
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 07-Jun-2018**

Subject: Planning Application 2018/90735 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) Marsden Fire Station, Manchester Road, Marsden, Huddersfield, HD7 6HA

APPLICANT

Mr Byram, S B Homes
Ltd

DATE VALID

02-Mar-2018

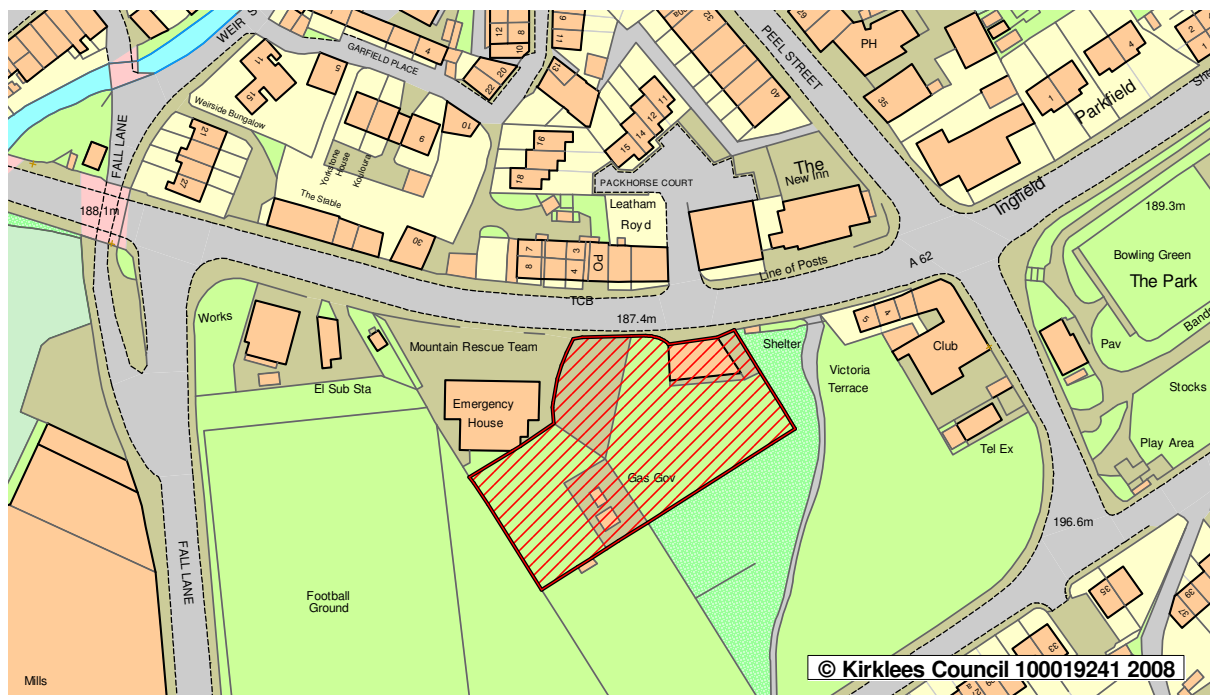
TARGET DATE

01-Jun-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

+LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: COLNE VALLEY

Y

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Contribution to affordable housing provision;
2. Contribution towards travel plan measures;

Subject to conclusion of the assessment of viability.

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought before Strategic Committee for determination under the terms of the Delegation Agreement because the development proposal is a Departure from the adopted development plan (by reason of the site being allocated for Business and Industrial Development on the UDP Proposals Map and the proposal being for housing). A viability assessment has been submitted by the applicant and this has been assessed by the Council's independent advisor. At the time of writing this matter has not yet been concluded. A confidential appendix will be circulated to committee members so they can consider the viability issues involved with this application.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a disused and derelict fire station and associated land situated on the south side of Manchester Road some 55m west of the junction with Peel Street, close to Marsden Village Centre. Some of the associated land was used for underground gas storage until 2000. The site is about 75m in length and up to 50m in depth measured back from the highway. The fire station itself, a flat-roofed stone building, is located near the north-eastern corner on the road frontage; the rest of the site is vacant consisting of gravel

hardstanding. There is a low stone wall forming the highway boundary along most of the frontage, with painted metal railings near the western end and forming the boundary between the site and Mountain Rescue Centre (Emergency House).

