

# KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

## DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

### DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING CONDITIONS PREVIOUSLY ATTACHED

Reference No:	2024/70/91185/E
Site Address:	Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters, Bradford Road, Birkenshaw, BD11 2DY
Description:	Variation of condition 2 (plans), condition 15 (Car Park Management Plan) and condition 28 (vehicle audible warning systems) of previous permission 2022/92681 for variation of conditions 2 (Plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation), 23 (Remediation) on previous permission 2022/91138 for demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage
Recommending Officer:	William Simcock

#### DECISION – Variation of Conditions – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

*Victor Grayson*

**AUTHORISED OFFICER**

Date: 12-Aug-2024

## **Officer Report – 2024/91185**

**Oakroyd Hall, West Yorkshire Fire and Rescue Service Headquarters,  
Bradford Road, Birkenshaw, BD11 2DY**

### **Variation of conditions 2, 15 and 28 of permission 2022/91138**

#### **Site Description**

This application relates to a site used by the West Yorkshire Fire and Rescue Service as headquarters and a training centre. It is currently undergoing redevelopment, this being the implementation of permissions 2022/92681 – the HQ application, and 2022/92718 – the RTC yard application.

The site is approximately 4.2 miles (6.7km) to the southeast of Bradford and 7 miles (11.5km) to the southwest of Leeds. The site of a former colliery, most of the buildings were constructed in the late 20th century. There are two existing main points of access into the site: one off Bradford Rd (A651) on the eastern boundary and the other off Whitehall Rd West (A58) to the southern boundary.

The site is surrounded to the north and west by open space and to the south and east by residential properties. There is a mature landscaped boundary on all edges and numerous mature trees that help to screen the site from the main roads to the south and east.

The local pallet of materials consists of a mixture of natural stone and rendered housing and a combination of brick and render/cladding to more commercial type of buildings within the site itself and buildings located adjacent Whitehall Rd West, representing the varied nature of development over the last 30 years.

#### **Description of Proposal**

The proposal is the variation of conditions 2 (plans), 15 (car park management plan), and 28 (audible warning systems) of previous permission 2022/92681, which is itself a variation of conditions 2, 3, 4, 8, 12, 17, 22 and 23 of permission 2022/91138 for the demolition of an existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form a new fire station, extension of car parking and associated landscaping and drainage.

#### *Summary of proposals as approved:*

The new headquarters would be built near the northern end of the site, and would have an approximately T-shaped but asymmetrical plan, with the main axis (97m long, 9m in height) of the building extending west-east, and a shorter element (45m, and 14m in height) extending out towards the northern boundary of the site.

The fire station would be located close to the southwestern corner of the site.

*Conditions relevant to this application:*

The conditions, as approved, read:

*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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

*15. Prior to the development being brought into use, a car park management plan shall be submitted and approved in writing by the Local Planning Authority. The Plan shall include details of improved technology to ensure the efficient operation of the barrier at the Bradford Road access to the site. The approved plan shall be implemented before the development is brought into use and retained thereafter. Reason: In the interests of highway safety in accordance with the requirements Policies LP21 and LP22 of the Kirklees Local Plan.*

*28. Prior to commencement of the use of the Fire Station hereby approved, details of the policy relating to the use of sirens, horns or any other audible warning system on Fire Appliances/Vehicles accessing or egressing from the site shall be submitted to and approved in writing by the Local Planning Authority. The policy shall include the geographical range to which the policy applies, the circumstances under which sirens might be used and shall highlight measures to limit adverse noise impacts to residential properties on Whitehall Road West. The approved policy will be implemented and maintained throughout the operational lifetime of the Fire Station.*

**Reason:** *To prevent adverse noise levels at nearby residential properties in accordance with Policy LP24 of the Kirklees Local Plan.*

Details required by conditions 15 and 28 have not yet been approved by means of a discharge of condition application.

*Proposed variations to plans / conditions:*

The following amendments to site layout are proposed:

- The Proposed Site Plan and Proposed Landscape Masterplan as set out in Condition 2 are proposed to be replaced, as referenced above.
- At the access point off Oakroyd Drive, the existing vehicle barriers (as originally proposed to be removed) would remain, and the detailed proposals for the new automated security gates (further into the site)

are now provided. The gate specification has been submitted as part of this application and the operational function of the gates are detailed in the submitted car park management plan, in accordance with Condition 15.

