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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 14-Apr-2021**

**Subject: Planning Application 2020/91747 Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB**

**APPLICANT**

I Storer, D & M Middleton

**DATE VALID**

25-Jun-2020

**TARGET DATE**

24-Sep-2020

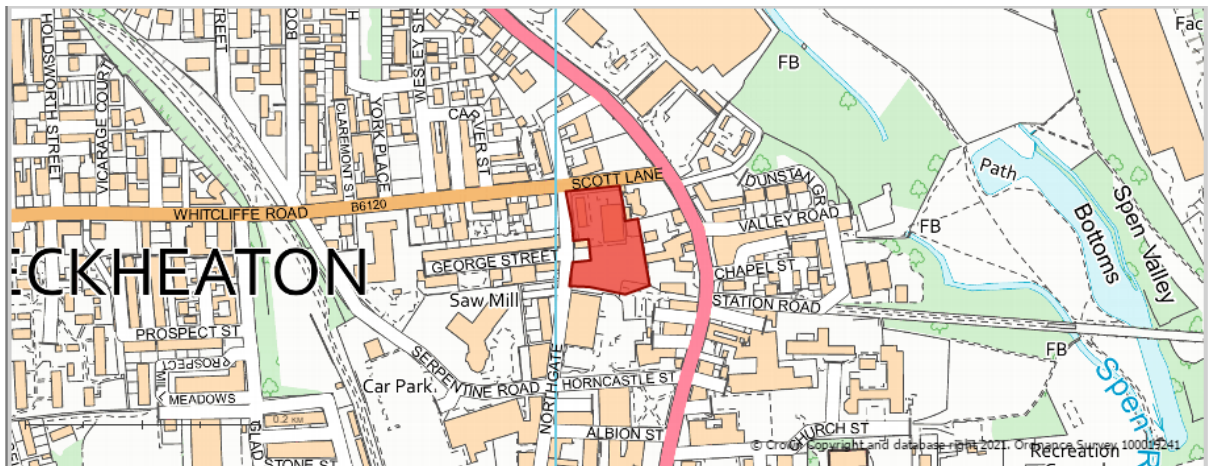
**EXTENSION EXPIRY DATE**

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

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**Electoral wards affected: Cleckheaton**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**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.**

**1.0 INTRODUCTION:**

- 1.1 The application is brought forward to the Heavy Woollen Sub-Committee at the request of Councillor Andrew Pinnock. Councillor Pinnock's reason for making the request is "the effect on the residential amenity of surrounding dwellings, and the effect on the local roads of an intensification of industrial (or business) uses."
- 1.2 The Chair of the committee has confirmed that Councillor Pinnock's reason is valid having regard to the Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of vacant land that is approximately 0.45 hectares in size. The site slopes down from Northgate towards the east.
- 2.2 The northern part of the site was last used for a range of different uses, including a dairy, snooker hall and children's nursery. Derelict buildings relating to these former uses have remained on the site although it is understood that work to demolish them commenced in February 2021. This part of the site has an existing point of access from Scott Lane.
- 2.3 The southern part of the site forms an area of unkempt land covered largely with low lying vegetation. There is an existing point of access from Northgate that has been blocked off.
- 2.4 The site lies on the edge of Cleckheaton town centre. Immediately to the south is a Home Bargains store and to the eastern boundary is a dental practice, car dealership, car wash and other commercial uses. The site is bound to the north by Scott Lane with residential development beyond. Northgate runs parallel to the western boundary and towards the west are a mixture of dwellings, light industrial and office uses as well as a small domestic garage site. The site wraps around 60 Northgate, which forms a two-storey office/retail unit with a car park to one side.