The southern and eastern boundaries are also formed by stone walls. There are mature trees just outside the rear site boundary. The site is near-level without steep gradients but the land behind it consists of steeply rising grass and small trees up to where it meets Carrs Road. There is other unused grassland to the east over which there is a Public Right of Way.

The wider surroundings are mainly residential, with a three-storey apartment building and a short row of traditional terraced houses directly opposite on Manchester Road and a modern housing estate above the site on the other side of Carrs Road.

3.0 PROPOSAL:

- 3.1 The proposal is for the demolition of the former fire station and the erection of 24 no. 2-bedroom flats, 2 no. single-bedroom flats, 1 no. dwelling house, associated parking, new vehicular access and landscaping.

The new apartments are to be arranged in 2 blocks of 3 storeys each, the larger one located to the east of the site, the smaller one nearer the centre, but both with an east-west orientation. The larger building would be 43.2m in length, the smaller one 16.4m. . The new dwelling house, which is to be two-storey, would be located close to the highway frontage and would involve the retention of the façade of the fire station building and some new build, forming 2 additional flats, linking it to the larger apartment block.

It is proposed that the new build would be constructed in natural coursed stone with an artificial roof (described as concrete tiles with a thin leading edge) and dark grey UPVC windows.

A new vehicular access is to be formed in the western part of the site frontage. 12 parking spaces are to be provided in a block near the access, with a further 19 arranged in rows in front of the smaller block and between the two blocks.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1

2007/90890: Demolition of former fire station and outline application for erection of 8 dwellings. Withdrawn.

2007/95084: Conversion and extension of fire station to 2 no. dwellings and erection of 2 no. dwellings. Approved, not implemented.

2010/92405: Change of use, extensions and alterations to convert former fire station to café and yoga studio, erection of first floor apartment and erection of 2 semi-detached dwellings (Within a Conservation Area). Withdrawn

2011/91563: Change of use, alterations, and erection of two-storey extension to convert former fire station to café and yoga studio with living accommodation above (Within a Conservation Area). Approved, not implemented.

Pre-application 2017/20159: Officer response was that a housing scheme would be likely to prove acceptable in principle but that an improved design would be required.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 15-May-2018: Minor revisions to the plans made (levels and refuse collection arrangements).

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2

- **B2** – Land allocated for Business and Industry
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE5** – Development within Conservation Areas
- **BE12** – Space about buildings
- **EP4** – Noise-sensitive and noise-generating development
- **T10** – Highway safety
- **T19** – Parking.

Publication Draft Local Plan Policies

PLP 1: Presumption in favour of sustainable development
PLP 2: Place shaping
PLP 11: Housing mix and affordable housing
PLP 20: Sustainable travel
PLP 21: Highway safety and access
PLP 22: Parking
PLP 24: Design
PLP 28: Drainage
PLP 30: Biodiversity and geodiversity

Supplementary Planning Guidance / Documents:

6.3

- Interim affordable housing policy
- Marsden Conservation Area Appraisal

National Planning Guidance:

6.4

- Core Planning Principles
- Chapter 1 – Building a strong, competitive economy
- Chapter 11 – Conserving and enhancing the natural environment
- Chapter 12 – Conserving and enhancing the historic environment.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised by site notice, neighbour notification letter and press advertisement. As a result of publicity, 7 representations were made, of which 3 object, 1 in support and 3 making general comments. The three Ward Councillors were notified but did not make representations. The concerns raised are summarised below:

- Design issues: Too big and over-dominant; should not be 3-storey. Existing fire station should either be retained in its entirety or demolished
- Impact on local infrastructure especially taking into account cumulative developments, including doctor's surgery;
- Highway safety;
- Not enough parking spaces, including for visitors
- Disused gas infrastructure on site which could impact on the health of future residents
- A proportion of the development (minimum 10%) should be affordable
- New footpaths should be Yorkshire stone, the roofs natural grey slate, the windows softwood.
- Support, because we need more housing suitable for elderly people, it will improve the appearance of the site and preserve at least the façade of the fire station.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

The Environment Agency – No objection

Yorkshire Water – No objection subject to condition

KC Lead Local Flood Authority – No objection subject to condition

8.2 Non-statutory:

KC Strategic Housing – 5 dwellings should be affordable.

KC Education – No education contribution required.

KC Highways Development Management – No objection subject to refuse collection issue being resolved.

KC Environmental Health – No objection subject to conditions

KC Arboricultural Officer – No objections

KC Ecology – No objection subject to conditions.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

The site is on land that is allocated for Business and Industrial Use in the UDP Proposals Map.

10.0 APPRAISAL

Principle of development

- 10.1 The site is allocated for business, general industrial and storage and distribution uses under Policy B2 of the UDP. However, paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose, and that in such circumstances, applications for alternative uses should be considered on their merits having regard to the relative need for different land uses to support sustainable local communities. The site is not allocated for any specific use within the Publication Draft Local Plan.
- 10.2 The site has been vacant for a long time (the use as a fire station is believed to have ended in 2002) and the lack of any recent planning applications for business, industrial or storage and distribution uses indicates a lack of interest in the site by firms operating in these sectors. In view of the location of the site, it is likely that residential use will be more compatible with surrounding uses. Taking these factors into account it is considered that the principle of residential use is acceptable.

Urban Design issues

- 10.3 The site is within the Marsden Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention to the desirability of preserving or enhancing the appearance of buildings or land within a Conservation Area. In this context preservation means not harming the interests of the building as opposed to keeping it unchanged. Chapter 12 of the NPPF states that in determining applications local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Policy BE5 of the Unitary Development Plan states that development should contribute to the preservation or enhancement of Conservation Areas.
- 10.4 The site as a whole does not make a positive contribution to the Conservation Area in its present condition, although the early 20th Century fire station building is distinctive and could be considered a non-designated heritage asset. Furthermore, any development on this site will potentially have an impact on views into the core of Marsden village from the north, and so any proposal to develop the site must be considered carefully in terms of its scale, layout, massing and design detail.
- 10.5 The proposal was the subject of a formal pre-application enquiry at which two alternative schemes were considered. The first of these was rejected because it was considered that the massing of the development (grouping all the flats in a single block) would be overpowering. The second broke up the development into two blocks but the applicant was advised it was still unsatisfactory because of its lack of visual unity and excessive horizontal emphasis.
- 10.6 The immediate surroundings of the site mostly consist of 19th Century stone buildings – these are predominantly two-storey and of domestic scale. Opposite the site next to the New Inn however is a 3-storey apartment building (granted permission under application 2003/94867). The Liberal Club on the upper part of Peel Street is a large two-storey building but has substantial underbuild at

the front and in terms of its scale resembles a three-storey building. The proposed new flats would be seen near the bottom of a slope and would therefore fit into the local topography. It is considered that their height and massing, in this context, would not seem over-dominant.

- 10.7 The new buildings would contain some features that are modern or not typical of the area, including balconies. The balconies would be predominantly to the rear or south of the main building and not on the more prominent and sensitive northern elevation. It is also noted that the scheme incorporates features that help to provide a vertical emphasis and break up slab-like appearance – the front-facing gable at the eastern end of the building and the recessed features (indicated as “open access” on the drawings), and the tall narrow windows at the western end.
- 10.8 The nearest Listed Building to the site is the New Inn on the corner of Peel Street and it is considered that the setting of this building would not be affected.
- 10.9 It is considered that the scheme now being considered has incorporated officer’s advice and has resulted in a satisfactory design that would preserve and enhance the character of the Marsden Conservation Area, thereby complying with the aims of Policies BE1-2 and BE5 of the UDP, the NPPF Chapters 7 and 12, and Policies PLP24 and 35 of the PDLP. This should be subject to a condition that samples of roofing and walling materials are submitted for approval. The principle of an artificial slate roof is considered acceptable as long as they are a high-quality artificial Welsh or blue slate (not interlocking concrete tiles). This should also apply to any artificial stone pavers used for the access areas. The use of dark grey UPVC for windows is considered acceptable as it is a building with a contemporary appearance.

