
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jul-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

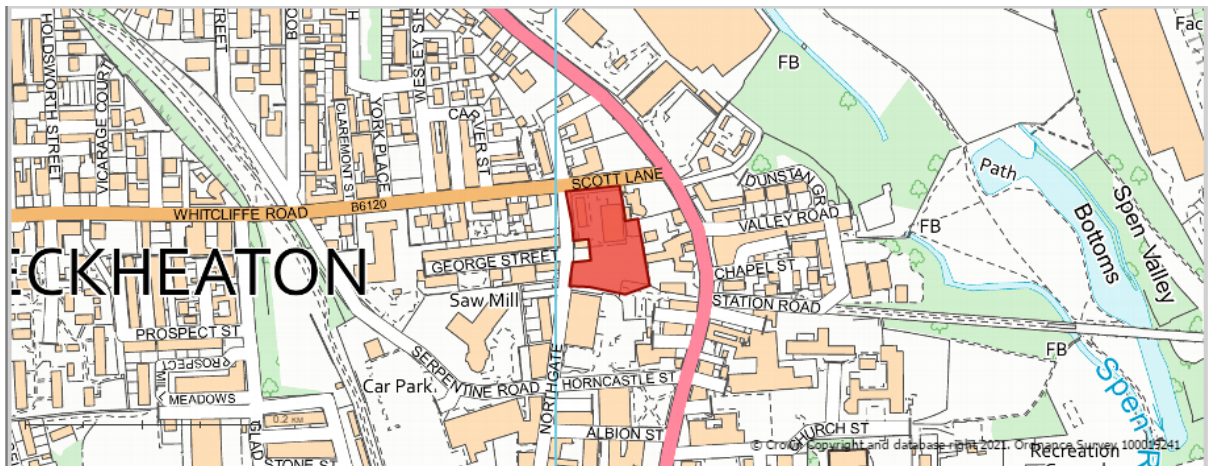
24-Sep-2020

EXTENSION EXPIRY DATE

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

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 to complete the list of conditions, including those contained within the main report, and to secure a Section 106 Agreement to cover the following matter:

1. Financial contribution to deliver offsite habitat improvements (£30,130)

1.0 INTRODUCTION:

- 1.1 The application was deferred at the Sub-Committee meeting on 14th April 2021. The reason for the deferral was so that members could undertake their own site visit.
- 1.2 The scheme has been amended slightly following the previous committee meeting. One of the units (unit I) has been redesigned to include some ancillary office space. This is discussed in more detail within this report. An additional representation, which is in support of the application, has been received since the application was deferred; this is summarised within the representations section of this report.
- 1.3 The application has been 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."
- 1.4 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 historically used for a range of different uses, including a dairy, snooker hall and children's nursery. Derelict buildings relating to these former uses had existed on the site, but these have recently been demolished and the land cleared. This part of the site has an existing point of access from Scott Lane.

2.3 The southern part of the site formed an area of unkempt land covered largely with low lying vegetation, although this part of the site has recently been cleared as well. 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, although unit I includes some office space on side of the unit that is two storeys.

3.4 The units would be constructed from composite colour coated panels, except units A-C, which would be faced in stone where they front onto Northgate.

3.5 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 1st 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 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 be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

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. Eleven objections have been received from nine 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 1st 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.

- Spen Valley Civic Society have stated that they have spent years trying to generate interest from Kirklees Council in respect of the site, which has lain derelict since the mid-1980's and has been an eyesore since that time. It is recognised that the applicant is trying to do something positive in his application however light industrial units are inappropriate in this location, which is on the edge of the town centre. The site should form part of a masterplan to develop an integrated scheme for the whole area, such as an integrated housing scheme. Industrial units should be built on land allocated for industry, not adjacent to town centres.

7.2 One letter of support has been received. This is from a local business which is wanting to occupy two of the proposed units. It states that the business has been located in Cleckheaton for almost 30 years and is being forced to relocate from their existing premises on the Spen Valley Industrial Park. The company needs to stay in the local area because all their staff are based in the Cleckheaton area and 30-40% of their customers are within a five-mile radius. The business has been searching for new premises for a considerable length of time but there is limited availability and nothing that is suitable for the business. The units which they are wanting to occupy would enable them to expand their business and employ additional people; they expect to increase their staff by an extra 15% over the next 18 months.

