

Enquiries to: Kate Mansell

Tel: 01484 221000 x72130
Fax: 01484 221613
Email: kate.mansell@kirklees.gov.ukSally Miles
First Plan
Broadwall House
21 Broadwall
LONDON
SE2 9PL
Sent via emailDavid Shepherd
Strategic Director
Growth and RegenerationDate: 16th December 2021
Our Ref: 2021/92603

Dear Sally,

Re: Planning application 2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access on land west of M62, south of, Whitehall Road, Cleckheaton, BD19 6PL.

Further to the above planning application, firstly, my sincere apologies for the delay in providing you with this formal response. I am aware that your team have been working through the matters raised as part of the statutory consultation exercise but nonetheless, I consider it appropriate to provide a written response to the scheme as originally submitted.

In very brief summary, the proposal would deliver a warehouse within Use Class B8 (with ancillary office space) with a footprint of approximately 64,521m². It would have a Gross Internal Area (GIA) of approximately 265,706m² across ground plus three levels of mezzanine floor (23m to main parapet). The development would be expected to generate in the region of 1,500 direct jobs.

Two points of vehicular access into the site are proposed, as follows:

- HGV access would be taken from the north via the A58 Whitehall Road. This would be the sole point of entry/egress for HGVs, and they would not be permitted to utilise the southern entrance;
- Car, motorcycle and cycle access would be achieved via a separate entrance from the south of the site, off Whitechapel Road.

Pedestrian and cycle facilities would be provided via both access points. In addition, a combined cycle/footway would be secured on the western side of the site, providing a north/south link. This cycle/footway would also give access onto the diverted Spenn Valley Heritage Trail route.

It would be a 24-hour operation and the proposed shift patterns for the intended occupier would result in workers leaving the site between 0500-0600, arriving at the site between 0700-0800 and a full shift changeover between 1800-1900.

Principle of development

Except for a small piece of unallocated land to the rear of 294-298 Whitechapel Road, the application site falls within employment allocation ES6 in the Kirklees Local Plan (KLP) identified 'land to the north and west of The Royds, Whitechapel Road, Cleckheaton'.

Policy LP64 confirms that planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map.

The site allocation gives a gross site area of 23.53ha with a net site area of 10.68ha. The following qualification is given:

'High pressure gas pipeline and buffer removed from developable area'.

The site is allocated for employment use with an indicative employment floorspace capacity of 37,380m². The allocation box identifies a list of fifteen constraints and a portfolio of specialist reports required for any subsequent application.

In this case, the proposal under consideration would deliver a net site area that is significantly larger than that prescribed in the site allocation box and a net additional gross internal floorspace of approximately 265,706m², which is also much greater than the indicative capacity identified in the Local Plan.

In considering whether the scale of development across the site would be acceptable in principle, I have reviewed the Local Plan Inspector's Report on the Examination of the Kirklees Publication Draft Local Plan (dated 30th January 2019). This document is, in effect, the 'final word' on the allocations prior to the adoption of the Plan.

The site is dealt with at Paragraphs 250-254 of the Inspectors Report with reference to Batley and Spen Green Belt sites. For completeness, I have reproduced the text in full and highlighted in bold the sections that I consider to be most relevant:

250. *E1831, Whitechapel Road, Cleckheaton – The site lies in the M62 corridor and development of a **major employment site** in this **strategic location** would help to meet the identified needs of manufacturing businesses and generate new jobs.*
251. *The site forms part of a strategic Green Belt gap between Scholes and Cleckheaton. However, although development would reduce this gap, a physical divide would remain to the west of the site. A **landscaped buffer** in the southern section of the site could **help to provide mitigation and soften the***

edge of the development in this vicinity. The gap between settlements in Kirklees and Bradford would also decrease, but the remaining gap would be significant. Development would, by virtue of its extent, be visible and alter the open agricultural character of the site. However, the site is bounded by existing roads on three sides, including the M62 motorway to the east and the A58 to the north, which provide it with containment and limit its relationship with the open countryside. The sloping topography of the site curtails views of the open countryside beyond the site, as seen from the M62 and A58.

252. Highways England has confirmed that, notwithstanding postponement of the RIS scheme at junction 26 on the M62, the proposal is not considered to have potential to significantly impact on the SRN, based on a predominant B2/B8 mix of uses. Policy PLP 4 can be used to seek contributions towards mitigation measures linked to cumulative impacts, and relating to the local highway network. Air quality in the local area may be affected by the development, but this could be dealt with through appropriate mitigation measures at the planning application stage.
253. Overall, I consider that the proposal could be accommodated without harming the overall role and function of the Green Belt in this area. There are no identified fundamental constraints that would prevent development, and **the policy refers to mitigation measures and detailed assessment as part of the planning application stage.** The site would help to meet identified employment requirements. I therefore conclude that exceptional circumstances exist to justify removal of the site from the Green Belt.
254. **The net developable area of the site and indicative capacity should be reduced in order to allow for provision of the landscaped buffer, and to take account of a gas pipeline** across the site (SD2-MM13, SD2-MM14). The location of the landscaped buffer also needs to be clarified for reasons of effectiveness (SD2-MM15). The gross site area should be slightly adjusted to correct an error (SD2-MM12). The scale of the allocation necessitates the preparation of a Masterplan, and in order to be effective this should be referenced in the policy (SD2-MM15). **The masterplanning process will provide an opportunity to finalise the precise position of the landscape buffer and developable area, and any adjustments which are necessary to the site boundary in the south-eastern corner adjoining land not within the Green Belt.** Subject to the aforementioned modifications the proposal is soundly based.

In my view, it is clear from her report that the allocation is for a 'major' employment site in a 'strategic' location. Furthermore, the Inspector confirms that she considers the masterplanning process to be the appropriate mechanism to finalise the developable area and thus, the quantum of development. This could only be done through a subsequent planning application.

The Inspector's Report also clarifies that by mitigation, and specifically by way of a landscape buffer, this site can be a major employment site which does not offend national Green Belt policy such that exceptional circumstances were demonstrated to release it from the Green Belt only insofar that Green Belt function could be maintained.

Therefore, in my view, the principle of developing the site for a major employment use within Use Class B8 to the extent proposed would be acceptable in principle subject to the matter of the gas pipeline being addressed and if it protected Green Belt function through landscape mitigation, including the buffer. It (along with the unallocated piece of land) would also be subject to an assessment against all other relevant policies within the Local Plan and relevant National Guidance, including a full appraisal of the impact of the proposal on the living conditions of nearby occupiers.

I am mindful that Northern Gas Networks have presently raised an objection to the proposal. I appreciate that as agents, you are engaging with NGN on this matter, and we will have to await the outcome of that process to determine whether the offset from the gas pipeline is sufficient to satisfy NGN.

Turning to the landscaped buffer in the southern section of the site, this is necessary to protect Green Belt function as set out in the Inspector's Report but also, it would help to ensure an appropriate relationship to the residential properties to the south. In this regard, I would like some additional information (as we have previously discussed) before I can make a full assessment on the appropriateness of the landscape buffer:

- The visualisations per view identify (i) the baseline view, (ii) Year 1 and (iii) Year 15 view. I would also like to see visualisations for Year 5 and Year 10 to understand the more immediate and mid-term impact of the proposal.
- I would like additional viewpoints taken from the Whitechapel Road direction from the perspective of the residential properties on this street. I would like to understand what a resident would see at the entrance of the site or from a property across the road.
- The building is prominent from several views due to the elevated level of the site to the surroundings. Was any consideration given to a more extensive cut and fill exercise to lower the floor level? If it was considered and discounted for sustainability reasons (limiting traffic movements off-site for example) could you please clarify?

The visual appearance of the building/site is also picked up in the design section below.

For clarity, I consider the masterplan for this site to constitute a suite of documents rather than a single plan, including the landscape visualisations, layout and elevation plans. I am mindful that Policy LP5 of the KLP refers to Masterplans and whilst the examples where a masterplan would normally be required are not applicable to this proposal, being a single building for a single occupier, aspects of LP5 will remain pertinent to the consideration of this application in due course.

Highways

Policy LP20 of the Kirklees Local Plan confirms that new development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking. It confirms that proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working and also, that travel plans will be required for all major applications.

Policy LP21 of the KLP relates to highways and access and confirms, amongst other matters that new development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe. Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network. In addition, the National Planning Policy Framework (the Framework) provides specific guidance on when applications should be refused on highway grounds – only when it would have an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The Council's initial highway comments on this proposal were prepared towards the end of August 2021 by one of the Council's Highways Development Management Officers, who has since left the authority to take up another role. Subsequently, as you know, the Transport Assessment was reviewed again by Highways Development Management (HDM). Taken together, based upon the current submission Officers have a number of concerns that require further clarification/information before an assessment of the impact of the proposal on highway safety and the local highway network can be completed. You will also be aware that the local residents' group, Save Our Spen, have submitted a review of the application from a highway safety and transportation perspective (prepared by DTPC), which we have also considered in preparing our comments as relevant.

I am mindful that you are already working through many of these issues having reviewed the consultation responses online, but they are summarised again below for completeness. The following additional assessments/information are necessary in order for the Council to undertake a meaningful assessment of the proposal having regard to the above national and local planning policies:

- Two methods of estimating vehicle trip generation have been undertaken, one using TRICS data (B8 – Commercial Warehousing contained in TA Appendix L) and another using a first principles approach using 'forecasted' trip rates based on end user estimates (See Table 5.2 of TA). However, as the end user has not been identified, it is not possible to verify the assumptions that have been made for the end user 'forecast' trips. Notwithstanding this, the assumptions for the end user trips are

not considered to be robust, as they assume that all light vehicle traffic described as 'car' trips) would enter and exit the site at shift change periods. This is overly simplistic, as there are likely to be many other trips generated outside of these periods e.g., non-warehouse staff (office, maintenance, cleaning, catering etc.) trips, as well as visitor and other business-related trips.

- The 'forecasted' HGV trips are also not considered to be robust, being less than half of those estimated using the TRICS data over the full day (550 'forecast' daily HGV trips, compared to 1,288 based on TRICS data at table 5.5). It is also noted that the assumption that all light vehicle trips would occur outside of network peak periods would only be the case with the shift times currently suggested. However, these shift times could change at any time, potentially resulting in significant impact during network peak periods. In conclusion, the 'forecast' end user trip estimates are not acceptable for assessing off-site traffic impact. That said, they may have some merit as a sensitively test of the site access capacity at shift change periods only.
- As confirmed by Highways England (National Highways) and Kirklees Council during pre-application discussions, the preferred method of estimating trip generation would be using empirical data surveyed from a similar type and scale of development, which would ideally be taken from an existing site(s) operated by the proposed end user. However, this has not been done. As such, HDM would reiterate that this is considered to be the most robust and preferred approach. Should it be decided to continue to rely on TRICS data alone, then a robust TRICS assessment needs to be undertaken. From a review of the TRICS data contained in the Transport Assessment, several issues have been identified, which are as follows:
 - A. Paragraph 5.15 outlines the search parameters used in the TRICS search. However, these do not match the parameters identified in the output report contained in Appendix L (e.g. they are not people trip rates, the date range is incorrect, and a minimum GFA value has been set that has not been identified/justified). It is requested that the TRICS parameters used are correctly identified and justified where necessary. It is noted that the parameters used have resulted in only 3 surveys being available (1 site survey from 2002 has been manually removed due to age, without justification), which is less than ideal and does not provide for a particularly robust assessment.
 - B. The 'Vehicle' trip rates in Table 5.4 do not match the rates in the TRICS output report. For example, the two-way daily trip rate is shown as 1.718 in the table but is 1.689 in the TRICS output. It is noted that the rates do appear to match those contained in the pre-app scoping note, but it is unclear how these were derived and HDM were unable to replicate them.
 - C. The HGV trip rates in Table 5.4 appear to correlate with the TRICS output data, although it is difficult to check as they are only shown to 2 decimal places in the table, instead of the customary 3 places (as is shown for the total vehicle trip rates). However, there appear to be errors in the derived HGV trip

estimates in Table 5.5, with the only correct flows being the daily HGV flows (and there is still slight rounding error in these flows).

