



Town and Country Planning Act 1990

**Town and Country Planning (Development Management Procedure) (England) Order
2015**

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2017/62/91047/E

To: Daryl Le-Vine,
Martin Walsh Architectural
Firth Buildings
99-103 Leeds Road
Dewsbury
WF12 7BU

For: MR GRAHAM, WSG PROPERTY (HOLDINGS) LTD

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning Authority hereby permits:-

PART DEMOLITION OF FIRE STATION AND ERECTION OF 4NO.
WAREHOUSE UNITS AND 4NO. APARTMENTS

At: FORMER FIRE STATION, HUDDERSFIELD ROAD, SCOUT HILL,
DEWSBURY, WF13 3RN

**In accordance with the plan(s) and applications submitted to the Council on
13-May-2017, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, and T10 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP24 of the Kirklees Publication Draft Local Plan, as well as the aims of the National Planning Policy Framework.

3. Before development commences, the sightlines of 2.4 metres x 70 metres shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

Reason: This is a pre-commencement condition to ensure the site can be made safe and accessible and in the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

4. Prior to the development being brought into use, turning facilities shall be provided in accordance with the details shown on drawing no GTDE - MWA - XX - XX - DR - A -0009 rev H . The turning facilities shall thereafter be made available for use at all times by vehicles and shall be kept free from obstruction to such use.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

5. Prior to occupation of the development hereby approved, the proposed car park shall be laid out surfaced, marked out into bays and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

6. The development hereby approved shall not be occupied until a scheme detailing measures to manage parking on Huddersfield Road between Stoney Bank Street and Thornville Mount and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by the Local Planning Authority. No part of the scheme shall be brought into use until the approved scheme has been implemented.

Reason: In the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

7. No part of the development shall be brought into use until the existing access from Huddersfield Road and Broad Lane has been permanently closed [and any redundant footway crossings removed and the footway reinstated] and the new access has been constructed and brought into use in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority within 6 months of legal commencement on site.

Reason: To avoid danger and inconvenience to highway users, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

8. Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: This is a pre-commencement condition to ensure the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan, as well as the aims of Policy PLP21 of the Kirklees Publication Draft Local Plan.

9. Before development commences on the superstructure of any building hereby approved, details of storage and access for collection of wastes from the premises shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: So as to ensure that the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan as well as Policy PLP21 of the Kirklees Publication Draft Local Plan.

10. Before development commences on the superstructure of any building hereby approved, a detailed scheme for the provision of a right turn lane from Huddersfield Road into the site with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: To ensure the site can be made safe and accessible and in the interests of highway safety and to achieve a satisfactory layout, in accordance with Policies D2 and T10 of the Kirklees Unitary Development Plan.

11. The non-residential parts of the development shall not be used outside the hours of 07:00 to 20:00 Mondays to Saturdays and 10:00 to 18:00 Sundays & public holidays.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

12. Before the development is brought into use, the noise mitigation measures detailed in the Acoustics Report by Paul Horsley Acoustics Ltd dated 7 August 2017 (Ref J2590-R1) shall be implemented. These noise mitigation measures shall then be retained thereafter.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

13. The rating level of noise (as defined in BS4142:2014) from any plant or equipment installed outside the building shall not exceed the background noise levels at any noise sensitive property.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

14. Before the residential part of the development is brought into use a ventilation scheme for the residential apartments shall be submitted to, and approved in writing by the Local Planning Authority. The ventilation scheme shall provide a detailed specification for the ventilation for the residential apartments that is sufficient to provide adequate ventilation and thermal comfort without the need to open windows and also does not reduce the level of noise mitigation provided to the residential apartments. The approved ventilation scheme shall be installed prior to the residential apartments being brought into use and retained thereafter.

Reason: In the interest of residential amenity and to accord with Policies D2 and EP4 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework

15. Before the development is brought into use a Low Emission Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and the approved plan shall be implemented and retained thereafter.

Reason: To comply with the Council's sustainability objectives set out in Policy T1 of the Kirklees Unitary Development Plan, in addition to the guidance in Policy T10 of the Kirklees Unitary Development Plan and Chapter 4 of the National Planning Policy Framework.

16. Before building works commence, a scheme detailing the facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To promote the use of ultra-low emission forms of transport in the interests of achieving sustainable development and to accord with guidance in the National Planning Policy Framework.

17. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that investigatory works are carried out and any required mitigation measures are incorporated into the development at the appropriate stage.

18. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (17) development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that the site can be made, safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that appropriate investigations are carried out before development commences on site and that, should any mitigation measures be required, they are carried out at the appropriate stage.

19. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (18). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that the site can be made safe and stable for the proposed development and remove unacceptable risks to human health, in accordance with Policy G6 of the Kirklees Unitary Development Plan, as well as the aims of chapter 11 of the National Planning Policy Framework.

20. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Kirklees Unitary Development Plan as well as the aims of chapter 11 of the National Planning Policy Framework.

21. Development shall not commence until an Ecological Design Strategy to include mitigation and enhancement measures (including trees, bat and bird boxes) has been submitted to and approved in writing by the Local Planning Authority. The findings and recommendations shall be implemented and thereafter retained.

