



JohnsonMowat
Planning & Development Consultants

Wakefield Acoustics

Use of land for storage and fit-out of acoustic containers with generator units with associated electrical equipment, with reinstatement of former access to St. Peg Lane. Erection of security fence and siting of security and welfare cabins.

Land off St. Peg Lane, Cleckheaton, BD19 3SH

Planning Statement

Ref. JM230119_PS_01



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1.0 INTRODUCTION

- 1.1 This application seeks full planning permission for the use of land for assembly and storage of container-based generator units on land at St.Peg Lane, Cleckheaton. An introduction to the applicant is provided below, whilst details of the site are set out in Section 2 of this statement.
- 1.2 The development is described as follows:
- Use of land for storage and fit-out of acoustic containers with generator units and associated electrical equipment, with reinstatement of former access to St Peg Lane, erection of security fence and siting of security and welfare cabins.*
- 1.3 A full explanation of the proposed development is provided in Section 3 of this statement.
- 1.4 The relevant planning history of the site is summarised at Section 4; whilst the development plan policies most relevant to the determination of this application are defined in Section 5.
- 1.5 To assist the local authority in determination of this application, an assessment of the proposed development against the policies of the development plan and other material considerations is provided in Section 6.

Content of Application

- 1.6 This full planning application is supported by the following plans and supporting documents:
- Context Plan ref. 23005-MOS-SI-XX-DR-A-0000_P02
 - Site Location Plan ref. 23005-MOS-SI-XX-DR-A-0001_P02
 - Existing Site Plan ref. 23005-MOS-SI-XX-DR-A-0003_P02
 - Proposed Site Plan ref. 23005-MOS-SI-XX-DR-A-0004_P02
 - Elevations and Sections ref. 23005-MOS-SI-XX-DR-A-0005_P02
 - Vehicle Tracking Overlay ref. 23005-MOS-SI-XX-DR-A-0006_P03
 - Indicative Container Layout ref. 23001-MOS-XX-DR-A-0007_P02
 - Ecological Impact Assessment Report ref. SQ-1524
 - Flood Risk Assessment ref.182623-F02



- Phase 1 Environmental Due Diligence Report ref. 23.465 rev.1

Introduction to the Applicant

- 1.7 The application is submitted on behalf of Wakefield Acoustics. Wakefield Acoustics is one of the UK's leading manufacturers of advanced industrial, commercial and environmental noise control systems, and is a significant contributor to the high-value manufacturing and engineering sector of the Kirklees economy.
- 1.8 Wakefield Acoustics is based at Flush Mills, Heckmondwike, where it manufactures containers to house generator equipment. The preparation and fitting-out of containers currently occurs within the external yard areas of the Flush Mills site.
- 1.9 In response to increased demand, lack of any additional available space at Flush Mills and an objective to improve operational efficiency, the applicant seeks to utilise the land at St Peg Lane for the final preparation and fitting out of the containers. Full details of the proposed operation are set out in section 3 of this statement.

2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is located off St. Peg Lane, Cleckheaton as shown on the Site Location Plan ref. 23005-MOS-SI-XX-DR-A-0001. The application site extends to 0.95 ha as the red line excludes areas at the northeast and south of the broader site where no development or use of land is proposed.
- 2.2 The site is bound to the north by St. Peg Lane, with residential properties opposite, and to the south and east by land and premises in industrial use. To the west boundary, the site is bordered by a footpath and the Howard Park Community School. The River Spen runs adjacent to the east of the site within an engineered channel.
- 2.3 The boundary treatment to the north and west boundaries of the site is a pre-cast concrete panel wall with stone finish of approximately 2m height. The boundary treatment to the south boundary of the site is a metal palisade fence, whereas a low concrete wall and heras-type fence form the boundary to the River Spen to the east.
- 2.4 Trees at the east boundary of the site grow off-site within the river channel. There are no trees, hedgerows or other vegetation or habitat on the site.
- 2.5 The physical form of the site is a cleared, former industrial site constituting a ground surface of concrete floors and compacted demolition material. The site is essentially flat apart from a raised section of land running adjacent to the west boundary.
- 2.6 Save for a concrete substation/electricity supply building to the east boundary, there is no built form on the site. A section of the broader site accommodating pumping station infrastructure (or similar) is excluded from the red line boundary at its southeast corner as it is unrelated to the use of land proposed.
- 2.7 An aerial photograph of the site (Google, July 2021) is provided at Appendix 1 of this statement. A selection of site photographs are provided at Appendix 2.
- 2.8 It is understood that the site was formerly occupied by the Whiteley Engineering works. The photograph provided at Appendix 3 (Google, October 2009) shows the vehicular site access to have been in the northwest corner. Online photography indicates that the site has been vacant since at least 2009 and that complete demolition of the site took place in the period 2016-2018.



3.0 PROPOSED DEVELOPMENT

3.1 This application proposes development described as follows:

Use of land for storage and fit-out of acoustic containers with generator units and associated electrical equipment, with reinstatement of former access to St. Peg Lane, erection of security fence and siting of security and welfare cabins.