Residential Amenity

- 10.10 Policy BE12 of the UDP sets out the recommended standards for space about buildings. Most of the windows in the proposed apartment buildings would face north or south and would comply with the recommended 21m distance between facing habitable room windows, and would also maintain the 10.5m distance between new habitable room windows and adjacent undeveloped land.
- 10.11 There would be two east-facing bedroom windows (ground floor and first floor) in the main block which would be about 6.5m from the common boundary with vacant land to the east. These would not comply with the recommended 10.5m distance. The main purpose of this restriction is to prevent new development compromising the development potential of neighbouring land. The adjacent land, which is unallocated, might one day be the subject of a planning application for housing, but as most of the vacant land is behind the proposed flats and would not be affected by the side-facing bedroom window, it is considered on balance that the proposal would not compromise the development potential of the site as a whole. In the circumstances it would be difficult to substantiate a refusal on these grounds. The smaller apartment block would have no side-facing windows.
- 10.12 The new dwelling house would have one habitable room (a bedroom) and one non-habitable room window facing the street. These would be approximately 15.5m from the nearest ground floor window in Leatham Royd on the opposite side of Manchester Road and 17m from the nearest first-floor window, but the windows are offset from each other so that the direct line of sight would be into

Packhorse Court. It is considered that the arrangement would be acceptable as it would not give rise to significant loss of privacy. The second bedroom and the living room would each have windows facing west and south, of which the western window would provide the main outlook. The south-facing windows would not comply with the BE12 minimum distances but the ground floor window can be screened and the upper floor one treated as a secondary window and obscurely glazed to protect privacy.

- 10.13 The 2 new flats linked to the dwelling house near the highway frontage would have windows facing the street at a separation distance of 17m from the facing 3-storey apartment block – this does not comply with the recommended 21m distance but as the opposing windows would not be out of alignment with each other (again, the direct line of sight from the bedroom window would be into Packhorse Court) and it is considered it would not be intrusive.
- 10.14 The proposed dwellings would provide satisfactory internal space having regard to the standards in the Nationally Described Space Standards.
- 10.15 There is the potential for any new dwellings to be affected by noise from traffic on Manchester Road but based on Environmental Health Officer's advice this can be addressed by a condition requiring an acoustic report and noise protection measures where appropriate.

Landscape issues

- 10.16 It is proposed that vehicular access areas within the site would be mainly tarmac, with heritage paving used for crossing points and to demarcate the edges of parking, with pedestrian access routes to be paved in York stone or a suitable concrete paver. This scheme is considered acceptable in principle.
- 10.17 There would be a landscaped court at the front, between the new dwellinghouse and the flats, and a larger communal garden at the rear. Full landscaping details have not been provided but these can be the subject of a condition. A condition will be required concerning an outdoor lighting scheme, proposed by the applicant in the interests of security and crime prevention, to ensure that any new lighting does not lead to glare or light spill.
- 10.18 It is considered, for the reasons set out in detail in 10.4-10.8 above, that the development would not have an adverse impact on the wider landscape including views into and out of Marsden Conservation Area.

Housing issues

- 10.19 Under the Kirklees interim affordable housing policy, the Council will seek to secure 20% of dwellings for affordable housing, on sites with 11 or more dwellings. This would equate to 5 dwellings in this scheme, subject to a possible reduction for vacant building credit.
- 10.20 The applicant submitted an Investment Appraisal which demonstrated that owing to a number of factors including abnormal costs, the development would not be viable if they were to provide below market rent housing on site or make a contribution to affordable housing off site. This has been examined independently by a consultant, GVA, who concludes that on the basis of the information supplied, this is a fair assessment, but has asked for a breakdown of abnormal costs. The abnormal costs information has been submitted to GVA

whose response is expected shortly and is likely to form part of the Committee Update. Based on GVA's final comments, the Council may conclude that it is reasonable to require the applicant to make a contribution to affordable housing by means of a Section 106 agreement.

Highway issues

- 10.21 Access is to be taken for the site off A62 Manchester road via a new private 5.0m wide entrance. Sight lines of 2.4m x 43m have been demonstrated which will be achievable with the lowering of the boundary wall.
- 10.22 Internal turning has been demonstrated for an 11.85m refuse collection vehicle. Following initial comments from Highways Development Management, additional refuse storage facilities have been provided, which are now considered satisfactory.
- 10.23 The site is very close to Marsden village centre and is on a bus route with a frequent service to Huddersfield Town Centre. A total of 31 spaces are shown on the submitted layout. On the assumption that this would break down as 1 per 2-bed flat, 0.5 per single-bed flat, and 2 for the dwelling house, with 4 for visitors, provision would be below the recommended maximum levels set out in UDP appendix 2 but is considered appropriate for the location.
- 10.24 In conclusion, subject to conditions on the formation of the access as shown on the plans, the provision and subsequent retention of the sight lines, parking and turning areas, the development would not create or materially add to highway safety problems and would accord with the aims of Policies T10, T19, PLP21 and 22.
- 10.25 West Yorkshire Combined Authority recommend that the closest bus stop on this corridor would benefit by the installation of a Real Time Information display (at a cost of £10000) and that to encourage the use of sustainable transport as a realistic alternative to the car, the developer should contribute towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council have recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted MetroCards (Residential MetroCard Scheme) for all or part of the site. This model could be used at this site. The payment schedule, mechanism and administration of the fund would have to be agreed with Kirklees Council and WYCA and detailed in a planning condition or S106 agreement. As an indication of the cost should the normal RMC scheme be applied based on a bus only ticket, the contribution appropriate for this development would be £13,365.00. The developer's viability assessment indicates that this will not be viable – depending on GVA's final assessment of the abnormal costs breakdown, it may be reasonable to require a contribution by means of a Section 106 agreement. The issue of viability is being assessed by the Council's independent advisor and a confidential paper will be circulated to Committee members when this has been concluded.

Drainage issues

- 10.26 A very small part of the site near the western border (approximately 3% of the site area) is in Flood Zone 3a. Neither the Environment Agency nor the Lead Local Flood Authority object as the majority of the site the site is within Flood Zone 1.

- 10.27 It is proposed that disposal of foul and surface water are to be by mains drainage. The applicant has proposed that attenuation tanks will be incorporated into the scheme to reduce the rate of discharge to the public sewer). Subject to a full scheme of drainage, which can be conditioned, the development would support the aims of sustainable drainage as expressed in NPPF Chapter 10.

Representations

- 10.28 Design issues: Too big and over-dominant; should not be 3-storey. Existing fire station should either be retained in its entirety or demolished;**Response:** It is considered that the massing, layout, and design of the building is acceptable for the reasons set out above ("Urban Design Issues") and would contribute to the preservation and enhancement of the Marsden Conservation Area, subject to suitable conditions. The retention of the fire station façade, which is not Listed, represents a reasonable and pragmatic design solution.

- 10.29 Impact on local infrastructure especially taking into account cumulative developments, including doctor's surgery;

Response: In the absence of objective evidence concerning problems of this nature it would be unreasonable to refuse a housing application on these grounds.

- 10.30 Highway safety;

Response: It is considered that the local highway infrastructure is capable of accommodating the additional traffic generated and that safe access can be obtained.

- 10.31 Not enough parking spaces, including for visitors

Response: For the reasons set out in 10.23 above, it is considered that the provision of parking spaces is on balance acceptable.

- 10.32 Disused gas infrastructure on site which could impact on the health of future residents

Response: The history of the site for gas storage has been noted in the submitted Phase I risk assessment. An intrusive report will be required by condition.

- 10.33 A proportion of the development (minimum 10%) should be affordable.

Response: This issue has been examined in 10.19-20 above.

- 10.34 New footpaths should be Yorkshire stone, the roofs natural grey slate, the windows softwood.

