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

**STRATEGIC PLANNING COMMITTEE**

**Date: 26-Jan-2023**

**Subject: Planning Application 2022/91730 Demolition of former dairy/snooker centre/storage and erection of 9 light industrial units Land Adjacent, 60, Northgate, Cleckheaton, BD19 3NB**

**APPLICANT**

**D & M Middleton**

**DATE VALID**

**17-May-2022**

**TARGET DATE**

**16-Aug-2022**

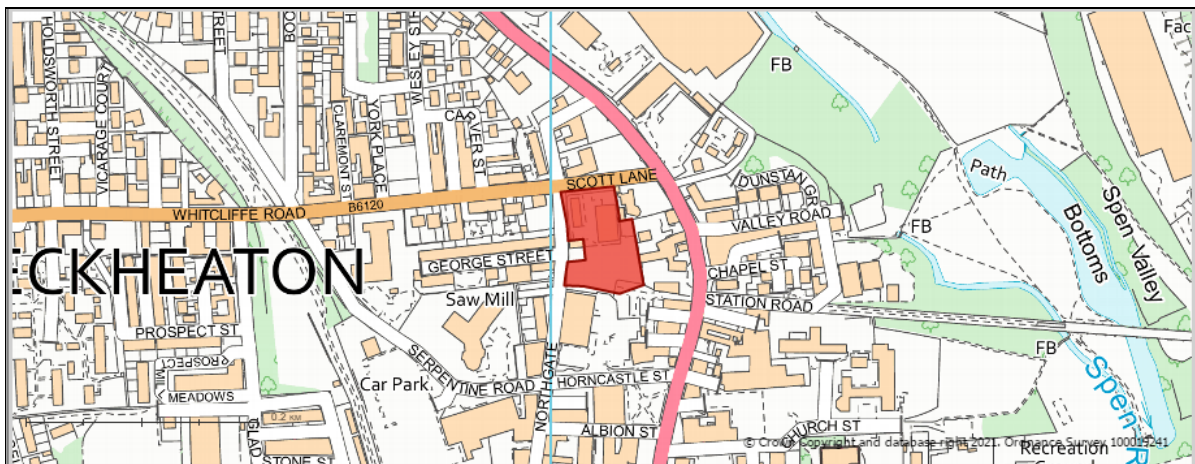
**EXTENSION EXPIRY DATE**

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[Public speaking at committee link](#)

**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 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 has been called to committee on the request of Cllr K Pinnock. Cllr K Pinnock had concerns regarding highway safety and residential amenity which are set out in full in the report below. The Chair accepted these reasons to constitute a material planning consideration and valid reason for the application to be heard at committee.

#### **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 the 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 are two vehicle access points with vehicles entering and exiting from Scott Lane and Northgate.

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

- 4.1 Application ref 2020/91747 proposed an almost identical scheme to the one being proposed now, also for the erection of 9 industrial units. It was refused by Members of the Strategic Planning Committee on residential amenity grounds of nearby properties, contrary to officer recommendation. The decision was appealed and dismissed. However, within the appeal, the inspector found that the scheme was in fact acceptable on residential amenity grounds and dismissed the appeal as a s106 agreement was not in place for financial contributions to deliver offsite habitat improvements. This was the only reason that the appeal was not upheld.
- 4.2 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.
- 4.3 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 acceptable although the Police Architectural Liaison Officer raised strong concerns with the location of the dwellings facing onto Scott Lane.
- 5.2 Under application 2020/91747, 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 and removing the dwellings proposed on the pre-application. Also, under application 2020/91747. Additional information was provided to address highways, drainage and ecological matters. Site illustrations were also provided to assist with the assessment of the proposals.
- 5.3 Under this application, minor revisions to the layout were made along with the submission of additional information with regard to highway safety. The agent has also agreed to enter into a section 106 agreement to secure funds for offsite habitat improvements.

## **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 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:

Chapter 2 – Achieving sustainable development

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

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised by site notices, press advert and neighbour notification letters. Eight objections have been received, 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 assessment is insufficient and Development may cause on-street parking problems.
  - Conflict between the site's egress points and the surrounding highway network.
  - 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 which the objector states is not typical to light industrial uses.
  - Light pollution/glare from the lighting within the site and vehicles exiting the site would impact on nearby dwellings.
  - Noise pollution from the units would affect neighbouring properties.
  - 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.
  - Detrimental impact on property values.
  - Block access to adjacent units and could cause accidental damage to them.
  - Land is better suited to residential use.
  - The applicant has not considered ecology, trees or carbon budget. All trees from the site were cleared before the previous application and pre-application.
  - No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.

- Spenn Valley Civic Society have stated that they have spent years trying to generate interest to develop the site for residential purposes in many different forms, such as sheltered housing. They also state that industrial units should be built on land allocated for industry, not adjacent to town centres. The Society have also raised concerns regarding highway safety.

7.2 Ward Councillor Kath Pinnock has provided comments on the application and requested that the application be heard at committee, which was accepted by the Chair. Councillor Kath Pinnock stated:

'I have read most of the planning documents supplied and these are some of the issues that cause me concern:

1. Traffic movements: the plan is for a one-way system through the site. The traffic assessment was conducted during covid when traffic was well below normal. This assessment should be renewed. The right turn onto Scott Lane is not easy as the road narrows. The access from Scott Lane onto Bradford Road is very difficult as the sight lines are poor. What assessment has been made of the traffic volumes on Bradford Road and whether more traffic can be readily accommodated?
2. The traffic assessment states that Scott Lane is used by buses. As far as I know this is not the case. The reason will be the narrow access with Bradford Road which may also affect vehicles of 7.5 tons.
3. The site has houses on 2 sides which is not apparent from the application. This is of concern due to increased noise and air pollution as well as families dealing with increases in traffic.
4. The application seems to suggest that the site has been in regular use. This is not the case. To my knowledge the site has been derelict for at least 20 years.

I welcome development of the site which is not going to adversely affect people already living opposite. I, and I think local residents, would welcome houses on the site.'

These points will be addressed where relevant in the appraisal below.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**KC Highways Development Management** – no objections to the revised scheme.

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

**The Coal Authority** – No objection.

**Yorkshire Water** – No objection subject to conditions.

## 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. Deem the amount agreed with the applicant for offsite habitat improvement to be acceptable and provides a suitable biodiversity net gain, along with the provision of a bat box on the site and a condition for no site clearance in the nesting season.

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

**KC Trees** – No objections.

**KC Public Health** – No objections.

**Health and Safety Executive** – No objections.

## 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 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, it is known that the development would create 1834m<sup>2</sup> to which 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.
- 10.5 The provision of modern light industrial units would help to support employment opportunities and this weighs in favour of the proposed development and accords with Local Plan Policies LP3 and LP7 by utilising brownfield land for employment generating uses.
- 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 northwest 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 a stone slate roof. 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 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. The design of these three units therefore provides a positive interface with the street scene.
- 10.12 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.
- 10.13 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.
- 10.14 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.
- 10.15 The application also involves the addition of some ancillary office accommodation to the side of unit I. The proposed bin store is located to the western side of unit I also. The bin store but is set back from this road and the overall design is still acceptable.
- 10.16 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

- 10.17 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). Uses within Class E (including E(g)) are, by definition, considered uses which can be carried out in a residential area without detriment to its amenity, including industrial processes. As such, officers have no choice but to determine that 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 The proposed would have a route through the site that has access and egress points from Scott Lane and Northgate. The applicant has demonstrated visibility splays from both these access points with Highways Development Management satisfied with the visibility.
- 10.25 A total of 44 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.
- 10.26 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. Vehicle tracking for both a 16.5m HGV wagon and 7.5m panel van has been submitted, which would be typical for this type of development. The applicant has clearly demonstrated that these vehicles can adequately manoeuvre within the site.
- 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 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. It is noted at this point that KC Highways Development Management have no objections to the proposal.

#### Drainage issues

- 10.29 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.
- 10.30 Kirklees Lead Local Flood Authority (LLFA) and Yorkshire Water 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; the provision of separate drainage systems for foul waste and surface water; no piped discharge of surface water from the development prior to the completion of surface water drainage works; No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer; and, temporary drainage during the construction phase.

## Ecology / Trees

- 10.31 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.
- 10.32 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.
- 10.33 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.
- 10.34 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.
- 10.35 There are no trees on the site there are worthy of preservation.

## Representations

- 10.36 Eight 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. Eight objections have been received, 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.

**Response:** The impact of HGVs has been assessed in the appraisal above.

- The parking provision assessment is insufficient and development may cause on-street parking problems.

**Response:** The quantum of parking has been assessed in the appraisal above.

- Conflict between the site's egress points and the surrounding highway network.

**Response:** The impact of these egress points has been assessed in the appraisal above. Furthermore, the applicant has demonstrated through vehicle tracking and visibility splays that vehicles serving the site can access and exit the site safely.

