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Planning Development

Planning Supporting Statement: S73 Variation of Condition Application for Unit 17, Flush Mills, Westgate, Heckmondwike (Ref: 2015/90708)

Background and current occupiers

Planning permission was granted in 2015¹ for the change of use of Unit 17 to a mixed use comprising B1, B2 and B8 development. The actual implemented use of the site following this permission was for B2 manufacturing and the current occupier (Wakefield Acoustics) is said to be one of the UK's leading manufacturers of advanced industrial, commercial and environmental noise control systems.

The company's website summarises the following about the business:

"Since our formation in 1980 we have grown to become one of the most respected and forward thinking industrial acoustic engineering companies in the UK, working closely over the years with many of the world's leading blue-chip companies to solve complex noise problems often in extreme, arduous or hazardous area environments. Our extensive experience in providing innovative noise control engineering solutions spans a wide variety of sectors including power generation, oil and gas, petro-chemical, commercial construction and infrastructure, water and waste, recycling, and general industry.

Our wide range of products and services includes acoustic enclosures, acoustic screens, acoustic louvres, acoustic attenuators, acoustic silencers, sound havens, through to fully integrated turnkey solutions involving acoustic consultancy, site survey, project management, structural engineering, fire and gas suppression systems, electrics along with a full installation service."

It is therefore important to note that Wakefield Acoustics are an important and innovative manufacturing business within the Kirklees district, whose products are sold around the globe. This has important implications for the way the planning application is assessed in connection with local and national planning policies, as outlined in the assessment below.

Existing planning conditions

The following operating and delivery hours restrictions were imposed on the 2015 planning application through Condition 4:

¹ LPA ref: 2015/90708

4) No activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the hours of 6:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. No activities shall take place on Sundays and Bank Holidays.

The reason for this condition was to help safeguard the amenities of neighbouring residential properties (presumably those on Omar Street and Barber Street to the east).

The proposals

The proposals seek to vary the operating hours of the business, but not the delivery / dispatch hours. Therefore, two new conditions are proposed through this Section 73 application:

- 1) No deliveries to or dispatches from the premises shall be undertaken outside the hours of 06:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays, or on Sundays and Bank Holidays.
- 2) No manufacturing or other business activities shall occur at the premises outside the hours of 00:00 to 24:00 Monday to Friday, and 06:00 to 18:00 Saturdays, Sundays and Bank Holidays.

Policy designation

The site is designated as a Priority Employment Area within the Kirklees Local Plan



Photo - inside the Wakefield Acoustics factory

Assessment

Supporting economic growth

Local Plan Policy PLP8 states: “Proposals for development or re-development for employment generating uses in Priority Employment Areas will be supported where there is no conflict with the established employment uses in the area.

The Local Plan also states that part of its Spatial Development Strategy relies upon “local employment needs being met where demand exists in priority employment areas, employment and mixed use allocations in or on the edge of existing settlements.” ²

As detailed above, Wakefield Acoustics are an important and innovative manufacturing business within the Kirklees district, whose products are sold around the globe. They are also a growing business and the purpose of this application is to enable increased production through 24 hour working shifts Monday to Friday, and 12 hour shifts on Saturdays, Sundays and Bank Holidays.

The current number of employees would increase from 50 to 62.

Therefore, as NPPF paragraph 80 states, it is important that the planning policies and decisions “help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”.

Furthermore, Paragraph 7.13 of the Local Plan ³ states: “The council's overarching objectives for the economy place significant emphasis on the need to support the growth aspirations of the districts indigenous businesses, as well as securing the inward investment opportunities which are likely to occur during the course of the plan period. Much of this emphasis has been placed on taking advantage of the districts key manufacturing assets with focus being placed on the precision engineering and advanced manufacturing sectors.”

As such, there is particular emphasis upon, and support for, the type of key manufacturing asset presented by a company such as Wakefield Acoustics within the Local Plan as a matter of principle.

Through the proposed extension of the operating hours, the business will be able to meet currently unmet demand from its customers, thereby increasing revenues and helping sustain and expand the business going forward.

Efficient use of land

NPPF paragraph 118 states that “planning policies and decisions should.... give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs....”

The Local Plan Employment Strategy ⁴ states that an additional 23,000 jobs are targeted within the Local Plan period, and that this relies on 175 ha of new allocations.

² P37 – 38 ‘How is the vision, objectives and strategy delivered?’

³ Kirklees Employment Strategy

⁴ Paragraph 7.8

In this case, the proposals seek to make more efficient use of existing brownfield land, thereby creating more jobs without additional land take, which is of course a more sustainable planning solution than building on new sites.

Residential amenity

It is noted that as part of the 2015 planning permission, a condition required noise attenuation measures to be carried out within the premises, which were duly carried out in accordance with the submitted noise report at that time.

A comprehensive new noise assessment has been carried out for this planning application, to address all relevant matters connected with the proposals to undertake the industrial activities within the buildings during night-time hours. The following matters have been considered:

- 1) Location and description of existing noise sources
- 2) Noise survey method, results & analysis
- 3) Assessment of the three potential noise sources:
 - a) internal factory activity noise – roller shutter door open and closed
 - b) staff car park noise
 - c) service vehicle noise

The report concludes that predicted noise levels fall below the design target limits and as such, the **staff car parking activities** should not give rise to complaints relating to noise from existing residents.

As there aren't going to be any **deliveries or dispatches** carried out during the extended application periods, no additional noise will be attributable to these activities. The report therefore concludes that no further assessment is necessary.

Finally, the report concludes that the typical **noise produced internally inside the factory**, with the **roller shutter doors open or closed**, is not likely to result in any adverse reaction when considered at the nearby residential premises. The applicant however is content to close the roller shutter doors during unsociable hours, if the Council feel this would be appropriate.

In accordance with the requirements of NPPF paragraph 180 and Local Plan Policy PLP 52 ⁵ (Protection and improvement of environmental quality) the report concludes that mitigation

⁵ NPPF para 180 Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Local Plan Policy PLP 52 "Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment."

measures are not strictly necessary in order to maintain the existing amenity of the nearby residential premises following the proposed change of hours. However, some recommendations have been made nevertheless, for example a Noise Action Plan for the site, which could include the points at 12.1 to 12.3 of the submitted noise report as a matter of best practice.

Conclusion

NPPF paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives. Amongst these is the core economic objective, which is to “help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.” Moreover,

The site is designated as a Priority Employment Area and the proposed increase in hours would help meet unmet demand within this important global, but locally based, business. The proposals would create more jobs for the local area and would do so on an existing brownfield site, obviating the need to use additional finite land resources.

We would therefore ask that the economic sustainability public interests are taken into account when considering this case – i.e. the continued viability and success of this important manufacturing business within the borough, and the employment they create for the local community.

The variation of hours proposal is considered to comply with all relevant local and national policy and as such, we respectfully ask the Council to approve the application accordingly.

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