### **3.0 PROPOSAL:**

- 3.1 This is a full application for the demolition of the existing buildings on the site and the erection of 9 light industrial units. The application describes the proposals as starter units.
- 3.2 Six units are proposed in the northern part of the site (units A-F) and three in the southern part (units G-I).
- 3.3 Units A-C are formed on two levels with pedestrian access onto Northgate and the vehicular access to the rear being at a lower level. The remainder of the units are single storey. The units would be constructed from composite colour coated panels, with the exception of units A-C which would be faced in stone where they front onto Northgate.
- 3.4 There would be a one-way vehicular access system with vehicles entering from Scott Lane and exiting onto Northgate.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The application site formed part of a much larger site that was the subject on an approved outline application (ref 2001/92868) and subsequent reserved matters approval (ref 2005/91881) for a superstore.
- 4.2 Planning permission for six industrial unit/starter units on the southern part of the site was approved under application 91/04914 (decision notice dated 1<sup>st</sup> December 1997).

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

- 5.1 There was a formal pre-application enquiry submitted in 2020 for a mixed-use residential and light industrial scheme on the site. This proposed 15 dwellings in the northern part of the site and several light industrial units in the southern part of the site. The overall principle of development was considered to be acceptable although the Police Architectural Liaison Officer raised strong concerns with the location of the dwellings facing onto Scott Lane.
- 5.2 The planning application was amended by the applicant to reduce the number of units from twelve to nine, by omitting three units in the southern part of the site.
- 5.3 Additional information was provided to address highways, drainage and ecological matters. Site illustrations were also provided to assist with the assessment of the proposals.

### **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<sup>th</sup> February 2019).

6.2 The site is unallocated in the Local Plan.

6.3 Kirklees Local Plan (2019):

LP1 – Presumption in favour of sustainable development

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP27 – Flood Risk

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide SPD

6.5 National Planning Guidance:

NPPF Section 2 – Achieving sustainable development

NPPF Section 6 – Building a strong, competitive economy

NPPF Section 8 – Promoting healthy and safe communities

NPPF Section 9 – Promoting sustainable transport

NPPF Section 11 – Making effective use of land

NPPF Section 12 – Achieving well-designed places

NPPF Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

NPPF Section 15 – Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notices, press advert and neighbour notification letters. Ten objections have been received from eight different people. A summary of the concerns raised is provided below.

- Concerns with the amount and nature of traffic that would be generated, particularly HGVs.
  - Surrounding road network is unsuitable for HGVs; heavy goods vehicles do not currently use & never have used Scott Lane or Northgate.
  - HGVs and other large vehicles would pose a danger to children and elderly people.
  - Noise, vibration and air pollution from site traffic.
  - HGVs and other larger vehicles would cause obstructions for local residents.
  - Impact of HGVs on Northgate/Horncastle Street junction.
  - Impact of traffic on road surface.

- The parking provision on site does not reflect the actual volume and types of vehicular traffic that would be associated with the development because works and heavy goods vehicles have been excluded from the parking and transport assessment.
- Conflict between the site's egress onto Northgate and the entrance to George Street.
- Development may cause on-street parking problems.
- No proper provision for pedestrians.
- Concerns that the units would be used for more intensive uses than 'light industrial'. The drawings show heavy wagons and articulated lorries and full height industrial doors.
- Light pollution/glare from the units and vehicles exiting the site.
- Noise from the units affecting neighbouring properties. Proposed building materials will provide poor noise insulation.
- Detrimental impact on users of adjacent offices.
- Development is incompatible within a residential area.
- Appearance of the units would have a negative impact on the area.
- Detrimental impact on visual amenity; materials and scale of buildings inappropriate within the site's context.
- Poor landscaping of the development.
- Detrimental impact on property values.
- There is not a need for new industrial units in this location given the prevalence of other available sites in this area.
- No previous industrial use on this site, contrary to statements made within the application submission.
- Land should be used for affordable housing or as a playground.
- Land is better suited to residential use.
- Integrity/stability of 60 Northgate and the adjacent public highway may be undermined by the construction of the development given the topography of the site, which falls away from Northgate.
- The proposed layout does not provide sufficient space to maintain the gable end of 60 Northgate.