- Development may cause on-street parking problems.

**Response:** The quantum of parking proposed within the site has been considered acceptable.

- No proper provision for pedestrians.

**Response:** The proposed application retains pavements around the surrounding highway network and is considered safe 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 which the objector states is not typical to light industrial uses.

**Response:** The application being assessed is for light industrial. A further application would be required if the site were to be used for general industry. The impacts of this would be assessed at that time.

- Light pollution/glare from the lighting within the site and vehicles exiting the site would impact on nearby dwellings.

**Response:** The impact of lighting has been assessed in the appraisal above.

- Noise pollution from the units would affect neighbouring properties.

**Response:** The impact of noise has been assessed in the appraisal above.

- Detrimental impact on users of adjacent offices.  
**Response:** Offices are not deemed noise sensitive premises to the same degree as dwellings. Nevertheless, the appraisal sets out the principle of development and impact on the amenity of other uses in the area.
- Development is incompatible within a residential area.  
**Response:** The appraisal sets out impact on the residential amenity of other uses in the area.
- Appearance of the units would have a negative impact on the area.  
**Response:** The appraisal sets out the impact on the area.
- Detrimental impact on visual amenity; materials and scale of buildings inappropriate within the site's context.  
**Response:** The appraisal sets out the impact on the visual amenity area.
- Detrimental impact on property values.  
**Response:** This is not a material planning consideration.
- Block access to adjacent units and could cause accidental damage to them.  
**Response:** This is not a material planning consideration. Access to and accidental damage are covered by civil legal rights.
- Land is better suited to residential use.  
**Response:** Officers note this point, however officers cannot refuse a scheme on an unallocated site which accords with policy because there is still potentially a more desirable use of the land. The application is being assessed on its merits.
- The applicant has not considered ecology, trees or carbon budget. All trees from the site were cleared before the previous application and pre-application.  
**Response:** Noted and officers have assessed these impacts in the appraisal above.
- No pre-application consultation carried out by the applicant, contrary to the submitted 'Statement of Community Involvement'.  
**Response:** Noted.
- Spen Valley Civic Society have stated that they have spent years trying to generate interest to develop the site for residential purposes in many different forms, such as sheltered housing. They also state that industrial units should be built on land allocated for industry, not adjacent to town centres. The Society have also raised concerns regarding highway safety.  
**Response:** Officers note and understand the Civic Society's views on the impact of the development and principal of development. However, each application must be assessed upon its merits and officers cannot refuse a scheme on an unallocated site which accords with policy because there is still potentially a more desirable use of the land.

## **11.0 CONCLUSION**

- 11.1 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. Officers have considered the impact on residential properties nearby, whereby any potential harm would be suitable mitigate through the conditions listed below. Furthermore, the wider area has a mixture of uses including industrial and commercial already, therefore the proposed use is not of context with the area. There is only a minor impact with regard to ecology, which has been appropriately offset by the applicant agreeing a significant contribution for offsite habitat improvements.
- 11.3 Overall, the proposal would see the redevelopment of a brownfield site which would significantly improve the visual amenity of the land which is currently in a poor state, harming the character of the area. The proposal would provide nine light industrial units that would boost the provision of modern commercial floor space in this area whilst bringing this vacant piece of land back into productive use. The development would also represent a significant investment into the area and would provide new jobs which is welcomed. The scheme would not prejudice highway safety or result in any undue drainage/flood risk impacts. As such, the scheme accords with the purposes of The Kirklees Local Plan, The National Planning Policy Framework and the applicable supplementary planning documents.
- 11.4 This conclusion and recommendation is also supported by the Planning Inspectorate's report on the appeal for application 2020/91747 at the site. Therefore, it is considered that the development would constitute sustainable development and the development is 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. Submission of a noise report
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. Surfacing of the parking and turning areas within the site
15. Details of the proposed waste storage arrangements to mitigate potential fire risk

16. No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that are to be submitted to and approved by the Local Planning Authority.

17. Details of any highway retaining structures

18. Details of integrated bird boxes

19. Scheme for security measures to be incorporated into the development

20. Scheme of energy efficiency measures to be incorporated into the construction of the units to mitigate the impact on climate change

21. Separate foul and surface water drainage systems to be provided

22. No surface water pumping prior to the completion of surface water drainage works.

Background Papers: Application and history files. Website link:  
This application:

[Link to planning application](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/91730>

Previous Application (2020/91747):

[Link to planning application](#)

<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