7.3 Ward Councillor Kath Pinnock has provided comments on the application and an officer response is been provided as follows:

1. *It is most unfortunate that an attempt hasn't been made for a general re-development of that area. Partial development of this nature will close down some of the options for the remainder of the wider site, including better access onto Bradford Road.*

Officer response: The Local Planning Authority has been asked to consider the scheme proposed within the application. Officers consider that the proposal is acceptable having regard to all material planning considerations.

2. *I am concerned that, given the proximity of the residents of George Street and Whitcliffe Road, that more attention hasn't been given to limiting noise nuisance from potential users. I understand that each unit will have noise limits but wonder how these are to be controlled, in practice.*

Officer response: The operators of the units would be required to adhere to the noise limits set out within the recommended condition. If an operator was found to be in breach of the condition, then it would be a matter for the Council's Planning Compliance team. Complaints could be readily investigated by Kirklees Environmental Services to establish whether noise limits were being exceeded.

3. *Highways concerns: I am surprised that Scott Lane is being considered as the route to exit onto Bradford Road. You may be aware that there is a major scheme of changes proposed to the A638 through Cleckheaton part of which involves a proposal to reduce the number of road junctions onto Bradford Road in order to ease traffic movements, buses in particular. Perhaps there needs to be a discussion with Highways colleagues before a decision is made.*

Officer response: Access to the development will be an 'in' only arrangement off Scott Lane with egress onto Northgate. It is considered that traffic heading towards Cleckheaton will do so Via Horncastle Street onto the A638 and traffic heading towards Chain Bar will turn left out of Scott Lane. Given that the proposed highway project to the A638 is at preliminary concept stage and has not reached public consultation yet, it is not considered to have implications for the proposed development. The Council's Major project team have been made aware of this application.

4. *Scott Lane: Are you able to verify the claim made in the applicant's traffic assessment that it is part of a bus route? Has an assessment been made as to the visibility onto Bradford Road at the Scott Lane junction? Has consideration been given to prevent larger commercial vehicles not using the adjacent Coach Lane? What consideration has been given to movement into Scott Lane from Bradford Road being blocked by a vehicle coming out of Scott Lane and the implications that will have for road safety and congestion?*

Officer response: Enquires have been made with Metro who have confirmed that bus services do travel down Whitcliffe Road however they turn off down Serpentine Road before this development and where Whitcliffe Road turns into Scott Lane, so buses do not emerge from Scott Lane onto the A638 Bradford Road.

Highways Development Management consider that Scot Lane is adequate to accommodate the traffic movements associated with the proposed development, without resulting in any significant adverse harm to highway safety.

5. *I draw your attention to this statement in the Committee Report:*

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.

It seems to me that a further look at the appalling state of that section of Northgate should be considered before including this in the report. I have reported the state of Northgate on several occasions. Some of the worst potholes get filled and then more appear. It is well passed its useful life without adding construction vehicles and other HGVs onto the road.

Officer response: It has been confirmed that Northgate is due for resurfacing works in the 2021/2022 financial year. If this is completed prior to occupation of the proposed development, then any damage to the carriageway would be repaired at the expense of the developer.

6. *While development of the site is welcome, I do think more attention needs to be paid to the impact on current residents who live opposite the site and to the impact on highway safety, especially the use of the sub-standard width Scott Lane."*

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. It is necessary for the development to provide a biodiversity net gain, 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. A representation in support of the application has been received from Westgate Glass, which is summarised as paragraph 7.2.
- 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 (3rd 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 has historically formed an area of unkempt, scrubby land but this area has also recently been cleared. The long-standing condition and appearance of the application site has detracted 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 in height where they face onto the roadside and would be faced in natural stone with contrasting, coloured panels. This elevation also includes pedestrian doors and a series of windows. As such, this prominent aspect of the development would provide an active street frontage that provides visual interest and harmonises with the character of surrounding development. The design of these three units therefore provides a positive interface with the street scene.
- 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 street scene.
- 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 down in height away from Northgate. The roof profile slopes downwards towards the eastern boundary which helps to limit the bulk of the buildings when viewed from the east.
- 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 street scene. 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. The roof profile of units G and H also slopes down towards the eastern boundary to mitigate their bulk and mass and similarly the roof of unit I slopes down towards the southern boundary.
- 10.16 There has been a small change to unit I since the application was considered by the Sub-Committee on 14th April 2021. This involves the addition of some ancillary office accommodation to the side of the unit and some minor changes to its position and general footprint. The proposed bin store has been relocated from the western side of unit I to the eastern side. The amendment brings the unit closer towards Northgate, but it remains set back from this road and the overall design is still acceptable.
- 10.17 In summary, the proposed development would improve the visual amenity of the area by regenerating what has historically been 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