Response: It is considered that a condition requiring the use of natural roofing, joinery and surfacing materials only would not be reasonable as the proposal is not of domestic proportions and would have a somewhat contemporary appearance.

10.35 Support, because we need more housing suitable for elderly people, it will improve the appearance of the site and preserve at least the façade of the fire station.

Response: Noted.

Planning obligations

10.36 The financial contributions that are required by the policies of the development plan are as follows:

Education: required on developments exceeding 25 dwellings. KC Education confirmed the size of the development does not meet the necessary threshold to require contributions to education.

Public Open Space: required on sites exceeding 0.4 Ha in size. The size of the development does not meet the necessary threshold.

Affordable Housing: The Council's Interim Affordable Housing Policy (2016) states that on developments of 11 or more dwellings, that 20% of the total number of dwellings be affordable. Required by the interim Affordable Housing Policy. The threshold is developments exceeding 11 units. 20% of the units are required by policy which equates to the provision of 5 units.

Sustainable Travel

West Yorkshire Combined Authority recommend Measures that include discounted MetroCards (Residential MetroCard Scheme) based on a bus only ticket. The contribution appropriate for this development would be £13,365.00.

10.37 The Local Planning Authority is required to ensure that sustainable surface water drainage systems have clear arrangements in place for ongoing maintenance over the lifetime of the development. This is to be included by attaching a condition.

10.38 The applicant submitted a viability appraisal which has been assessed by one of the council's independent viability advisors. The applicant's viability assessment has stated that on the matters of affordable housing and sustainable travel that it will not be a viable scheme if the local authority require the section 106 contributions, however they have confirmed that they are prepared to develop the scheme out at 13% profit margin. The council's viability advisor has found a different outcome that would achieve an element of affordable housing. Officers will summarise these within the agenda update and at the committee on conclusions of negotiations with the applicant. Any commercially sensitive information that will be included within a private appendix that is exempt from public view.

Other Matters

10.39 *Trees:* The trees affected by the development are considered to be of low quality and do not meet the requirements for a new Tree Preservation Order to be served.

10.39 *Ecology:* The submitted ecological report indicates that the site has low bat roost potential. The survey is sufficient to allow permission to be granted, subject to

conditions requiring a nocturnal bat survey and the submission of an ecological design strategy.

10.40 *Land contamination*: The site is potentially contaminated as a result of the former use of part of the site as a gas holding station. A Geo-Environmental Report has been submitted. A Phase II Intrusive Report will be required but this can be reserved as a condition.

10.41 *Charging points*: The electric vehicle charging points shown on the latest version of the site layout plan are deemed satisfactory in terms of numbers for unallocated parking and can be conditioned, in the interests of encouraging low-impact methods of transport.

11.0 CONCLUSION

11.1 It is concluded that notwithstanding the outcome of the viability assessment and the relevant affordable housing and sustainable transport policies, the proposed development would comply with current planning policies. Subject to conditions, it would conserve and enhance the character of the Marsden Conservation Area and would not give rise to any adverse impacts on visual or residential amenity. It would involve the redevelopment of a brownfield site that occupies a prominent location within Marsden Conservation Area. Furthermore it would not create or materially add to highway safety problems.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval subject to conditions.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1. Development to be begun within three years**
- 2. Development to be in complete accordance with plans and specifications.**
- 3. Walling, roofing and paving materials to be submitted and approved.**
- 4. Submission of landscaping scheme**
- 5. Obscure glazing in south-facing windows of dwelling house, or details of how mutual overlooking between house and flats will be prevented.**
- 6. Access to be formed with appropriate sight lines**
- 7. Private parking spaces, vehicle turning areas to be laid out, surfaced and retained.**
- 8. Bin storage areas to be laid out and retained**
- 9. Section 106 agreement affordable housing**
- 10. Section 106 agreement contribution to sustainable transport**
- 11. Surface water drainage scheme and subsequent maintenance**
- 12. Submission of ecological design strategy**
- 13. Submission of Phase II contamination report and remediation strategy**
- 14. Installation and retention of charging points**
- 15. Submission of lighting scheme.**

Background Papers:

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on Northern Gas Networks.