- The trip rate section of the TA then goes on to use the vehicle trip rates, to derive total person trips and modal split at Table 5.6. It is considered that this approach is partially flawed in its methodology. The ‘Total Vehicles’ category in TRICS includes all vehicles (including OGV’s) except for bicycles. However, the TA assumes that the ‘Total Vehicles’ are just staff cars/vans and applies this to a travel to work MSOA data, which is incorrect. However, as it does not appear that this data is used for any other purpose than to estimate non-car based staff trips, this approach may not significantly affect the findings of the TA (it is likely to slightly over-estimate non-car staff trips). It is recommended that once an agreed Trip Rate has been established, this table is corrected.
- Tables 5.7 of the TA includes a comparison between the ‘forecast’ occupier trips compared to the TRICS data. As the ‘forecast’ occupier trips are not acceptable, it is requested that this table is removed from any updated submission information.
- Table 5.8 and Table 5.9 of the TA compare the two proposed trip estimates to earlier Local Plan trip estimates. It is considered that this information has little relevance and makes the assessment confusing. Therefore, it is requested that this is removed from any updated submission information.
- No development traffic figures appear to be included in either the TA or Addendum to show development traffic flows assigned to the highway network. Therefore, it was not possible to check whether traffic has been assigned correctly. These must be provided.
- Due to the issues identified above relating to the TRICS data and to assist with discussions, HDM have interrogated the TRICS database using the same search parameters that appear to have been used in the TRICS outputs at Appendix L of the TA (based on 3 no. B8 sites above 50K GFA, with the older site manually removed). These trip rates and associated trip generations are shown in the tables below (Light vehicles have been derived by subtracting OGV’s trips from the Total Vehicle trips). HDM considers that the older (2002) site survey site should not have been removed from the search selection in view of the limited number of site surveys available, to ensure that a robust assessment is undertaken. Therefore, the following tables also show the alternative trip rates and associated traffic generations based on 4 no. B8 sites above 50K GFA (from year 2000 onwards).
- As can be seen from the above, the trip rates derived from the KC TRICS search that includes 4 sites above 50,000sq.m GFA provide slightly higher trip rates and are considered to provide a more robust basis for assessment. This is particularly the case for OGV (e.g. HGV’s) trips, which appeared to be very low in the TA TRICS data (e.g. only 37 HGV trips in PM network peak period). Therefore, it is recommended

that either these new TRICS trip rates are used, or a user specific trip rate is derived from empirical data sources. It is noted that if the new TRICS data is utilised, the applicant should undertake their own checking of this data to ensure its accuracy, as it is provided for guidance purposes only.

Traffic Distribution

It is stated in the Transport Assessment that traffic distribution has been based on method of travel to work census data. This approach is considered acceptable and was agreed at the pre-application stage. However, the TA does not include any information to determine how this traffic distribution has been calculated or how route assumptions have been made. The only information that is provided is shown on Figure M1 in Appendix M of the TA. Further detail is therefore required before this can be agreed.

Notwithstanding the above, some routing information was provided at the pre-application stage. However, the pre-app information does not match the staff traffic distribution shown on Figure M1. The following points of concern relating to the staff traffic distribution require a response:

- The same site access usage / route choice does not match for inbound and outbound trips. Whilst this could be logical in certain circumstances, no justification or rationale is provided. As an example, 46% of staff traffic is assumed to enter the north site access from Chain Bar. However, only 17% of traffic exits the same way.
- The distribution assumes that a significant proportion of staff traffic that uses the M62 will travel through Cleckheaton to use the southern site access. This would be illogical, as it would be far easier/quicker for this traffic to use the northern site access. Again the inbound/outbound splits are imbalanced for no apparent reason.
- 19% of outbound traffic has been assumed to exit the southern access and head towards the Whitecliffe Road (Scott Lane) B6120/A638 Bradford Road junction, before then heading north back towards Chain Bar. This would be a significant detour for no apparent reason. Clearly, this traffic would instead choose to use the northern access to head towards Chain Bar instead.
- The distribution assumes only 1% of inbound trips (0% outbound) would use Bradford Road (from Low Moor) to access the site. This seems low given that this is likely to be the preferred route for traffic from the southwest of Bradford.
- It is requested that the traffic distribution is reviewed and amended. Any revised distribution needs to be provided with sufficient information to enable route choice to be thoroughly audited (ideally in excel format).
- It is noted that the final traffic distribution will be dependent on whether a southern site access is deemed acceptable. However, if it is determined that a southern site

access is to be pursued, it is expected that this access would only be used by staff traffic arriving/departing to the south. It is considered that any traffic to/from the M62 would use the northern site access. Similarly, all traffic entering from the A58 and Calderdale to the west is also likely to use the northern site access.