Proposed Use of Land

- 3.2 Permission is sought to allow the use of the land as a yard for the storage and fit-out of acoustic containers with generator units and associated electrical equipment.
- 3.3 The business operation comprises the installation of generator machinery into a prefabricated container. No fabrication or manufacturing is proposed to take place at the site, save for the installation of the machinery into the container. Occasional and infrequent operation and testing may be required but would not be a routine operation.
- 3.4 Containers are to be brought to the site from Wakefield Acoustics' factory at Flush Mills, Heckmondwike by low loader. Generator machinery is brought to the site by wagon (standard HGV). Loading and unloading is undertaken by forklift truck.
- 3.5 Containers, machinery and assembled generators will be stored on site as required by the business operation. Assembled generator sets are taken from site by low loader for delivery to customers.
- 3.6 The Indicative Container Layout drawing ref. 23001-MOS-XX-DR-A-0007_P02 shows the anticipated general arrangement of the site for this purpose, including the siting of cabins to provide a security office and staff welfare facilities. Given the moveable nature of the containers and cabins, this drawing is illustrative only and does not prescribe a layout for approval.
- 3.7 Access and security facilities are located to the north of the site at St Peg Lane. Vehicle turning, unloading and parking space is located to the centre of the site, and the operational area for the container fit-out works is at the south of the site, utilising the existing concrete ground surface.

Hours of Operation

3.8 It is anticipated that security personnel will maintain a 24/7 presence at the site



- 3.9 Oversized loads (i.e. containers on low loaders) will be brought to/from the site outside of peak periods on the highway network and outside of school drop-off and pick-up times. As oversized vehicle movements originate at Wakefield Acoustics' factory in Heckmondwike, the timing of these movements and arrivals at St Peg Lane is wholly within the control of the applicant.
- 3.10 It is anticipated that oversized load movements to/from the site, with associated unloading and loading of low loaders will take place in the early evening, which may be anticipated to be 1830-2100 approx.
- 3.11 Standard HGV movements and other delivery access will take place during normal daytime hours.
- 3.12 Besides unloading and loading as described above, work within the site will take place only during normal working hours, broadly Monday-Friday 0700-1800 and occasionally Saturday 0700-1200 if required.

Proposed Physical Works

- 3.13 A series of physical works are required to facilitate the use of the land as described above, which are set out below.

Access and Boundary Wall

- 3.14 A section of the existing concrete/stone wall at the northwest corner of the site along St Peg Lane shall be removed to create a vehicular access into the site.
- 3.15 This is the reinstatement of the site's former point of access prior to demolition and erection of the boundary wall. The access utilises the existing dropped kerb of the former access and requires no works to the highway, footway or other infrastructure. See images showing the current wall and former access at Appendix 2 and 3.
- 3.16 The width of the access to be created is dictated by the space required to allow access to and egress from the site by oversized vehicle. A solid gate shall be provided to the back of the footway which is anticipated to comprise of a retractable sliding gate and a smaller swing gate for personnel access.
- 3.17 The Vehicle Tracking Overlay drawing (ref. 23001-MOS-SI-XX-DR-A-006_P03) demonstrates that this access arrangement is suitable to accommodate the largest oversized vehicle that will serve the site. This drawing also shows the movement of a standard 16.5m HGV.



- 3.18 An existing gated access to the site located opposite Brooke Street shall be closed by extension of the existing wall, which is anticipated to be undertaken by relocation of wall panels removed to create the access described above. The closure of this access is required for security purposes.

Security Fence and Airlock

- 3.19 Within the site a secondary security fence shall be installed parallel to the north and west boundaries, set approximately 2.0m behind the existing perimeter wall that shall be retained. At the south of the site, the new fence is set further into the site to exclude the pumping station infrastructure and preserve access to this.
- 3.20 The fence is proposed to be a steel palisade fence of 3.0m in height. For reference, the existing boundary wall to be retained is c.2.7m in height.
- 3.21 At the access to the site, the fence shall be arranged to create an 'airlock' with second gate. The siting of the fence and gate is dictated by the space required to accommodate the oversized vehicle.

Cabins

- 3.22 Prefabricated cabins shall be sited within the site to provide a security office and staff welfare facilities. These facilities will be connected to existing power and drainage infrastructure within the site.

Lighting

- 3.23 Flood lighting shall be installed at specific locations in the site to facilitate safe access and operation during hours of darkness. The lighting shall be used on a localised basis at times when required. Lighting will be positioned and specified to avoid or minimise light spill away from the site, particularly towards the River Spen.

Ground Surface

- 3.24 Localised repairs will be made to the existing ground surface where necessary to facilitate the use of the site as described.

Other

- 3.25 No works are proposed to the southeast boundary of the site adjacent to the River Spen and at the south forming a small area of grassland.



- 3.26 The site will continue to drain as existing. No works are proposed to the drainage infrastructure on site, save for jetting and inspection by an appointed maintenance contractor in accordance with the recommendation of the Flood Risk Assessment report.
- 3.27 Any waste materials generated at the site shall be collected and disposed by an appropriate commercial waste contractor employed by Wakefield Acoustics. Where possible, waste materials shall be recycled.

4.0 PLANNING HISTORY

- 4.1 The online register of planning applications held by Kirklees Council indicates the following planning applications (excluding discharge of conditions applications) to have been determined in relation to the subject site.