Reason: In the interests of the biodiversity of the area and to accord with chapter 11 of the National Planning Policy Framework. This is a pre-commencement condition in order to ensure that adequate mitigation and enhancement measures are incorporated into the development at the appropriate stage of the development.

NOTE: Crime prevention design advice

Residential apartments

- Individual apartment entrance doors, as well as communal entrances and accessible windows should meet with the physical security requirements of 'Secured by Design'. (*See below)
- Provision needed for secure mail delivery for apartment block residents.
- Car parking area and accessible outside areas to be covered by adequate ambient lighting, to lower the risk of car crime, and crime affecting residents' personal safety, during hours of darkness.

*For full details of 'Secured by Design' door and window specifications, the applicants can refer to

http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured_by_Design_Homes_2016_V1.pdf

In respect of easily accessible doors and windows, meeting with 'Secured by Design' guidance is also requisite for compliance with Building Regulations Approved Document Q (Security-Dwellings)

Warehouses

- Continuously monitored CCTV should be provided and include coverage of all external building elevations, and all car parking spaces / publicly accessible areas within the site. The CCTV system should be capable of recording and capturing images that are suitable for court identification purposes.
- Physical security specifications of items including external doors, accessible windows and intruder alarm systems should also meet with the requirements of *Secured by Design*, details of which can be found via the following link:
http://www.securedbydesign.com/professionals/pdfs/SBD_Commercial_2015_V2.pdf

NOTE: All contamination reports shall be prepared in accordance with CLR11, PPS23 and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE: Electric Vehicle Charge Points

One electric vehicle charging should normally be provided for each residential unit with dedicated parking space.

One electric **vehicle** charging point should normally be provided for every ten unallocated residential parking spaces (including hotels). At non-residential developments, one electric vehicle charging point should normally be provided for every 10 parking spaces. This may be initially be reduced to 1 charging point for every 20 parking spaces with the remainder provided at an agreed trigger point

The cable and circuitry ratings for the charging points shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed site layout	3/K16/6002/21 Rev C		1st December 2017
Proposed 3D Image 2	GTDE - MWA - XX - XX - DR - A - 0016 Rev F		1st December 2017
Proposed 3D Image 1	GTDE - MWA - XX - XX - DR - A - 0015 Rev F		1st December 2017
Proposed south east and south west elevations	GTDE - MWA - XX - XX - DR - A - 0014 Rev F		21st November 2017
Proposed north east and north west elevations	GTDE - MWA - XX - XX - DR - A - 0013 Rev F		21st November 2017
Proposed second floor plans	GTDE - MWA - XX - SF - DR - A - 0012 Rev F		21st November 2017
Proposed first floor plans	GTDE - MWA - XX - SF - DR - A - 0011 Rev F		21st November 2017
Proposed ground floor plans	GTDE - MWA - XX - SF - DR - A - 0010 Rev F		21st November 2017
Proposed site layout	MWA - XX - XX - DR - A - 0009 REV J		21st November 2017
Proposed realistic visuals	MWA - XX - XX - DR - A - 0019 REV C		21st November 2017
Location Plan	MWA-XX-XX-DR-A-0001 Rev B		28th March 2017
Existing site Plan	MWA - XX - XX - DR - A - 0002 REV B		28th March 2017
Existing ground floor plan	MWA - XX - XX - DR - A - 0003 REV B		28th March 2017
Existing first and second floor plan	MWA - XX - XX - DR - A - 0004 REV B		28th March 2017
Existing north west and north east elevations	MWA - XX - XX - DR - A - 0005 REV B		28th March 2017
Existing south east and south west elevations	MWA - XX - XX - DR - A - 0006 REV B		28th March 2017
Existing 3D image 1	MWA - XX - XX - DR - A - 0007 REV B		28th March 2017
Existing 3D image 2	MWA - XX - XX - DR - A - 0008 REV B		28th March 2017

Plan Type	Reference	Version	Date Received
Existing and proposed street scene	MWA - XX - XX - DR - A - 0017 REV B		28th March 2017
Existing and proposed street scene	MWA - XX - XX - DR - A - 0018 REV B		28th March 2017
Further site investigation	Haigh Huddleston & Associates		1st December 2017
Design and Access			21st November 2017
Further site investigation (Borehole Report)	Haigh Huddleston & Associates		26th November 2017
Further site investigation (Mine shaft)	Haigh Huddleston & Associates		15th November 2017
Transport Assessment	Paragon Highways		1st September 2017
Phase I Updated	Haigh Huddleston & Associates		4th September 2017
Acoustic Report	pha		7th August 2017
Addendum to Acoustic report	pha		7th August 2017
Sequential Test	dpp		22nd June 2017
Mineshaft Survey			9th June 2017
Supporting Statement	Enzygo		19th April 2017
Air quality assessment	Redmore Environmental		27th April 2017
Tree Survey	James Royston		29th March 2017
Bat roost potential	Brooks Ecological		28th March 2017

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The agent submitted further information during the course of the application to address concerns raised during the process and also agreed to the conditions set out in this decision notice.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Tel No: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording “submitted to and approved in writing by the Local Planning Authority”.**
- **You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

Development within a Coal Mining Area

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your Local Planning Authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- **If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.**

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 15-Jan-2018

Signed:



**Naz Parkar
Strategic Director Economy and Infrastructure**

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2017/62/91047/E .

If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:

E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR
