

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2018/62/90735/W

Site Address: Marsden Fire Station, Manchester Road, Marsden,
Huddersfield, HD7 6HA

Description: Demolition of former fire station and erection of 24no.
two bedroom flats, 2no. single bedroom flats and 1no.
dwelling, associated parking, new vehicular access
and landscaping (within a Conservation Area)

Recommending Officer: William Simcock

DECISION – Section 106 Full Permission

I hereby authorise the approval of this application for the reasons set out in the agenda of the Strategic Planning Committee dated 28/09/18 and the committee decision authorisation sheet annexed below in respect of the above matter.

David Wordsworth

AUTHORISED OFFICER

Date: 01-Dec-2020

Decision Authorisation – Committee Decision

Committee: STRATEGIC

Date of Committee: 27-Sep-2018

Application Number: 2018/90735

Officer Recommendation: CONDITIONAL FULL PERMISSION

NOTE: Development has already commenced on site, and work started on the superstructure of the larger of the two apartment buildings by May 2020. The standard condition stipulating that development must commence within three years of the date on which permission is granted is therefore not applicable.

Committee Decision: Delegate approval subject to S106

Conditions and Reasons

1. 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 Policy LP24 of the Local Plan.

2. The external walling materials shall be coursed natural stone which shall in all respects accord with the details submitted 9th November 2019 and 20th November 2019. The roofing materials shall be blue-grey reproduction slate which shall in all respects accord with the details submitted 17th June 2019. Finish colour for window frames shall RAL 7016 (anthracite grey).

Reason: In the interests of visual amenity, to ensure that the development conserves the appearance and character of the Marsden Conservation Area, and to accord with Policies LP24(a) and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

3. Within 28 days of the date of this permission, a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, shall be submitted to the Local Planning Authority and shall be approved in writing by the Local Planning Authority before landscaping works commence. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and

species unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and biodiversity and to accord with the aims of Policies LP24(i) and LP30 of the Local Plan.

4. All windows in the south elevation of the proposed dwelling house shall be non-opening or top-opening only and shall be fitted with obscure glazing (grade 5). Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times and no additional window openings shall be formed in the south-facing elevation of the dwelling house.

Reason: To ensure that the development protects the privacy of existing and future occupiers and to accord with the aims of Policy LP24(b) of the Local Plan.

5. Within 28 days of the date of this permission, the wall to the site frontage shall be set back to the rear of the proposed visibility splays as shown on an approved drawing E18/7092/001D, cleared of all obstructions to visibility exceeding 0.9m in height above the adjacent carriageway, and thereafter retained as such.

Reason: To create a satisfactory layout in the interests of highway safety, and to accord with the aims of Policy LP21 of the Local Plan.

6. Before any of the new dwellings are first occupied, all areas to be used for vehicular access and the parking and turning of vehicles, or by pedestrians, as shown on the site plan, shall be laid out with a hardened and drained surface in accordance with details (including materials) to be first submitted to and approved in writing by the Local Planning Authority. These shall thereafter be retained as such, clear of all obstructions and available for the uses shown on the approved plan.

Reason: To create a satisfactory layout in the interests of highway safety, to ensure that the surfacing materials used conserve and enhance the character of the Marsden Conservation Area, and to accord with the aims of Policies LP21, LP22 and LP35 of the Local Plan and Chapter 16 of the National Planning Policy Framework.

7. Before any of the new dwellings are first occupied, the areas for the storage of waste as shown on the approved site plan shall be provided and laid out with a hardened and drained surface, and shall thereafter be retained as such and kept clear of all obstructions to their use.

Reason: To create a satisfactory layout in the interests of highway safety, and to accord with the aims of Policies LP21 and LP24d(vi) of the Local Plan.

8. Before any of the new dwellings are first occupied, notwithstanding the details on the approved plans, details of secure cycle parking facilities to serve the new development shall be submitted to and approved in writing by the Local Planning Authority. The facilities thereby approved shall also be

provided before any new dwelling is first occupied and thereafter retained and kept available for their intended use in perpetuity.