- Risk of accidental vehicle collision to 60 Northgate; no preventative measures have been incorporated into the design.
- No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.
- Land ownership – The submitted land ownership certificate is incomplete and misleading because notice should have been served on Kirklees Council because they own the freehold to a proportion of the site.
- The Council has a beneficial interest in this application because it owns the freehold to part of the site and has entered into an Agreement for Sale with the applicant.
- Site address in the application is misleading
- Inconsistencies within the application submission – the intrusive site investigation report includes an incorrect postcode and refers to residential development on the site
- Insufficient supporting information – there is insufficient information to properly assess the impact on 60 Northgate and no lighting assessment, noise impact assessment, or air quality statement have been provided.
- The Council has not enforced planning obligations relating to a historic planning permission on part of the site (planning permission 91/04914 issued 1<sup>st</sup> December 1997 for six industrial unit/starter units).
- The application site should have been allocated for housing in the Local Plan. The southern part of the application site formed part of a rejected housing option in the Local Plan; the land was rejected because a retail store had recently been erected on part of the land (the current Home Bargains store) and the remainder of the land did not meet the size threshold for a housing allocation. If the northern part of the current application site had been included then the size threshold would have been met and the land could have been allocated for housing.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways Development Management** – No objection subject to conditions.

**KC Lead Local Flood Authority** – No objection subject to conditions.

**The Coal Authority** – No objection.

### **8.2 Non-statutory:**

**KC Environmental Services** – No objection subject to conditions relating to contamination, noise, construction management plan and provision for electric vehicle recharging.

**KC Ecology Unit** – No objection in principle; details to secure a biodiversity net gain are required, either through on-site measures or an off-site contribution.

**Police Architectural Liaison Officer** – No objections; advice provided in respect of security measures that should be incorporated into the development.

## **9.0 MAIN ISSUES**

- Principle of development
- Employment considerations
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecology and trees
- Representations
- Other matters
- Climate change

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is an unallocated brownfield site situated immediately on the edge of Cleckheaton town centre which has been vacant for a considerable period of time.
- 10.2 It is proposed to erect nine light industrial starter units on the site. The proposal therefore provides an opportunity boost the supply of employment land in this part of the District whilst making use of derelict land. Furthermore, the site is situated in a sustainable location, with very good connectivity to the town centre and the transport links and amenities that it provides.
- 10.3 The principle of the development is consistent with the aims of the National Planning Policy Framework (NPPF) in terms of promoting sustainable economic growth and making effective use of land. The principle of the development is therefore considered to be acceptable subject to consideration of all relevant material planning considerations, as set out in the remainder of this report.

### Employment considerations

- 10.4 The application has largely been submitted on a speculative basis although the applicant has advised that there are three local companies who are lined up to occupy four of the proposed units. These are Westgate Glass (2 units), Mega Van Matts and Harrison Trim. Several other companies have also expressed an interest in the site.
- 10.5 Given that all the potential end-users are unknown at this stage it is not possible to specify the exact number of jobs that the development would support, however the applicant estimates that there would be in the region of 50 people working at the site. The Homes and Communities Agency's Employment Density Guide (3<sup>rd</sup> edition, November 2015) suggests that a development of

this size would be expected to support approximately 39 full-time members of staff. It is therefore considered that there would be somewhere in the region of this number of full-time equivalent jobs.

- 10.6 The provision of modern light industrial units would help to support employment opportunities and this weighs in favour of the proposed development.