Reference	Description	Decision date	Decision
2017/91875	Prior notification for demolition of buildings.	03/07/2017	Granted
1999/92079	Tesco foodstore	2002	Refused

Table 1 - Planning History

- 4.2 Application reference 2017/91875 approved the demolition of the buildings which previously occupied the application site. The demolition was undertaken thereafter.
- 4.3 Details of the Tesco foodstore application (ref. 1999/92079) are not available online and appear not to be held in the Council's archive. Research indicates that the Council favourably considered a planning application in 2001 for a new Tesco foodstore on St Pegs Lane, but this was 'called-in' by the Secretary of State and following an inquiry was refused in 2002.
- 4.4 It is understood that the proposed site of the Tesco foodstore included the application site and adjacent land, including that since developed as the Howard Park Community School.
- 4.5 This application and called-in decision relating to a foodstore is considered to have no bearing on this application given the subsequent adjacent development that has taken place and the period of 20+ years that has since passed.

5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

The Development Plan

5.2 The development plan for the Kirklees district comprises the following documents:

- Local Plan Strategy and Policies 27 February 2019;
- Local Plan Allocations and Designations 27 February 2019; and
- Policies Map.

5.3 There is no Neighbourhood Plan in place for the location of the application site.

5.4 Given the nature of the application site and development proposed, the policies of the Minerals and Waste Plan are not considered to be relevant to the determination of this application and are not therefore discussed further.

Kirklees Local Plan 2019

Policies Map / Site Allocations

5.5 The application site (outlined in red) as shown on the Policies Map extract below:



Figure 1 - Local Plan Policies Map extract

5.6 The application site has the following designations:

- Priority Employment Area – PEA54 (St. Peg Lane, Cleckheaton) – 5.73 Ha;
- Strategic Green Infrastructure Network – Spen Valley Corridor;
- Biodiversity Opportunity Zone – Built-up Area and Flood Plains; and
- Mineral Safeguarding – Sand and Gravel with Sandstone and SCR.

Relevant Policies

5.7 The policies of the Local Plan considered to be most relevant to the proposed development and assessment of this planning application are as follows:

Policy LP1	Presumption in favour of sustainable development
Policy LP2	Place shaping
Policy LP3	Location of new development
Policy LP7	Efficient and effective use of land and buildings
Policy LP8	Safeguarding employment land and premises
Policy LP21	Highways and access
Policy LP22	Parking
Policy LP24	Design
Policy LP28	Drainage
Policy LP30	Biodiversity & geodiversity
Policy LP31	Strategic Green Infrastructure Network
Policy LP34	Conserving and enhancing the water environment
Policy LP53	Contaminated and unstable land

Table 2 - Relevant Local Plan Policies

Material Considerations

National Planning Policy Framework (2023)

5.8 Paragraph 85 states that *‘planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt’* and that *‘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’.

6.0 PLANNING ASSESSMENT

6.1 The proposed development is assessed against relevant planning policy and other material considerations below to assist decision taken in determining the application. The topics which are discussed within this section are as follows:

- Principle of Development
- Economic Benefit / Business Growth
- Highways and Access
- Amenity
- Drainage
- Biodiversity
- Ground Conditions

Principle of Development

- 6.2 Policy LP1 of the Kirklees Local Plan reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and seeks to secure development that improves the economic, social and environmental conditions in the area.
- 6.3 Policy LP2 encourages development proposals to build on strengths, opportunities and help address identified challenges within the particular sub-area of the district. Within the Batley and Spen area, *'good local employment opportunities'* are listed as a strength/opportunity for growth.
- 6.4 Policy LP7 encourages the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value.
- 6.5 The site is located within a Priority Employment Area (ref. PEA54 St. Peg Lane, Cleckheaton) where Policy LP8 part 1 indicates that proposals for development for employment generating uses will be supported where there is no conflict with the established employment uses in the area.
- 6.6 The proposed development shall bring a substantial part of a long-term vacant and inactive site back into economic use. Those parts of the wider site not proposed for use in this application remain available for use or development (subject to any planning application).



- 6.7 The use of the land in the manner proposed does not prejudice the long-term potential of the site for redevelopment by construction of buildings.
- 6.8 The use of the site as a yard for assembly operations undertaken externally is necessary given the size of the containers and lack of alternative available space at Wakefield Acoustics' Flush Mills site. The St Peg Lane site is sustainably located for the business operations proposed given its proximity to Flush Mills (Heckmondwike) and the primary road network. Furthermore, the applicant has found no alternative available sites in preferable locations.
- 6.9 Besides this, the site is sustainably located within the urban area and thereby readily accessible for access to employment. See also 'Highways and Access' below.
- 6.10 Accordingly, the proposed use and development of the site makes efficient and effective use of previously developed land and is in full conformity to Local Plan Policy LP7.
- 6.11 The proposed use of the site is for an employment use that conforms to the objectives of the wider designation of land as a Priority Employment Area and therefore conforms to Policy LP8. The proposed use also contributes to meeting the objectives of Policy LP2 including the strength/opportunity for growth for *'good local employment opportunities'* in the Cleckheaton area.
- 6.12 Overall, the principle of land use of the nature and location proposed is fully established and supported by planning policy.

Economic Benefit / Business Growth

- 6.13 The proposed development represents a significant investment by an existing business in its manufacturing capacity. This therefore creates economic growth through the acquisition and preparation of the site for use, and thereafter through the increased operational efficiency it provides for the business, thereby supporting ongoing viable operation and business growth.
- 6.14 The business commitment to this investment and the improvement/expansion of its manufacturing operations at the site are a material consideration in support of the proposed development in accordance with paragraph 85 of the NPPF.