Reason: To promote sustainable means of transport in accordance with government guidance on air quality mitigation, and in the interests of improved health by promoting active leisure, in accordance with the aims outlined within Planning Practice Guidance, Policy LP20 and LP21(g) of the Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Within 28 days of the date of this permission, a construction method statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the point of access for all demolition and construction traffic, details of the times of use of the access, the routing of demolition and construction traffic to and from the site, workers' parking facilities, all site deliveries and the provision, use and retention of adequate wheel washing facilities within the site. All of the approved arrangements shall be carried out in accordance with the approved schedule throughout the period of development.

Reason: In the interests of the free and safe use of the highway and to accord with the aims of Policy LP21 of the Local Plan.

10. No building or other obstruction (including landscape features) shall be located over or within 1 metre either side of the centre line of the public sewer that crosses the site (i.e. a protected strip of 2 metres width). If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to allow sufficient access for maintenance and repair work at all times in the interests of ensuring satisfactory drainage and elimination of flood risk in the local area.

11. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Local Plan, and the Chapter 14 of the National Planning Policy Framework.

12. Within 28 days of the date of this permission, details of the proposed means of disposal of surface water drainage, including but not exclusive to:-
a) evidence of existing positive drainage to public sewer and the current points of connection; and b) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change, shall be submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure the provision of adequate and sustainable systems of drainage in the interests of amenity, environmental well-being and to accord with Policy LP28 of the Local Plan, and Chapter 14 of the National Planning Policy Framework.

13. Notwithstanding the details on the submitted Preliminary Drainage Feasibility drawing E18/7092/001A, the final position of the culvert as indicated by the annotation “Existing SWS culvert to be diverted through new development” is not approved. Before any new dwelling is occupied, details shall be submitted to and approved in writing by the Local Planning Authority of the new line of the culvert, unobstructed by buildings, or alternatively further details shall be submitted to demonstrate that the culvert would not give rise to any additional risk of drainage or flooding problems in the position shown. Before any part of the new development is occupied, the diversion or approved alternative arrangements shall be implemented in accordance with those details.

Reason: In the interests of ensuring the safe and satisfactory drainage of the site and the prevent of localised flooding, and to accord with the aims of Policy LP28 of the Local Plan, and Chapter 14 of the National Planning Policy Framework.

14. Within 28 days of the date of this permission an ecological design strategy (EDS) shall be submitted to and agreed in writing by the Local Planning Authority. The EDS shall include details of the following.

- a) Purpose and conservation objectives for the proposed ecological works, in relation to site potential and constraints.
- b) Location (shown on appropriate scale plans) of specific make and model, or design, of bat and/or bird boxes to be installed integral to new dwelling.
- c) Details of how the design of boundary treatments will not obstruct the movement of hedgehogs.
- d) Planting schedule and planting plan showing the inclusion of native species of tree and shrub to be included within/at the boundary of the application area, and how this achieves the stated purpose.
- e) Details of maintenance
- f) A timetable for the implementation of the above measures

The EDS shall be implemented in accordance with the approved details, including the approved timescale, and all features shall be retained in that manner thereafter.

Reason: To provide ecological enhancement in accordance with the aims of Policies LP24(h) and LP30 of the Local Plan and Chapter 15 of the National Planning Policy Framework.

15. Notwithstanding the submitted documents, within 28 days of the date of this permission a further Phase II Intrusive Site Investigation Report, specifically dealing with the area of the gasholder and the area where there is evidence of a historic gasholder, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment, since the Phase II report so far submitted is considered to be incomplete, and in accordance with Policy LP53 of the Local Plan.

16. Notwithstanding the submitted documents, within 28 days of the date of this permission, a further Remediation Strategy, taking as its basis the findings of the additional Phase II report required by Condition 15 above, shall be 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 and the development shall be implemented in accordance with this approved timescale.

Reason: To identify and remove unacceptable risks to human health and the environment arising from the historic use of the site for gas storage, and in accordance with Policy LP53 of the Local Plan and the Chapter 15 of the National Planning Policy Framework.

17. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to Condition 16. 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. 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 identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Local Plan and the Chapter 15 of the National Planning Policy Framework.

18. 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. 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 in accordance with Policy LP53 of the Local Plan and the Chapter 15 of the National Planning Policy Framework.

19. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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. Works on site shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the

Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

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

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Local Plan and the Chapter 15 of the National Planning Policy Framework.

20. Before work on the installation of the electrical system for the new development commences, a scheme detailing the dedicated 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. The charging points installed shall be retained thereafter.

Reason: In accordance with government guidance on air quality mitigation, outlined within the Planning Practise Guidance, Policy LP24d(v) of the Local Plan and Chapter 15 of the National Planning Policy Framework, so as to promote infrastructure which encourages modes of transport with low impact on air quality.

21. Within 28 days of the date of this permission, a scheme giving details of any external lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The lighting shall be installed in accordance with the measures so approved before any part of the development is first brought into use and thereafter the artificial lighting shall be operated in accordance with the approved scheme.

Reason: To ensure that external lighting does not cause harm to visual amenity, residential amenity or the natural environment arising from glare, light spill or light trespass, and to accord with the aims of Policy LP52 of the Local Plan.

22. Before the development is first brought into use, all works which form part of the sound attenuation scheme as specified in the Noise Report dated 19 Feb 2018 produced by Environmental Noise Solutions (ENS) Ltd shall:- (i) be completed; and (ii) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the local planning authority. If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved then a

further scheme shall be submitted for the written approval of the local planning authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use or in accordance with an alternative timescale to be approved in writing.

Reason: To ensure that future residents are adequately protected from traffic noise in the interests of residential amenity, and to accord with the aims of Policy LP52 and LP24(b) of the Local Plan and Chapter 15 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			
Location plan	438/01		06-Mar-2018
Topographical survey	438/02		06-Mar-2018
Site analysis	2017/438/03		06-Mar-2018
Site plan and street scene as proposed	2017/438/100	B	15-May-2018
Proposed elevations Sheet 1	2017/438/101	D	29-May-2019
Proposed elevations Sheet 2	2017/438-102	D	15-May-2018
Proposed sections	2017/438/103	B	06-Mar-2018
Proposed floor plans	2017/438/104	A	06-Mar-2018
Street scene drawing			05-Jun-2018
3-D street scene drawing			19-Jun-2018
Vehicle crossing details	E18/7092/009		14-May-2018
Layout with visibility splay drawing	E18/7092_001	D	21-Jun-2019
Proposed roofing materials			17-Jun-2019
Facing stone photograph			09-Nov-2019
Facing stone details			20-Nov-2019
Highway Statement	Project 1429		06-Mar-2018
Flood Risk Assessment	E17/7092/FRA001		06-Mar-2018
Preliminary Ecological Appraisal	MEC/PEA/2017/30/1		06-Mar-2018
Tree survey	171213		06-Mar-2018
Noise Report	NIA/7762/18/7711/v1		06-Mar-2018
Phase 1 Geo-Environmental Report	E17/7092/R001		02-Mar-2018
Phase 2 Geo-Environmental Report	E17/7092/R002		01-May-2019
Remediation Method Statement	E17/7092/RS001		14-May-2019

Plan Type	Reference	Version	Date Received
Preliminary Drainage Feasibility	E18/7092/001	A	14-May-2019

FOOTNOTES

Section 106 Agreement

This permission is to be read in conjunction with the completed S106 Agreement.

Contamination footnote

CLC 7 Footnote to be applied to all applications 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.

Construction Site Noise Footnote

To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours Mondays to Fridays 08.00 and 13.00hours, Saturdays With no working Sundays or Public Holidays In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Drainage footnotes

- 1) The public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. The developer should contact the Highway Authority with regard to the acceptability of highway drainage proposals. Highway drainage, may however be accepted under certain circumstances. In this event, a formal agreement for highway drainage discharge to public sewer, in accordance with Section 115 of the Water Industry Act 1991, will be required.

Electric Vehicle Charge Points – Footnote

- 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.

- Charging points for single residential properties should meet the requirements specified in the latest version of “*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*” by the Office for Low Emission Vehicles. Cable and circuitry ratings for the charging points of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps that can provide Mode 3 charging and has a Type 2 socket would be acceptable.

Dated:

01-Dec-2020