#### Urban Design issues

- 10.7 The northern part of the site has been vacant since around the year 2000 when the snooker centre closed and up until recently contained some derelict structures relating to the former uses on the site. The southern part of the site forms an area of unkempt, scrubby land. The condition and appearance of the application site detracts from the character of the surrounding area.
- 10.8 The site slopes down from Northgate towards the eastern boundary, with a fall of some 3 to 4 metres.
- 10.9 To the south of the site is a large, modern retail unit that is faced in a mixture of brick, white render and grey cladding. Natural stone is prevalent on the residential and office buildings immediately surrounding the site and brick is also found on a number of buildings within the wider vicinity. On the opposite side of Northgate is a joinery workshop/sawmill that sits at the corner of Northgate and George Street where it is faced in a mixture of stone and timber.
- 10.10 The site lies within an area that forms the transition between the town centre and the dense residential area to the north west beyond Whitcliffe Road. Whilst the make-up of the area immediately surrounding the site includes a large amount of residential development, it also includes several non-residential uses and historically the application site contributed to this mixed-use character with the nursery, snooker hall and dairy. In this context, it is considered that light industrial units would not be out of keeping with the established character of the area.
- 10.11 The proposed layout has three adjoining units facing directly onto Northgate (units A-C). These units would be two storeys to the roadside and would be faced in natural stone with contrasting coloured panels; this elevation includes pedestrian doors and a series of windows. As such, it is considered that the design of these units would provide a positive interface with the streetscene.
- 10.12 Units A-C would sit directly adjacent to 60 Northgate. The plans show that the height of these units would be slightly lower than the ridge height of this existing building which will help to assimilate the proposals into the streetscene.
- 10.13 Units D-F are set within the site behind units A-C. Both blocks have a gable end facing towards Scott Lane, separated from the road by some tandem parking spaces and a boundary wall. The gable ends would be faced in grey cladding. These units follow the topography of the site by stepping up in height towards Northgate.



- 10.14 Officers are satisfied that the appearance of the development from Scott Lane is acceptable, although it should be enhanced with a high-quality boundary treatment such as natural stone walling. Stone boundary walls are characteristic of the area and this would help to integrate the proposals within the streetscene. The same applies to the proposed boundary wall to Northgate.
- 10.15 The three units in the southern part of the site units (G-I) are set towards the eastern boundary and would be viewed in the context of the commercial uses to the south and east that lie within the town centre. These units would be set back from, and would be at a lower level to, Northgate which helps to mitigate their prominence when viewed from the west.
- 10.16 In summary, the proposed development would improve the visual amenity of the area by regenerating an untidy and derelict piece of land. This type of development would not be out of keeping with the surrounding area and the layout, scale and appearance of the development are such that the proposals would successfully integrate with surrounding development. Approval of samples of the proposed facing materials can be secured by condition. The application is considered to comply with Policy LP24 of the Local Plan and guidance in the NPPF.

#### Residential Amenity

- 10.17 The site is in a mixed-use area, with residential and commercial premises surrounding the site. The proposals are for light industrial units which would fall within Use Class E(g). These are uses which can be carried out in a residential area without detriment to its amenity, including industrial processes. The principle of light industrial use is therefore acceptable in a residential area.
- 10.18 The proposed development is situated near residential properties which may be negatively impacted by noise. As the future occupiers of all the units are currently unknown, undertaking a noise assessment at this stage would not effectively predict the future noise impact from the operations at the various units. It is therefore recommended that a condition restricting the level of noise from each of the individual units is necessary. This will ensure that the combined noise from the whole site is controlled effectively.
- 10.19 It is recognised that vehicular activity to and from the site also has the potential to give rise to noise disturbance. To ensure that this is limited as far as reasonably practical, a condition restricting the hours of operation of the units is recommended. This would help to prevent noise nuisance at unsociable hours, specifically during the night.
- 10.20 The siting and the scale of the proposed units are such that the development would not result in any overbearing effects or overlooking issues in relation to neighbouring houses. Some of the units are in close proximity to the rear elevation of an existing dental practice (57 Bradford Road) as well as some offices at 60 and 103 Northgate, however, it is not considered that the amenities of the users of these existing properties would be unduly prejudiced by the proposed buildings.

- 10.21 To mitigate the impact of the construction of the development, a condition is recommended for a Construction Environmental Management Plan (CEMP) to ensure that all reasonable steps are taken to minimise and mitigate adverse effects from construction noise to safeguard residential amenity.
- 10.22 A number of concerns have been raised by local residents regarding the proposed development's impact on residential amenity, such as from noise, air pollution (including vehicle exhaust emissions) and glare from stray light from the units and/or service yard and light pollution. As stated above, officers are satisfied that noise can be adequately controlled by conditions and a further condition requiring details of any external lighting can also be imposed to help address the concerns with glare/light pollution. The nature of the proposal (light industrial) means that any industrial processes must be compatible within a residential area and so should not give rise to any significant air quality issues. More intensive industrial processes ('general industrial') fall within a separate use class (B2) and would not be permitted under this proposal. It is to be noted as well that the number of units has been reduced from 12 to 9 since neighbour representations were submitted.
- 10.23 Kirklees Environmental Services have not raised any objections to the application and, subject to conditions, officers consider that the proposal complies with policies LP24 and LP52 of the Local Plan and guidance in the NPPF.