Highways and Access

6.15 This section of the Statement is prepared by Mosodi (highways and sustainable travel consultant).

Existing Conditions

6.16 The existing site is located approximately 0.3km east of the centre of Cleckheaton and currently comprises of derelict land. The site location in relation to the local highway is shown in Figure 2 below:

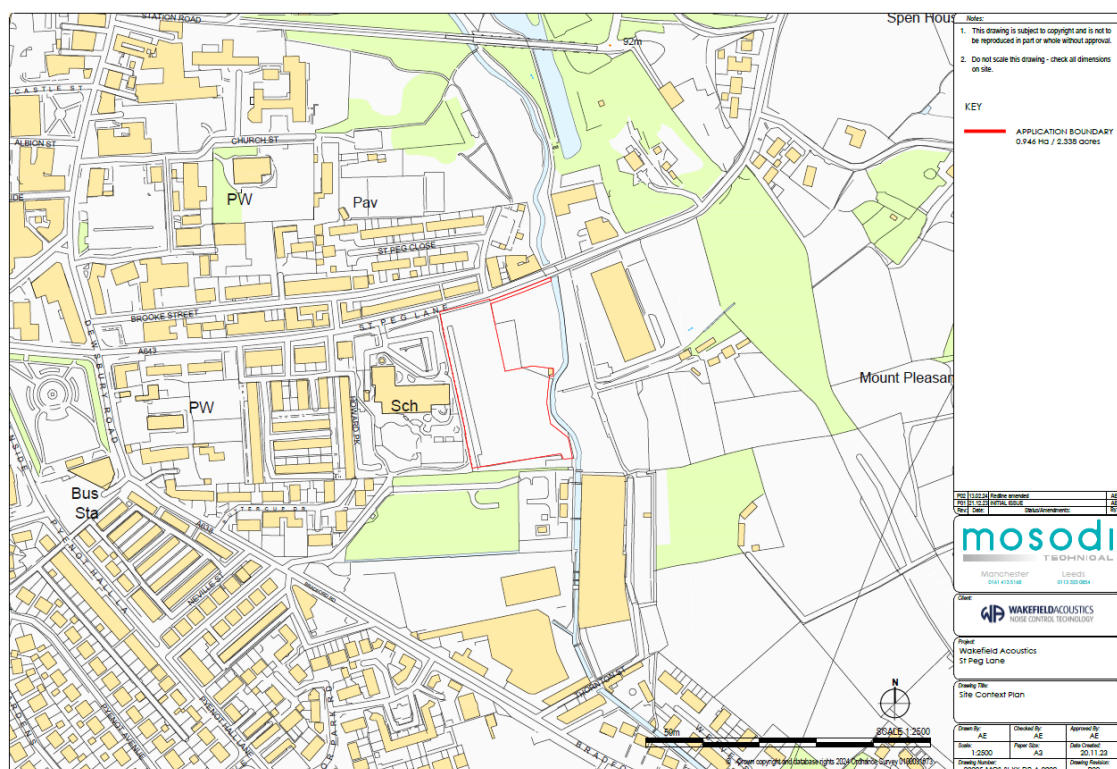


Figure 2 - Extract of Site Location Plan

6.17 The site is bound to the north by St Peg Lane, to the east by the River Spen, the south by derelict land and to the west by Howard Park Community School and related infrastructure.

6.18 Existing access into the site is provided off St Peg Lane (A643), a single carriageway which bounds the site to the north. The road is street lit along its entirety and subject to a 30mph speed limit.

6.19 Double yellow lines exist on both sides of the carriageway to prevent waiting and further restrictions are in place outside the school access located west of the proposed

development. These restrictions enforce no stopping on entrance markings Mon-Fri (08:30-09:30 and 14:30-16:00).

- 6.20 A controlled pedestrian crossing exists along St Peg Lane to the west of the site access. Footways of approximately 1.2m are situated on both flanks of the carriageway.

Existing Bus Services

- 6.21 The nearest bus stops are located along St Peg Lane directly outside the northern site boundary on either side of the carriageway. These buses provide frequent services to Leeds City Centre, Batley, Heckmondwike, Cleckheaton, Brighouse and Halifax Town Centre. An average of 6 buses run in each direction per hour along St Peg Lane.

Pedestrian Accessibility

- 6.22 The residential design guide “Manual for Streets” (MfS) advises that “walkable neighbourhoods are typically characterised by having a range of facilities within ten minutes (up to about 800m) walking distance of residential areas...” (ref para 4.4.1). However, this is not regarded as an upper limit in MfS and reference is also made to walking offering “the greatest potential to replace short car trips, particularly those under 2km”. The acceptability of walking trips up to 2km (an approximate 25 minute walk time) is also supported in the CIHT document ‘Providing for Journeys on Foot’.
- 6.23 Using GIS Network Analyst software typical walk times (up to 30 mins) from the proposed site centre to specific local facilities situated in close proximity to the proposed site are shown in Appendix 4. This figure demonstrates that:
- The residential areas of Cleckheaton, Rawfolds and Spen are within a 15 minutes walking distance;
 - Further residential areas including Littletown and Gomersal are located within a 30 minutes walking distance of the site;
 - Cleckheaton Town Centre is within a 10 minute walking distance; and
 - Three Supermarkets are within a 30 minute walking distance.
- 6.24 It is therefore concluded that the proposed Site is situated within a 30 minute walking distance of several local residential areas offering accessible employment opportunities and reducing the need to travel and own a private car.