- Additional new automated gates and barriers including a central island are also proposed to control vehicles entering the site from the Whitehall Road West site access.
- New proposed pedestrian turnstile to the north of fire station to facilitate pedestrian access.
- The provision of a 2.4m weldmesh fence to the southern perimeter of the fire station yard. This was previously palisade fencing varying between 1.8 and 2.4 metres.
- New weldmesh and timberslat fencing at 2.4m high to screen the southern perimeter boundary of the RTC area. This was previously 1.8m closeboard fencing.
- Landscaped area at the western edge of the car park to the rear of the fire station has been extended.
- The memorial area has been amended and a sculpture is to be added in the future, however this will be subject to a separate application once proposals are finalised.
- Two parking spaces amended to motorcycle bays.
- It is proposed to amend the material in the area to the south of the parade ground parking (to the north of the training arena) to be paved instead of gravel, which will allow it to be used as a footpath.

Amendments are proposed to the design of the HQ building. The building would still have the same footprint, layout and overall height – the changes would be to the elevations only. The elevational drawings have been classed as confidential documents for security reasons (as was the case with the elevational drawings submitted with the original plan). However, a brief summary can be given here:

- A generator flue is proposed which is to be located within the roof of the HQ building. This comprises a twin wall chimney system, with a silver finish. The generator has an acoustic power level of 108.7 (dB(A)) and is supplied by diesel, with emissions consisting mostly of the following odourless gases: carbon dioxide, carbon monoxide and nitrogen oxides. Specifications have been submitted.
- Additional windows, modifications to existing windows including obscure glazing, one door omitted and another modified.

- More overhead sectional glazing added to let in light.
- Small brick plinth has been added to the northeast elevation.
- Other localised changes to materials and finishes (terrace PPC capping has been changed to imitation stone on southwest elevation, canopy to be anthracite grey steelwork instead of brushed steel).
- Fencing to the terrace has been omitted at the north and southwest elevations.

### *Condition 15*

Regarding the access arrangements, condition 15 requires a car park management plan to be submitted and approved, which is required to include details of improved technology to ensure the efficient operation of the barrier at the Bradford Road access to the site.

A Car Park Management Plan has been submitted, produced by Bryan G Hall. It is proposed that the existing Bradford Road access barrier would remain in situ but would remain open at peak times with additional automated gates provided approximately 15 meters further along Oakroyd Drive away from Bradford Road to avoid queuing onto the highway. Staff would be directed to access the site via the alternative Whitehall Road West access, and both entrance points would be controlled via an Automatic Number Plate Recognition (ANPR) controlled barrier system. The existing barriers being open during peak times would result in increased space for cars to wait off Bradford Road, providing space for five cars.

The applicant proposes that, subject to the above details being found to be acceptable, condition 15 can be reworded to be a compliance condition.

### *Condition 28*

During the application process, the applicant submitted details in respect of condition 28, which it is also proposed be re-worded as a prescriptive condition:

“West Yorkshire Fire & Rescue Service emergency response driving is bound by the Use of Audible and Visual warning Devices (construction and use) Regulations 1986. This, in essence, states that the use of a siren, two-tone horn, or other audible warning device should not be used when a vehicle is stationary, and should be avoided between the hours of 2330 and 0700hrs, except when it is deemed necessary or desirable to do so either to indicate to other road users the urgency for which the vehicle is being used or to warn other road users of the presence of the vehicle on the road”.

### **History of negotiations/amendments received**

None.

### **Relevant Planning History**

2022/91138 – Demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage. Granted.

2022/92681 – Variation conditions 2 (plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation), 23 (Remediation) on previous permission 2022/91138 for demolition of existing training centre and occupational health buildings, erection of new headquarters including indoor training centre, extension of existing building to form new fire station, extension of car parking and associated landscaping and drainage. Granted.

2022/92716 – Discharge of conditions 3 (Construction Management Plan) and 12 (surface water discharge) of previous permission 2022/91138. Withdrawn.

2022/92881 – Discharge of condition 17 (Arboricultural Method Statement) of previous permission 2022/91138. Withdrawn.

2022/93052 – Discharge conditions 10 (Mine Shaft Remediation), 13 (Drainage) on permission 2022/92681 for variation conditions 2 (plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation), 23 (Remediation) on previous permission. *Granted Condition 10 – To be complied with. Condition 13 – Discharged. Approval not granted in respect of other conditions.*

2022/93582 – Discharge conditions 22 (Verification Plan) 23 (Remediation Strategy) on previous permission 2022/91138. Granted.

2023/92120 – Discharge of condition 7 (materials) of previous permission 2022/92681. Granted.

2024/91186 – Variation condition 2 (plans and specifications), 14 (Landscape Plan) on previous permission 2022/92718 for demolition of fire training building, extension and landscaping of RTC yard, including erection of fuel pump and tank, bin store and dog kennels, recladding of the BA building and erection of an enclosed link between BA and TRTC, provision of a new sub-station and new boundary treatments, retaining and landscaping works. *Awaiting determination.*

2024/91189 – Planning permission for enabling landscaping and engineering works. *Awaiting determination.*

COMP/23/0262 – Development allegedly not being built in accordance with approved plans.