Traffic Growth and Committed Development

Traffic growth has been calculated using TEMPro data, using an 'alternative assumptions' approach (e.g., removing any additional housing/employment growth). This is acceptable in principle. However, HDM have been unable to recreate the growth rates that have been identified. Therefore, further details of the parameters used should be provided. It is noted that the growth rates produced by HDM are within 1% of the growth rates identified in the TA, so may not have a significant effect on the TA findings.

At the pre-application stage, National Highways recommended that the applicant should consult with neighbouring authorities, such as Bradford and Calderdale, to determine if there are any other committed development sites that should be incorporated in the assessment. There is no evidence of this in the TA and we would ask that this is clarified? It is noted that there have been several objections suggesting that there is significant planned development in the Calderdale area that may impact on the assessments, particularly at the A58/B6379 signalised junction. Therefore, a more robust assessment of traffic growth at this junction may be necessary.

Junction Modelling

At this stage, until the traffic generation / distribution issues have been resolved, and the access strategy for the site is agreed in principle, HDM have not undertaken a detailed review of the traffic modelling. However, from an initial review, it is noted that the information is presented in a manner that is very difficult to interrogate. Therefore, when updated modelling is provided, the following is requested:

- Each junction is considered separately, rather than the results for multiple junctions compiled into composite tables;
- Full capacity, queue data etc. should be provided for all junction links rather than just selective information;
- The capacity assessment should focus on agreed cumulative peak hour periods (e.g. combined network / development peaks). Evidence for how the cumulative peak has been derived should also be provided. This approach is for all off-site junctions, except for the site accesses that would also need to include an additional 'sensitivity test' to ensure that the 'forecast' shift change traffic can be accommodated without creating significant queuing/delay issues.

- The off-site junction assessments only need to consider the base (2023/2031, including growth & committed development traffic) and a single 'with development' scenario. Additional scenarios looking at local plan traffic etc. are not required, as these have no bearing on the detailed capacity assessments.

Whilst HDM have not reviewed the traffic modelling in detail yet, a review of the site access PICADY modelling has identified the following issues:

- Direct flow profile has been used. This is not acceptable and a 'one hour' flow profile should be used for all network peak period assessments.
- For sensitivity testing of the site accesses at shift change periods a direct flow profile assessment would be appropriate. However, the current assessment assumes that development traffic would be split evenly across all 15-minute time segments. This is unrealistic, as most traffic at the shift changes is likely to be close (e.g. within 15-30min.) to the shift change period.
- For the northern site access the junction has been set for no right turn blocking on the major road. This is incorrect as the right turn lane is not infinitely long.
- For the northern site access junction minor arm, 5m/4m infinitely long lanes have been set. This is incorrect. The two-lane section measures at c7.6m in total and then tapers back to a single lane.
- Visibility on the minor arms appears excessive at both site access junctions. It is noted that for PICADY measurement purposes, this should be measured at a 10m setback.
- To allow for future checking of input geometry, please provide annotated plans of all junction geometry.

HDM have also asked that the following be clarified:

- Traffic counts – further clarification / justification is required to confirm that the 2020 resurvey data is representative. Why was the 2019 survey at J1 not used?
- Further information is required regarding the site access strategy e.g. number/type of accesses? Any A58 access would have to fully comply with DMRB and LTN 1/20 – DMRB design check, Independent Stage 1 RSA, vertical design and swept path analysis required.
- Further accident analysis is required and mitigation to be considered, especially near local schools.

- Clarification is sought regarding the status of the cycle/footway on the west side of the main access road. Improvements to this link are sought to be LTN 1/20 & SUSTRANS compliant (to include consideration of a segregated cycleway).
- Could you confirm clearly in a revised TA that the development is not going to include 'last mile' deliveries to customers. We would ask that an Operational Management Plan is prepared that includes a restriction on customer deliveries, alongside staff shift pattern controls.
- Could you provide information about increased staffing levels at Christmas. Site access sensitivity testing is requested using the peak staff numbers.

Finally, the following internal layout issues are highlighted:

- There are various comments identified in the previous HDM comments that still need to be addressed (e.g. visibility, cross-sections, centre-line radii, gradients, speed restraint on main access road etc.);
- The visibility at the internal junctions and bends needs to be confirmed, but they appear substandard in some locations;
- Loading dock provision. Further clarification is required (including light van bays). This has been discussed extensively and we require a clear and definitive plan;
- Bus stop improvements and new shuttle buses needs further clarification, together with all Travel Plan initiatives. How would the shuttle bus work?
- Construction Environment Management Plan issues – parking/shuttle bus, access strategy etc.;
- A Delivery and Servicing Management Plan would be required to include details such as the routing of construction traffic. This matter could be secured by condition should the application be approved but it would be useful to understand the plan at this stage.
- It would be helpful to have headline details of a Car Park Management Plan and an Operational Management Plan (OMP).

Access Points

As you know, in the original response from HDM it is stated that consideration be given to removing the Whitechapel Road access point from the proposal. However, I do appreciate that a single point of access onto Whitehall Road could have significant implications (Bradford Council have made comment on this point) and I note that an access onto Whitechapel Road is not precluded by the site allocation.

However, I am unable to determine clearly from the TA the extent of traffic generation using the Whitechapel Road access. I would like to see that provided over a 24-hour period. Notwithstanding the highway concerns, I do have concerns about the impact of extensive traffic movements (if they are) on the living conditions of adjoining occupiers given that this would be a 24-hour operation. Whilst some level of activity via a secondary point of access onto Whitechapel Road *may* be acceptable subject to an assessment of the additional highway information requested above, it is likely that it would need to be reasonably restrictive. On receipt of the traffic generation data, I will give this matter further consideration.

Finally, the Council need to understand the impacts of construction and how the site would be constructed should the application be approved. Are you able to provide a phasing strategy/plan setting out how that would be achieved? It would be helpful if this included a construction phase plan for flood risk and pollution.

Finally, I am conscious that you are also reviewing the consultation response from National Highways, and the additional information/clarification required.

I anticipate that the above will require the submission of a revised Transport Assessment, which will need to be assessed and considered and at that point, the Council will come to a view on the highway impact of the proposal in terms of whether a safe and suitable access to the site can be achieved for all people and its cumulative impact. Any changes also need to be considered in the context of the submitted Environmental Statement and whether an addendum would also be required to that document.

Environmental Health

One of the key considerations in the assessment of this application is the impact of the proposal on the living conditions of adjoining residential occupiers and non-residential premises.

In this regard, Policy LP51 of the KLP confirms, amongst other matters, that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. Policy LP52 relates specifically to the protection and improvement of environmental quality. It includes guidance that 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.

As you know, the Council's Environmental Health Team responded to the application on 27th October 2021. I appreciate that you are currently reviewing the contents of their response and I will await your reply on this matter. I would anticipate, however, that both the Noise Impact Assessment and Air Quality Impact Assessment will need to be reviewed and resubmitted considering the wider matters raised within this letter, particularly in relation to highways above. Therefore, I do not intend to respond further on these matters at this time and the Council will need to consider any revised assessments before coming to a definitive view on the impact of the proposal regarding these matters.

Design

Policy LP24 of the KLP confirms that proposals should promote good design by ensuring 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.

I appreciate that the scale of development is a response to market requirements for warehouse and processing. I also recognise that the format of the building, in terms of its broadly rectangular form would allow for maximum use of the full warehouse floor. The extrusions to this form would include a single storey element on the west elevation of the warehouse to accommodate an ancillary office. The orientation the building itself is dictated principally by the restrictions of the site and the size and width of the warehouse requirement.