Cycle Accessibility

6.25 An acceptable and comfortable distance for general cycling trips is considered to be up to 5 kilometres as referred to in Local Transport Note 2/08 (published by the Department for Transport (DfT)). However, the same guidance also refers to commuting cycle trips up to 8km. Using GIS Network Analyst software typical cycle times (with 20 mins approximating to just over a 5km distance) from the site are shown in Appendix 4. This figure shows that:

- The Site is located within a 5 minutes cycle ride to Cleckheaton Town Centre;
- The Site is located within a 30 minute cycle ride to Batley and Dewsbury Town Centre;
- Four rail stations are located within a 30 minute cycle of the Site (Low Moor, Brighouse, Dewsbury and Batley); and
- The Site is located within a 5 minute cycle ride to the National Cycle Route 66, providing access across Huddersfield, Halifax and Sowerby Bridge.

6.26 It is therefore concluded that the proposed site will provide cycle accessibility to a range of local services and residential areas within a 30 minute cycle time, including rail stations and town centres offering plentiful amenities.

Proposed Development

6.27 The proposed development comprises of storage and fit-out of acoustic containers with generator units and associated electrical equipment. .. The anticipated general arrangement of the site is shown on the Indicative Container Layout drawing ref. 23001-MOS-XX-DR-A-0007_P02.

6.28 Existing access into the site is situated along St Peg Lane, opposite Brooke Street. It is proposed that the site access is migrated westbound along this site boundary and the former access into the works is reinstated. The proposed reinstated access will retain the use of existing dropped kerbs.

6.29 There will not be any amendments to the pavement construction depth and therefore no reduction in cover of any services within the footway. The previous acceptable use of the site demonstrates that there is no requirement to increase cover protection of utilities within the footway.

- 6.30 Vehicle tracking has been undertaken and determines that the proposed access is suitable for the safe access and egress of HGV's and in particular the more onerous movement of a laden low loader without obstruction to the local highway network. Sufficient turning space for HGV's is also provided safely within the boundary of the Site enabling the vehicle to arrive and leave in a forward gear. Vehicle tracking is shown on the Vehicle Tracking Overlay drawing ref. 23005-MOS-SI-XX-DR-A-0006_P03.

Parking

- 6.31 Whilst marked car parking spaces are not proposed to be provided within the site, there is sufficient space to accommodate car parking spaces within the proposed operational area.
- 6.32 Cycle storage spaces can also be safely and efficiently accommodated within the proposals to encourage the uptake of active travel to and from work by site staff.

Vehicular Movements

- 6.33 The site is operational between the hours of 07:00 and 18:00 and it is proposed that standard HGV movements will occur only during these operational hours. However, oversized load movements are also expected outside of operational hours between 18:30 and 21:00 approximately i.e. outside of peak hours and the hours that school drop off/pick up will occur.
- 6.34 HGVs would be expected to route via the M62 motorway, joining at the Chain Bar Roundabout Junction 26. Vehicles will then route to the site via the A638 and St Peg Lane.
- 6.35 It is expected that the maximum number of oversized vehicle movements (i.e. low loaders transporting containers) is two in-bound and two out-bound per week with a further one standard lorry movement in-bound and out-bound for each container brought to the site (as this delivers the generator machinery).
- 6.36 It is considered that the associated HGV's can be appropriately accommodated within the Site boundary as the proposed site use reflects that of the previous site use as a works with similar vehicular movements.
- 6.37 Due to the proposed use of the site generating an immaterial number of vehicle movements, it is expected that the proposed site will not have a material impact on the

local highway network and that there are no highway or transportation grounds to refuse planning permission.

- 6.38 The proposal is in conformity with Local Plan Policy LP21 'Highways and Access' which states that all proposals shall be permitted where the residual cumulative impacts of the development are not severe. Furthermore, the policy also states that proposals shall ensure the safe and efficient flow of traffic within the development and the surrounding highway network. The information set out above demonstrates that the development will not have an adverse impact upon the surrounding highways network and consequently the proposal will not result in the local highways network being at over capacity.

Amenity

- 6.39 Although within a designated Priority Employment Area, the location of the application site and proposed facility is close to neighbouring residential dwellings and Howard Park Community School situated to the north and west of the application site respectively. Consideration has therefore been given to residential amenity and the relationship with the neighbouring school.
- 6.40 Local Plan Policy LP24 sets out a range of measures by which proposals should promote good design. Of relevance to this application, these include ensuring that (*inter alia*):
- (a) *the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;*
 - (b) *they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;*
 - (d) *high levels of sustainability, to a degree proportionate to the proposal.*
- 6.41 The arrangement of the assembly operations at the south part site both makes best use of the concrete ground surface and maximises the distance from residential properties to the north on St Peg Lane. The orientation of containers shall be inward facing to the site, thereby focusing activity to the central part of the site. This arrangement mitigates the risk of any operational activity (i.e. noise or lighting) impacting on residential amenity, notwithstanding that works shall take place during

daytime hours only, save for container deliveries during the early evening (see section 3).

- 6.42 Overall, the design of the proposed facility is optimised to meet the operational requirement and avoid impact upon residential amenity. The proposed development is considered to enhance the existing use of the site (i.e. vacant/derelict) in a manner compatible with the adjacent residential properties and school and therefore conforms to Local Plan LP24.