#### Highway issues

- 10.24 It is proposed that the development would have a one-way vehicular access system with vehicles entering from Scott Lane and exiting onto Northgate. This is welcomed by Highways Development Management because it would overcome potential visibility concerns onto Scott Lane.
- 10.25 A total of 48 parking spaces are proposed and this level of parking is considered acceptable for the development, particularly considering its accessible location on the edge of the town centre. The plans also show space for refuse storage, although the location of the bin store immediately adjoining one of the units is unsatisfactory because of the risk posed by fire. A condition requiring revised details for the location of the proposed bin store and/or details of measures to address the risk posed by fire through the construction of the bin store is therefore recommended.
- 10.26 The nature of the units, which are relatively small starter units for light industrial purposes, means they are most likely be served by small to medium commercial vehicles. The vehicle tracking that has been submitted is for a 7.5m panel van, which would be typical for this type of development. Concerns have been raised by objectors regarding the site being used by articulated lorries and HGVs. The proposed layout of the site is such that these types of vehicle would be unable to properly load and unload from the individual units which would be a barrier to businesses that require the use of such vehicles.
- 10.27 It is considered that the traffic associated with a development of this scale and type can be accommodated on the local highway network without giving rise to any significant adverse impacts.

- 10.28 In summary the proposal is considered to be acceptable from a highway safety perspective and the application accords with Policies LP20, LP21 and LP22 of the Local Plan and guidance in the NPPF.

#### Drainage issues

- 10.29 Kirklees Lead Local Flood Authority (LLFA) have assessed the application, including additional information relating to surface water flow routing across the site.
- 10.30 The LLFA raise no objections to the application subject to conditions relating to the detailed surface water drainage design and measures to ensure suitable arrangements are in place for the future maintenance and management of the surface water infrastructure within the site. A condition is also recommended regarding temporary drainage during the construction phase.

#### Representations

- 10.31 Ten representations have been received. The main grounds of objection are in relation to highway safety and residential amenity issues as well as the visual impact of the development. All these matters have been addressed earlier within this report. A response to those matters that have not already been addressed is provided below.

#### *Development would cause obstruction on the surrounding roads*

**Officer response:** The development would have different points of ingress and egress and provides sufficient turning and parking spaces within the site. There are also parking restrictions on the adjacent roads (double yellow lines on Scott Lane and single yellow lines on Northgate). These factors would help to prevent obstructions and parking issues for neighbouring properties.

#### *Impact of traffic on road surface*

**Officer response:** The proposed development is not of a scale that would justify highway resurfacing works although a condition is recommended to ensure that damage to the road surface arising from the construction phase is remedied by the developer.

#### *Poor landscaping of the development*

**Officer response:** There is limited scope for soft landscaping and a condition requiring details of the boundary treatment of the site is recommended. Officers consider that the boundary wall to Scott Lane and Northgate should be constructed from natural stone to harmonise with the surrounding area.

#### *Detrimental impact on property values*

**Officer response:** This is not a material planning consideration.

#### *There is not a need for new industrial units in this location given the prevalence of other available sites in this area.*

**Officer response:** The 'need' for the units is not a material planning consideration and is a commercial decision for the developer. The provision of additional employment floorspace (designed with reference to present-day commercial needs) is nevertheless considered to be a benefit in planning terms.

No previous industrial use on this site, contrary to statements made within the application submission

**Officer response:** Officers have considered the previous uses of the site when considering the application.

Land should be used for affordable housing or as a playground  
Land is better suited to residential use

**Officer response:** The land is unallocated in the Local Plan. The Local Planning Authority is required to make a decision on the scheme that has been proposed under this application, having regard to all material planning considerations.

Integrity/stability of 60 Northgate and the adjacent public highway may be undermined by the construction of the development given the topography of the site, which falls away from Northgate.

**Officer response:** Risks arising from land instability is a material planning consideration although the NPPF clearly states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner (paragraph 179). A condition requiring details of any highway retaining structures is recommended to address potential impacts on highway safety. With regards to the impact on 60 Northgate, the developer has a responsibility to ensure that adjoining private property is not prejudiced and issues with structural integrity would fall under Building Regulations legislation.

The proposed layout does not provide sufficient space to maintain the gable end of 60 Northgate

**Officer response:** The end of unit C is very close to the gable end of 60 Northgate although there is a gap between the buildings. The issue of maintenance is not a material planning consideration although it is considered that access to the side wall of 60 Northgate is physically achievable.

Risk of accidental vehicle collision to 60 Northgate; no preventative measures have been incorporated into the design.

**Officer response:** There is no requirement from a planning point of view for such measures to be incorporated.

No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.

**Officer response:** There is no formal requirement for an applicant to undertake consultation with neighbouring occupiers although it is accepted good practice.

Land ownership – The submitted land ownership certificate is incomplete and misleading because notice should have been served on Kirklees Council because they own the own the freehold to a proportion of the site.

The Council has a beneficial interest in this application because it owns the freehold to part of the site and has entered into an Agreement for Sale with the applicant.

**Officer response:** The Council owns the freehold to the northern part of the site and some small slithers of land within the southern part of the site. The applicant has confirmed that they have entered into a legal agreement with the Council to purchase this land, which is subject to planning permission being obtained. The applicant has provided a copy of the legal agreement to the Local Planning Authority. The agreement is dated 20<sup>th</sup> April 2020 and pre-dates the

submission of the planning application, which was received on 11<sup>th</sup> June 2020 (application validated 25<sup>th</sup> June 2020). The Council's Disposals and Acquisitions team have also confirmed that they have an ongoing involvement with the prospective land transfer. While the applicant should have included the Council on the Ownership Certificate, it is accepted that the applicant had, in effect, served notice on the Council 21 days before the date the application was submitted.

The planning application has been assessed solely on its planning merits and no regard has been paid to any financial gain to the Council that would result from the land transfer.

Site address in the application is misleading

**Officer response:** It is considered that the site location provided by the applicant adequately describes the site's location.

Inconsistencies within the application submission - the intrusive site investigation report includes an incorrect postcode and refers to residential development on the site

**Officer response:** Issues with the intrusive site investigation report were also identified by Kirklees Environmental Services, who have recommended that a condition be imposed requiring an updated site investigation report that fully reflects the proposed end use.

Insufficient supporting information – there is insufficient information to properly assess the impact on 60 Northgate and no lighting assessment, noise impact assessment, or air quality statement have been provided.

**Officer response:** Officers are satisfied that the level of information provided has enabled a proper assessment of the impact on 60 Northgate. For example, the submitted Streetscene drawings demonstrate the adjacent units (A-C) would be lower in height than 60 Northgate. Noise and lighting are proposed to be addressed through conditions. Air quality is addressed later in this report.

The Council has not enforced planning obligations relating to a historic planning permission on part of the site (planning permission 91/04914 issued 1<sup>st</sup> December 1997 for six industrial unit/starter units).

**Officer response:** This planning permission was not carried out and therefore the associated planning obligations do not apply.

The application site should have been allocated for housing in the Local Plan. The southern part of the application site formed part of a rejected housing option in the Local Plan; the land was rejected because a retail store had recently been erected on part of the land (the current Home Bargains store) and the remainder of the land did not meet the size threshold for a housing allocation. If the northern part of the current application site had been included then the size threshold would have been met and the land could have been allocated for housing.

**Officer response:** The Local Plan was adopted in February 2019 and the application site comprises unallocated land within the Plan. The application has been assessed on this basis.

### Ecology and trees

- 10.32 The site has relatively limited ecological value and the risk of significant ecological impacts due to the proposed development is low. The proposal would nevertheless result in a net biodiversity loss and Policy LP30 of the Local Plan and the NPPF require that new development provides a biodiversity net gain.
- 10.33 A biodiversity net gain has not currently been demonstrated by the applicant. On-site measures to deliver ecological enhancements should be provided. Alternatively (if a net gain cannot be achieved on-site), off-site mitigation would be necessary – either through habitat improvements at a site within the applicant's control, improvements at a third-party land bank or a commuted sum to facilitate habitat improvements in an offsite location. Confirmation as to how a net gain will be achieved will be provided within the Agenda Update.
- 10.34 In addition the above, a condition requiring an Ecological Design Strategy is considered necessary. This should include bat/bird box provisions within the new buildings and appropriate planting within the areas of the site that are shown to provide soft landscaping.
- 10.35 A bat survey was submitted with the application which confirmed that the buildings/structures on the site have negligible potential for roosting bats. An active bird nest was however recorded in one of the buildings. It is understood that works to demolish the buildings commenced in February this year, which is outside of the bird breeding season for nesting birds.
- 10.36 There are no trees on the site there are worthy of preservation.

### Other Matters

- 10.37 The site falls within The Coal Authority's Development High Risk Area. Relevant information relating to the legacy of coal mining and the potential impact on the development has been submitted. The Coal Authority is satisfied that this demonstrates that the application site is safe and stable for the proposed development.
- 10.38 A condition requiring an updated intrusive site investigation report is recommended to address land contamination issues, along with conditions relating to site remediation and validation.
- 10.39 The Police Architectural Liaison Officer raise no objection to the application, subject to suitable crime prevention measures being incorporated into the development. These include boundary treatments, gates to the vehicular accesses when the site is not in use, secure cycle parking and lockable bin store. Advice has also been provided in relation to other security measures such as building construction, external lighting and CCTV. It is considered that a condition requiring full details of the proposed security measures for the development is necessary. Security considerations relating to boundary treatments and external lighting will need to be balanced alongside visual and residential amenity considerations.

- 10.40 A condition requiring details of a scheme for the provision of electric vehicle recharging points is recommended. This will help to mitigate the impact of development on air quality.

#### Climate change

- 10.41 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.42 The proposal involves the reuse of previously developed (brownfield) land and in this regard represents an efficient use of land and resources.
- 10.43 The site is in a sustainable location on the edge of Cleckheaton town centre and so this will facilitate the use of public transport by the occupiers of the units. Electric vehicle recharging points would also be provided as part of the development. This helps to mitigate the impact of this development on climate change.

### **11.0 CONCLUSION**

- 11.1 The proposal would provide nine light industrial units that would boost the provision of modern commercial floor space in this area whilst bringing a vacant and untidy piece of land back into productive use.
- 11.2 The development would not result in any significant harm to residential amenity, subject to conditions to control noise. The development would not prejudice highway safety or result in any undue ecological or drainage/flood risk impacts.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Approval of samples of facing materials
4. Details of boundary treatments
5. Construction management plans for highway safety and residential amenity
6. Temporary drainage scheme for construction phase
7. Detailed drainage design and arrangements for the future maintenance and management of surface water infrastructure within the site
8. Restrictions on the noise from each unit:  
*The combined noise from any vehicle movements, work activity, fixed mechanical services and external plant and equipment from each individual unit shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed 10dBA below the background sound level at any time. "Rating level" and "background sound level" are as defined in BS 4142:2014+A1:2019.*
9. Restriction on hours of operation to avoid night-time working
10. Details of external lighting to mitigate the impact on residential amenity
11. Updated intrusive site investigation report for land contamination
12. Site remediation and validation reports as necessary (informed by the updated intrusive site investigation report)
13. Scheme for electric vehicle recharging points
14. Pre and post development road condition survey with defects caused by the construction of the development to be remedied
15. Surfacing of the parking and turning areas within the site
16. Proposed points of ingress and egress to be signed accordingly (IN/OUT)
17. Details of waste storage arrangements
18. Details of any highway retaining structures
19. Ecological Design Strategy
20. Scheme for security measures to be incorporated into the development

### Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f91747>

Certificate of Ownership: Certificate B signed - Notice served on Mr W Rushton