Architecturally, it would be a metal clad steel frame construction. It would have a contemporary but functional appearance using a tonal approach to the cladding from dark grey at ground level to light grey at the parapet to 'blend' against the sky. In principle I have no fundamental objection to this elevation treatment and my current concern relates mainly to the landscaped setting in which the building would be sited in terms of the quality and extent of the landscaping and the proposed buffer. This relates back to the requirement to protect Green Belt function through landscape mitigation and the buffer and on the current submission, I have several concerns in this regard.

Looking at tree loss across the site, in the first instance, the Council's Tree Officer has queried whether it would be necessary to lose the two groups of TPO trees in the south east corner of the site against the boundary. It is in a location that is shown on the landscape proposal as to be planted up with native woodland mix and the protected trees do not appear to be directly in the way of any of the proposed structures or hard surfaces. Can these two protected groups be retained and incorporated into the new woodland planting scheme to retain the value and biodiversity contribution that they currently provide?

Bearing in mind the significance of the masterplan and landscape buffer outlined at the start of this letter, looking at the visualisations that have been submitted with this application, the development would appear prominent from main viewpoints and in particular, it would be very stark at Year 1. Whilst further visualisations are awaited, I consider that a more

comprehensive planting scheme and earthwork bunding would be appropriate around the building from Year 1 to provide more immediate screening of the development.

In terms of planting, I appreciate that whips can lead to more successful establishment of trees in due course. However, I would suggest that the proposal should include some more mature aspects to the planting scheme to provide a degree of mitigation in the short-term.

With specific regard to photo viewpoint 2, is there an alternative to the lighting columns in this location? They would be very prominent from the PROW and result in a more urban edge to the PROW.

I am also concerned about the relationship to the cemetery. Can more be done to screen the building from this perspective?

Response to Climate Change

As you know, the Council declared a climate change emergency in 2019. The Framework also confirms that mitigating and adapting to climate change, including moving to a low carbon economy is an identified part of environmental objective that contributes to achieving sustainable development.

Consequently, the proposal should respond much more convincingly to the climate change emergency. I appreciate that it has had regard to the Energy Hierarchy and reducing energy demand in the first instance, which is appropriate. Nevertheless, I do not consider it acceptable for a building of this scale to make no provision for renewable energy generation or low or zero carbon technologies. Consideration should therefore be given to the potential for maximising renewable generation for the facility (solar PV particularly) or low or zero carbon technologies.

Depending on your response to the above, I would like to see the introduction of a Green Roof (all or part of the roof) and a green wall on at least a significant part of the elevation. This would assist with screening the building in long views and adding to bio-diversity enhancement (considered further below).

At pre-application stage, Officers also highlighted the following:

- Green roofing and walls where appropriate to increase biodiversity and improve insulation;
- Peripheral landscaping enhancement to maximise biodiversity value
- Consideration of workforce commuting and maximisation of low emissions transport through public transport provision/subsidisation; maximisation of staff EV charging provision and maximisation of staff active travel opportunities (maximising the opportunity of the Spen Valley greenway at the northern end of the site.
- Some appreciation of the fact that HGV traffic would need to transition away from fossil fuels to something else, most likely towards hydrogen/hydrogen hybrid – for

example, a roadmap as evidence of the applicant's commitment to responding to the Climate Change Emergency.

It would be helpful if these points could also be considered/addressed?

Biodiversity

I am aware that you have seen the consultation response from the Council's Ecologist. Nonetheless, it will require a formal response through a revised submission:

Based on the conclusions of the breeding bird survey, the proposals are not considered to alter the conservation status of farmland birds due to low usage over the spring/summer period and a lack of cumulative impacts from nearby schemes. However, to compensate for a loss of summer (and winter) foraging opportunities, seed bearing plant species attractive to the bird assemblage identified should be incorporated into the proposed grassland areas.

It is noted that no natural SuDS features have been incorporated into the landscaping design. It is considered that this would have been a significant improvement for local biodiversity particularly given local network of ponds and nearby populations of priority amphibians. Justification for the lack of consideration of these features is requested.