Drainage

- 6.43 Local Plan Policy LP28 states that it must be demonstrated that the surface water management solution is designed to meet requirements over the lifetime of the development and that there is the adequate water supply and wastewater infrastructure available to meet the demand generated by the development. Furthermore, paragraph 165 of the NPPF advocates that development should be made safe from the risk of flooding for its lifetime without increasing flood risk elsewhere.
- 6.44 The Flood Risk Assessment by Ashfields Solutions Group advises that the risk of fluvial flooding is considered to be low and that the risk of flooding from tidal, groundwater, reservoirs and artificial sources is low or negligible.
- 6.45 The report recommends that to protect the development against the residual risk from greater magnitude flood events, where possible the floor level or lowest point of flood vulnerability should be positioned a further 0.3m above the current construction levels.
- 6.46 This will be achieved by siting any cabins on elevated parts of the site or elevating these above ground level.
- 6.47 The report recommends regular inspection and maintenance of the site's drainage features and production of a Flood Management Plan (FMP) to detail the actions necessary before, during and following a potential flood event.
- 6.48 This report therefore demonstrates that the proposed development:
- Is suitable in the location proposed and will be adequately flood resistant and resilient;
 - Is unlikely to place additional persons at risk of flooding, and will offer a safe means of access; and

- Is unlikely to increase flood risk elsewhere as a result of the proposed development through the loss of floodplain storage, impedance of flood flows or increase in surface water runoff.

6.49 The Flood Risk Assessment has demonstrated that the proposed development can be considered to satisfy the requirements of Local Plan Policy LP28 and paragraph 165 of the NPPF.

Biodiversity

6.50 Local Plan Policy LP30 seeks to protect biodiversity. It requires development proposals to result in no significant loss or harm to biodiversity, provide net biodiversity gains where opportunities exist and safeguard the function and connectivity of habitat networks. Policy LP31 seeks to safeguard the Strategic Green Infrastructure Network.

6.51 An Ecological Impact Assessment of the site and prospective development has been undertaken by Estrada Ecology Ltd. This finds that the site comprises habitats of negligible suitability for any protected species and has negligible potential for use by breeding birds.

6.52 The site was found to lack significant floral diversity and is unlikely to support important assemblages of invertebrates. No protected or notable species were recorded within the site.

6.53 The River Spen besides the site features negligible riparian habitat and has negligible suitability for any riparian / aquatic mammals. The elevation difference between the site and the river makes use of the site by any amphibian species highly unlikely.

Mitigation Measures

6.54 As a precaution, the report recommends that a Construction Environmental Management Plan (CEMP) is used to mitigate the risk of potential impacts of pollution of the watercourse and aquatically linked receptors.

6.55 It also recommends that any external lighting is configured in a sensitive manner to avoid any light spill from the operational area towards the River Spen, as this offers foraging and commuting suitability for local bat populations which may be impacted by the proposed use of the site if not mitigated.



- 6.56 The red line boundary of the application site has been configured to exclude the small area of grassland at the south of the site where no works are proposed.

Biodiversity Assessment

- 6.57 The report also provides a biodiversity assessment which demonstrates that the site has baseline value of 0 (zero) area habitat units; no linear hedgerow or watercourse features units within the boundary.
- 6.58 Accordingly, the development shall have no impact upon biodiversity and is exempt from the requirement to achieve a 10% net gain in biodiversity.
- 6.59 In addition to this, the proposed use of the site is under a leasehold arrangement for a finite period. The applicant would not therefore be able to uphold any reasonable biodiversity obligations associated with enhancement of the site. The proposed use of land maintains the site as a future development site, which as part of any future proposal may be anticipated include habitat creation and biodiversity enhancement.
- 6.60 The proposed development conforms to Local Plan Policy LP30 as it results in no loss or harm to biodiversity and safeguards the function and connectivity of habitat network at the River Spen.
- 6.61 The development shall have no impact on the existing network of green infrastructure in the surrounding area, in particular the Spen Valley Corridor, and thereby conforms to Local Plan Policy LP31.
- 6.62 The development also conforms to Local Plan Policy LP34 as it results in no harm and is able to conserve the water environment of the River Spen.

Ground Conditions

- 6.63 In accordance with Local Plan Policy LP53 an appropriate contamination assessment has been undertaken and is submitted with this application.
- 6.64 The Phase 1 Environmental Due Diligence Report (ref. 23.465 rev.1) by Jones Hargreaves identifies that there is some risk of contamination and ground gases at the site given its former use and physical form. However, it concludes that for the nature of the use proposed (i.e. assembly and storage of containers; external working; siting



of cabins; without construction of buildings or undertaking excavations) the site is low risk and suitable for the use.

