local Planning Authority. In the event a watercourse is found, a scheme detailing the piping of the watercourse through the site shall be submitted to and approved in writing by the Lead Local Flood Authority. The scheme shall include a detailed maintenance and management regime for the piped watercourse for the lifetime of the development. The watercourse piping works so approved shall be completed prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved. The maintenance and management regimes shall be implemented thereafter.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that the watercourse is investigated and details of drainage are agreed at an appropriate stage of the development process.

46. Prior to the commencement of development (including ground works), a detailed and final surface water drainage scheme incorporating an attenuation design demonstrating the safe storage of the 1 in 100-year critical storm event with a 20% allowance for climate change shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include specific plans and cross-sectional drawings of the connection to Stubs Beck. The development hereby approved shall be carried out in accordance with the final surface water drainage scheme so approved, and with the following aspects of the Flood Risk Assessment and Drainage Strategy (Subteno, October 2022, ref: S190904-SUB-99-XX-FRA-C-00001 – revision 07):

- Flood routing;
- A maximum surface water discharge restriction of 41.2l/s;
- Surface water connection to Stubs Beck;
- Maintenance and Management Plan for attenuation, flow control and other drainage infrastructure;
- The use of a 20% allowance for climate change.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

47. Prior to the commencement of development (not including ground works), a scheme to prevent fats, oils, and grease entering the drainage network serving food preparation and dish-washing areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of the development hereby

approved and prior to the commencement of the B8 use hereby approved, and shall be retained throughout the lifetime of the development.

Reason: To ensure the effective disposal of water from the development so as to avoid an increase in flood risk and so as to accord with Policies LP27 and LP28 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure that details of drainage are agreed at an appropriate stage of the development process.

Biodiversity, trees and landscaping

48. Prior to the commencement of development (including ground works), a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted and approved in writing by the Local Planning Authority. The BEMP shall demonstrate how a minimum of 39.76 habitat units and 10.60 hedgerow units are to be achieved post-development and how protected species provisions are to be incorporated into the design. The BEMP shall also include the following:

- Descriptions and evaluations of features to be managed and enhanced;
- Details of the extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Details of ecological trends and constraints on site that might influence management;
- Aims and objectives of management;
- Appropriate management Actions for achieving the aims and objectives;
- An annual work programme (to cover an initial five-year period capable of being rolled forward over a period of 30 years);
- Details of the management body or organisation responsible for implementation of the BEMP;
- Ongoing monitoring programme and remedial measures; and
- Confirmation that the BEMP will be reviewed and updated every five years and implemented for a minimum of 30 years.

The BEMP shall include details of the legal and funding mechanisms by which the long-term implementation of the BEMP will be secured by the developer with the management body responsible for its delivery. The BEMP shall also set out (where the results from the monitoring show that the aims and objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved BEMP. The development shall be implemented in accordance with the BEMP so approved.

Reason: In order to ensure the development provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

This pre-commencement condition is necessary to ensure details relating to the required biodiversity net gain are devised and agreed at an appropriate stage of the development process.

49. Prior to the commencement of superstructure works, details of all hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These shall include:

- Details of existing and proposed levels, and regrading;
- Planting plans;
- Details of tree pit sizes and soils (including soil quality, topsoil proposals and organic mix);
- Species schedules;
- Details of initial aftercare and long-term maintenance;
- Details of monitoring and remedial measures, including replacement of any trees, shrubs or planting that fails or becomes diseased within the first 15 years from completion;
- Details (including samples, if requested), of paving and other hard surface materials; and
- Details of how soft landscaping has been designed to prevent and deter crime and anti-social behaviour.

Unless otherwise agreed in writing by the Local Planning Authority, all hard and soft landscaping so approved shall be implemented prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved. All approved landscaping shall be retained thereafter in accordance with the approved details and approved long-term maintenance, monitoring and remedial arrangements.

Reason: In the interests of local ecological value, visual amenity and highways safety, to minimise flood risk, to ensure the amenities of existing neighbouring residential units are protected, in the interests of creating a safer, more sustainable neighbourhood and reducing the risk of crime and anti-social behaviour, and to accord with Policies LP21, LP24, LP27, LP30, LP32, LP33 and LP47 of the Kirklees Local Plan, and chapters 8, 12 and 15 of the National Planning Policy Framework.

50. Notwithstanding the details submitted to date, prior to the commencement of superstructure works, details of all green / living roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The details shall confirm that the green / living roofs shall:

- Not comprise sedum mats
- Incorporate extensive substrate bases (minimum depth 80mm);
- Cover at least all of the areas shown in the drawings hereby approved, confirmed by a location / extent plan to be submitted; and
- Be planted / seeded with an approved mix of species within the first planting season following the practical completion of the superstructure.

The green / living roofs shall not be used as amenity or sitting out spaces and shall only be accessed in the case of essential maintenance or repair, or escape in the event of an emergency. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, habitat creation, reducing flood risk, energy efficiency, sustainability and addressing climate change, and to accord with Policies LP24, LP27, LP28 and LP30 of the Kirklees Local Plan and the National Planning Policy Framework.

Sustainability

51. Prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved, the photovoltaic arrays annotated as “indicative PV array” and “hatched area denotes zone of future PV arrays” on proposed roof plan drawing 7384 SMR 00 RF DR A 2122 S3 rev P7 shall be installed and operational. The photovoltaic arrays shall thereafter be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and addressing climate change, to ensure a contribution towards the development’s energy needs is made by renewable sources, and to accord with Policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

52. The development hereby approved shall achieve a BREEAM (UK New Construction version 6, 2022) rating of no less than “Very Good”. BREEAM assessment reports relating to the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority at the following stages:

- A design-stage assessment, supported by relevant interim accreditation certificates, prior to commencement of superstructure works; and
- A post-construction assessment, supported by relevant accreditation certificates, prior to the first occupation of the development hereby approved and prior to the commencement of the B8 use hereby approved.

The development shall be carried out in accordance with the assessments so approved, shall be maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and addressing climate change, and to accord with policies LP24 and LP26 of the Kirklees Local Plan and the National Planning Policy Framework.

Background Papers

Application and history files.

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<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f92603>

Certificate of Ownership – Certificate B signed.