As raised by KC Trees, the removal of the TPO group of trees and subsequent replanting with an area of woodland seems counterintuitive, and it is likely that retaining this group will provide large biodiversity benefits given the maturity of existing trees.

A "Ground based green wall" is referenced within the Biodiversity Metric Calculations. The location of this or the proposed creation and future maintenance of this habitat is not addressed within any of the supporting documents.

The LEMP states that the "Management Plan sets out the long-term design objectives and management tasks over a 10-year period and includes an initial 5-year maintenance schedule". To secure the proposed habitats towards biodiversity benefits long-term a 30-year management and maintenance plan will need to be agreed. This must include reference to how the condition criteria provided alongside the metric will be achieved for the target conditions for habitat creation to be met. In particular, the condition of "good" for the proposed mixed scrub habitat should be outlined in further detail. As per the Kirklees Biodiversity Net Gain Technical Advice Note, significant uplifts in condition will require adequate justification and management plans.

No inclusions for faunal species, such as roosting/nesting boxes or hibernacula have been included within the LEMP. These are outlined within section 10.5.86 of the Ecological Impact Assessment and should be incorporated into the LEMP including installation, locations, monitoring and maintenance/remedial measures.

Despite the prescription in the planning statement that the proposals will "result in a permanent minor positive impact", although it is agreed that many of the habitats due for

creation will support a more biodiverse mosaic of habitat, due to the large extent of semi-natural land to be lost because of the development and supporting infrastructure this will result in a net loss for biodiversity overall. This is supported by the Defra biodiversity metric calculations which indicate a loss of 22.28 habitat units or a net loss of -43.16%. Therefore, the further actions regarding achieving a net gain for biodiversity will need to be considered; recommendations include revising the current landscape proposals to incorporate high value habitat, revising the proposed layout to include larger areas of natural green space or investigating the viability of further urban green walls or roofs within the proposed development.

At present the development is not in accordance with LP30ii or the National Planning Policy Framework to provide measurable net gains for biodiversity. In accordance with Kirklees Biodiversity Net Gain Technical Advice Note a 10% net gain for biodiversity should be provided, which will equate to a minimum of 57.1 habitat units' post-development. Given the current layout, it is unlikely that a net gain is capable of being achieved onsite unless significant amendments are made. However adequate justification regarding the feasibility of on-site provisions need to be outlined prior to exploring the potential of biodiversity offsetting at an off-site location.

Jobs and Employment

I do appreciate that the Planning Statement advises that the development is expected to generate in the region of 1,500 direct jobs. These would include a wide range of roles including engineering, IT professionals, robotics, general management, HR and team members to manage customer orders. During the construction phase it is anticipated that approximately 800 direct jobs would be created.

Clearly, this level of job creation would be welcomed within the District and locality. However, please provide more detailed information about job numbers/types (skill levels etc.) across these roles. Would this level of employment be from Day 1 or is this a maximum number taking peak periods into account? On the assumption that these premises have a degree of automation, would a future occupier be likely to retain this level of employment in the long-term? Is there any opportunity for benefits to the local supply chain through the construction and operation phase?

As you may be aware, Policy LP9 of the Kirklees Local Plan states that wherever possible, proposals for new development will be strongly encouraged to contribute to the creation of local employment opportunities within the district with the aim of increasing wage levels and to support growth in the overall proportion of the districts' residents in education or training. Would the future applicant be able to offer apprenticeships, work experience opportunities, college/university placements etc? Should the application be recommended for approval, the Council would look to formalise these elements e.g. apprenticeships/work experience/placements during construction and occupation via a skills agreement as part of any S106.

Public Right of Way

Please note that due to resourcing constraints I am still awaiting a response from PROW, which I will forward as soon as I am able.

Next Steps

At this point in time, there are evidently many matters outstanding and a requirement for further information/clarification, which, I appreciate, may take some time to gather. Once received, the Council will undertake a statutory and public consultation exercise. These responses will contribute to a further review of the application against relevant policies within the Local Plan and national planning guidance in order to inform a recommendation on the proposal. Consequently, I am not able to confirm a Committee date at this time. Nevertheless, I hope this letter is helpful in the meantime.

Yours faithfully,

Kate Mansell

Group Leader – Development Management