7.0 SUMMARY AND CONCLUSIONS

- 7.1 Wakefield Acoustics is seeking full planning permission for the use of land for storage and fit-out of acoustic containers with generator units and associated electrical equipment at St. Peg Lane in Cleckheaton.
- 7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.3 This statement has demonstrated that the proposed scheme would comply fully with relevant policies in the adopted Local Plan and the NPPF.
- 7.4 The Principle of Development is acceptable in accordance with Kirklees Local Plan Policies LP1, LP2, LP3. The proposal makes efficient and effective use of land, and safeguards and utilises employment land in accordance with Policies LP7 and LP8 respectively.
- 7.5 The site is highly accessible and sustainably located. The proposed access arrangements ensure that vehicle movements are safe. Sufficient parking and turning space is provided on site, whilst traffic generation shall be extremely low and will have no material effect on the highway network. The development accords with Policies LP21 and LP22.
- 7.6 In accordance with Local Plan Policy LP24, the proposal shall not adversely alter the visual appearance or character of the area and will not introduce any issues which would affect the amenity of the neighbouring occupiers.
- 7.7 The use of the site is demonstrated to be acceptable in terms of flood risk and drainage in accordance with Local Plan Policy LP28, and is able to conserve the water environment of the River Spen in accordance with Policy LP34.
- 7.8 As the proposed development results in no loss or harm to biodiversity and safeguards the function and connectivity of habitat network at the River Spen it conforms to Local Plan Policy LP30; and as the development shall have no impact on the green infrastructure network in the surrounding it conforms to Local Plan Policy LP31.
- 7.9 The site is demonstrated to be suitable for the proposed use in respect of ground conditions in accordance with Local Plan Policy LP53.



- 7.10 The economic growth and productivity that the development generates is a significant material consideration in favour of the application. Overall, this application constitutes sustainable development by supporting economic growth and socio-economic benefit without harm to environmental matters.
- 7.11 In accordance with the guidance contained in paragraph 11(c) of the NPPF, planning permission should therefore be granted.



Appendix 1 – Aerial Photograph



Google aerial photograph (July 2021)



Appendix 2 – Site Photographs



Figure 3 - Concrete ground surface with proposed access location in background



Figure 4 - Concrete ground surface with raised section and main operational area in background



Figure 5 - Location of proposed access (reinstatement)



Figure 6 - Location of proposed access (reinstatement)



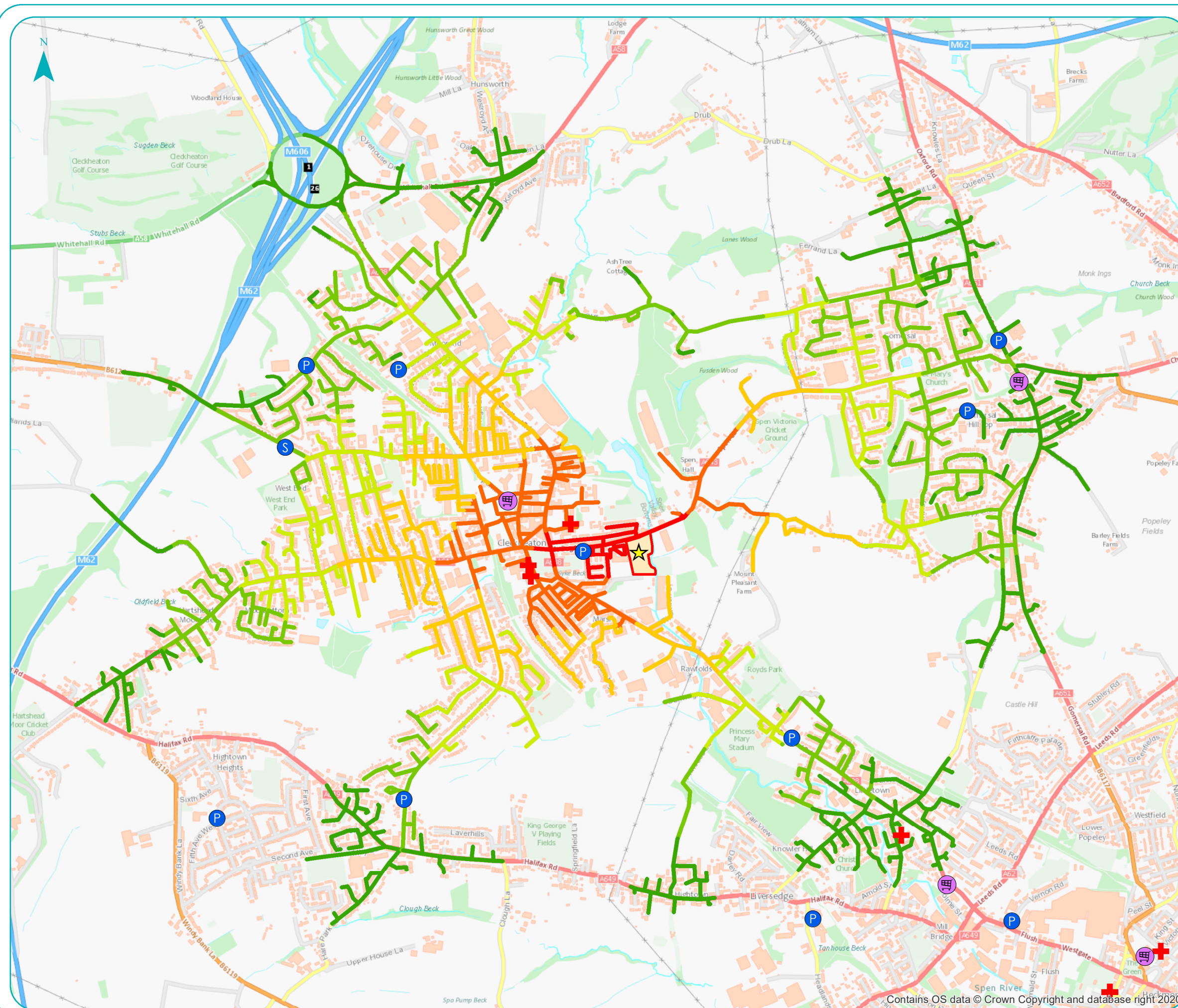
Appendix 3 – Former Access Location (Streetview Image)