### **Representations**

Final publicity date expired: 19/07/2024. Publicity was by site notice and press advertisement in addition to neighbour notification letter on the grounds of it being classed as major development.

The proposed development was not advertised as affecting the setting of a listed building since it was considered that the changes shown on the plans would not result in a materially different impact.

No representations were made as a result of publicity.

### **Consultation Responses**

- KC Environmental Health – No objection.
- KC Highways Development Management – No objection.
- KC Ecology – No objection, subject to recommendations detailed in submitted cover letter (Technical Note - Biodiversity Net Gain Evaluation, TEP, 2024), that require a LEMP to be prepared in light of the updated proposals, as per condition 8.
- KC Trees – No objection.
- West Yorkshire Police Designing Out Crime Officer – No response.

### **Policy**

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The site is land without designation in the Kirklees Local Plan. The following constraints are noted:

- The site is within a Coal Referral Area
- Area Tree Preservation Orders close or adjacent to site
- Bat alert layer
- Grade II listed buildings (Oakroyd Hall and monument) in vicinity of site.

The following Local Plan policies are considered relevant to the determination of this application:

- LP 1:** Presumption in favour of sustainable development
- LP 2:** Place shaping
- LP 20:** Sustainable transport
- LP 21:** Highways and access
- LP 22:** Parking
- LP 24:** Design
- LP 30:** Biodiversity and geodiversity
- LP 33:** Trees

**LP 52:** Protection and improvement of environmental quality  
**LP 53:** Contaminated and unstable land.

### **Supplementary Planning Documents:**

- Kirklees Highway Design Guide SPD

This document can also be viewed in <G:\Planning\SPDs & Guidance Notes>.

### **National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), the Planning Practice Guidance Suite (PPGS) first launched 06/03/2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 15 – Conserving and enhancing the natural environment.

### **Assessment**

The following matters are considered in the assessment below –

- 1) Principle of development
- 1) Impact on visual amenity (including any heritage considerations)
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters – e.g. trees/ecology (e.g. bats)
- 5) Representations
- 6) Conclusion

#### 1 – Principle of development:

Policy LP1 of the Local Plan states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. LP1 goes on further to state that:

*“The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”*

The principle of the development has already been accepted. The principal factors in assessing this application will be its anticipated impact upon the safe and convenient use of the highway, possible impact upon trees and biodiversity, and its impact on visual amenity and local character.

The further assessment of this application will have due regard to Paragraph 140 of the NPPF, which states that local planning authorities should seek to ensure that “the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

## 2 – Impact on visual amenity:

It is considered that the changes to design proposed would, on balance, improve the appearance of the HQ building as the increased number of windows would make it less monotonous and imposing, and the proposed changes do not involve the substitution of inferior materials. The changes to landscaping and general layout would not significantly affect the appearance of the site as a whole and would incorporate a suitable amount of soft landscaping (see section on Trees and Biodiversity below).

In conclusion, it is considered that the changes in design from the scheme as originally approved would not result in the quality of the development being diminished.

It is considered that the development as modified would respect the quality and character of the townscape and landscape and would accord with the aims of Local Plan policy LP24(a).

As noted earlier, it is considered that the proposed changes would not have a materially different impact upon heritage assets when compared with the previously-approved scheme.

## 3 – Impact on residential amenity:

### *Air quality and pollution*

The purpose of the proposed flue is to vent emissions from an emergency back-up generator. It is noted that it would be positioned a considerable distance from any residential property. It is considered that the specifications submitted show that it would not vent fumes of a type, or at a level, liable to cause nuisance to residential properties in the vicinity of the site. It would therefore be compatible with the aims of Local Plan policies LP24(b) and LP52.

### *Noise*

KC Environmental Health accept the submitted information relating to audible warning systems. Condition 28 can therefore be reworded as a prescriptive (compliance) condition.

#### *Residential amenity – conclusion*

In conclusion it is considered that the proposal would not result in the living conditions of the present or future occupants, or any third party, thereby according with the aims of Local Plan policy LP24(b).

#### 4 – Impact on highway safety:

Vehicular access to the development would be taken from both the existing Oakroyd Drive access and the Whitehall Road access. The new fire station would take access from the Whitehall Road West access and the existing gates at the access would be removed and replaced by barriers immediately to the north of the new fire station.