- 10.18 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.
- 10.19 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.
- 10.20 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.
- 10.21 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.
- 10.22 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.
- 10.23 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.
- 10.24 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

- 10.25 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.
- 10.26 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. The location of the bin store is immediately adjoining one of the units which is a potential fire risk. A condition requiring details of measures to address the risk posed by fire through the construction of the bin store is recommended.
- 10.27 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. Vehicle tracking for a 7.5m panel van has been submitted, which would be typical for this type of development. It is however recognised that HGVs may need to access the site from time to time and the applicant has demonstrated that this size of vehicle can adequately manoeuvre within the site.
- 10.28 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.
- 10.29 In summary the proposal is considered 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

- 10.30 The application is supported by a drainage assessment which indicates that surface water would be attenuated on site within oversized pipes and discharge to the sewer network in Scott Lane at a restricted rate.
- 10.31 Kirklees Lead Local Flood Authority (LLFA) have assessed the application and raise no objections 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

- 10.32 Eleven objections 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 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 served notice on the Council and submitted an amended Ownership Certificate and so land ownership issues are considered to have been addressed for the purposes of the planning application.

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 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 street scene 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 1st 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.

Light industrial units are inappropriate in this location, which is on the edge of the town centre. The site should form part of a masterplan to develop an integrated scheme for the whole area, such as an integrated housing scheme. Industrial units should be built on land allocated for industry, not adjacent to town centres.

Officer response: The site is in a mixed-use area and much of the site has historically been used for non-residential uses. For the reasons set out in this report, officers consider this to be an acceptable site for light industry - subject to controls to mitigate the impact on residential amenity. The Local Planning Authority is required to consider the acceptability of the proposed scheme, not any potential alternative proposals.

Ecology and trees

- 10.33 Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it confirms that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. The Council seeks to achieve a net biodiversity gain of 10% on all sites.
- 10.34 Prior to its clearance, the site was considered to have relatively limited ecological value and the risk of significant ecological impacts due to the proposed development was low. A bat survey was submitted with the application which confirmed that the buildings/structures on the site had negligible potential for roosting bats. An active bird nest was recorded in one of the buildings at the time of the survey, although it is understood that the demolition of the building subsequently took place outside of the breeding season for nesting birds. Aside from the buildings, the site principally comprised of hard surfacing and scrubland.

- 10.35 Notwithstanding the relatively limited ecological value of the site, supporting information confirms that the development would result in a net biodiversity loss. Opportunities to provide meaningful ecological enhancement on this site are somewhat constrained and as such the applicant has proposed to deliver a biodiversity net gain of 10% through a financial contribution to facilitate habitat improvements in an offsite location. This would be within the District, at a location as close to the application site as possible. The Ecology Unit is satisfied with this approach. The contribution has been calculated as £26,200 plus a £3930 administration fee. This would need to be secured through a Section 106 Agreement. On this basis the application is considered to comply with Policy LP30 of the Kirklees Local Plan and guidance in the National Planning Policy.
- 10.36 In addition to 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. The amendment to unit I to include some ancillary office space slightly reduces the extent of the soft landscaping in this part of the site although the overall impact of this change on biodiversity is insignificant.
- 10.37 There are no trees on the site there are worthy of preservation.

Other Matters

- 10.38 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.
- 10.39 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.
- 10.40 The Police Architectural Liaison Officer raises 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.
- 10.41 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

- 10.42 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.
- 10.43 The proposal involves the reuse of previously developed (brownfield) land and in this regard the development represents an efficient use of land and resources.
- 10.44 Energy efficiency within the new buildings can help to limit the impact on climate change. For example, the adoption of a fabric-first approach to ensure minimal heat loss as well as other measures such as low energy lighting and water efficient fittings and appliances. A condition requiring details of energy efficiency measures to be incorporated into the construction of the units and internal fit-out is recommended.
- 10.44 The site is also in a sustainable location on the edge of Cleckheaton town centre and so this will encourage the use of public transport by the occupiers of the units. Electric vehicle recharging points would also be provided as part of the development, which would further help 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 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 and stray light. 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 the proposed waste storage arrangements to mitigate potential fire risk
18. Details of any highway retaining structures
19. Ecological Design Strategy
20. Scheme for security measures to be incorporated into the development
21. Scheme of energy efficiency measures to be incorporated into the construction of the units to mitigate the impact on climate change

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 and Kirklees Council