Figure 7 - Google Streetview image (October 2009) showing the vehicular access to the works at the northwest corner of the site



Appendix 4 – Accessibility Diagram



Key

- ★ Site Location
- Indicative Site Boundary
- 🛒 Supermarkets
- ⛑ GP

Schools

- N Nursery
- P Primary
- S Secondary
- C College

Pedestrian Accessibility (4.8kph)

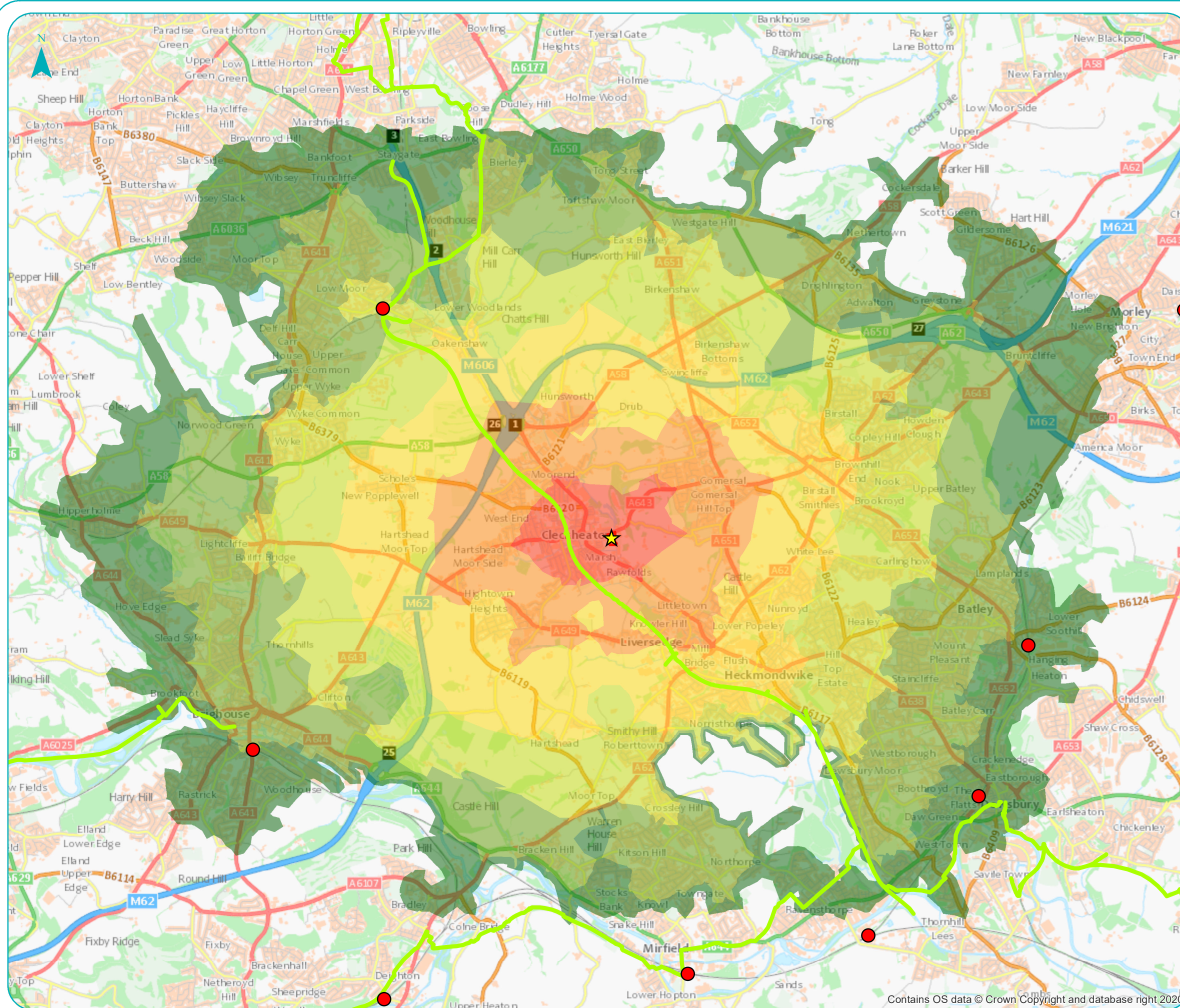
- 0-5 minutes
- 5-10 minutes
- 10-15 minutes
- 15-20 minutes
- 20-25 minutes
- 25-30 minutes

St Peg Lane, Cleckheaton
Employment Site
Pedestrian Accessibility

Figure 2

Scale @ A3 1:15,000

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Key

- ★ Site Location
- Indicative Site Boundary
- Railway Stations
- NCN Routes

Cycle Accessibility (16kph)

- 0-5 minutes
- 5-10 minutes
- 10-15 minutes
- 15-20 minutes
- 20-25 minutes
- 25-30 minutes

St Peg Lane, Cleeveheaton
Employment Site
Cycle Accessibility

Figure 3

Scale @ A3 1:50,000

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