The existing gates at the Oakroyd Drive access would remain but would be opened at peak times with additional automated gates provided approximately 15 metres further along Oakroyd Drive away from Bradford Road. Non-vehicular access to the site would be provided from the Oakroyd Drive access.

Within the application site boundary pedestrian routes would be provided that integrate into the existing pedestrian connection points onto Bradford Road and Whitehall Road West.

143 car parking spaces would be provided including five accessible bays and eight EV charging bays (with a further 10 for future conversion) that would integrate into the wider site. These would replace 129 existing spaces within the application site boundary resulting in a net increase of 14 spaces from 321 to 335. The number of EV charging bays across the site would more than double from 8 to 16.

The objectives of the submitted Car Parking Management Plan (CPMP) are to:

- To provide a car park that is well-signed and allows easy access to all users;
- To ensure that all parking areas within the site operate effectively and that they are used for their intended purposes; and
- To prevent the potential for parking to have an adverse impact on the surrounding highway network.

Access for staff would be taken via the existing access into the site from Whitehall Road via the improved Automatic Number Plate Recognition (ANPR) controlled barrier system. The barriers will be located immediately to the north of the new fire station. Details of the improved barrier system are attached to the CPMP at Appendix BGH2.

There would be a small number of car parking spaces prior to the barrier opposite the Fire Station. Drivers accessing these spaces would not need to travel through the barriers.

Access for visitors would be taken from Bradford Road via the improved Automatic Number Plate Recognition (ANPR) controlled barrier system. A new call function would be installed as part of the barrier upgrade and would be controlled at the new headquarters on site which would reduce connection times and therefore improve throughput.

During peak times (8am-9am, Mon-Fri), the existing barriers off Bradford Road would be raised resulting in increased storage for cars to wait off Bradford Road providing room for some five cars. As per the Staff Car Parking the Bi-Folding Speed Gate has an opening and closing time of between 4-10 seconds (depending on specification adopted) and therefore would enhance the throughput capacity.

Visitors would be directed to park in the appropriate parking area likely to be outside the main headquarters building public entrance.

Signage would be displayed within the car park clearly detailing the locations where and the type of parking that is allowed such as disabled bays and EV charging bays.

New signs would be provided at both access points into the site directing Staff and Visitors.

Security in addition to the security barriers at the Oakroyd Drive entrance off Bradford Road and between the car park area and the Fire Station off Whitehall Road the car parking areas would be subject to general security surveillance in the form of CCTV throughout the site.

It is proposed that the CPMP would be subject to review and should it become apparent that the management objectives are not being successfully met, alternative car park management measures would be considered.

KC Highways Development Management have examined the proposals and concluded that they would fulfil the aims of condition 15.

Condition 15 can therefore be re-worded as a compliance condition which would thereby be in accordance with the aims of Local Plan policies LP21 and LP22.

## 5 – Other matters:

*Climate Change:*

The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Since the changes for which permission is sought do not involve an intensification of the site and only minor external works, their implications for carbon emissions are judged to be insignificant.

#### *Land contamination and coal mining legacy*

The proposed alterations would not require new foundations and would not extend the built footprint of the development. It is therefore considered that the proposals do not raise new land contamination or stability concerns.

#### *Trees and Ecology:*

The proposed variations would have virtually no effect on the trees that were to be retained as per previous permission. The only trees to be affected are G11 on account of the proposed new curb works within the root protection area. The submitted Arboricultural Impact Assessment and Method Statement Addendum sufficiently detail how these works would be supervised and hand dig techniques would be used. KC Trees have assessed the relevant plans and reports and are satisfied that no further tree loss would occur. Local Plan policy LP33 would thereby be complied with.

The proposals in the original Landscape Masterplan (Ref: HQC004-BBA-Z0-00-DR-L-1035) identified that there would be an overall net gain of 0.24 biodiversity units (BU) (+13.44%) within the application area, however this was increased to 0.38 BU (+21.57%) with commitment of planting 35 small native trees within the application area and additional associated land. The majority of the net gain was attained within areas outside the application red line boundary but within the developer's ownership. The applicant's ecological consultant, The Environment Partnership, anticipates that the changes brought about by the current application would not have any direct impact or changes with regards to ecological value of the site as originally submitted and that therefore no further assessment is required.

Condition (8) on the original permission requires that a Biodiversity Enhancement and Management Plan (BEMP) is submitted to, and agreed in writing by, the Local Planning Authority. The BEMP is required to demonstrate how no net loss to biodiversity is to be achieved post-development and must detail the location and extent of all of the enhancement recommendations included in the PEA and BNG Report. KC Ecology requested that a Landscape and Ecological Management Plan (LEMP) be prepared in the light of the updated proposals. An application for approval of details has been submitted in respect of this condition but approval of details in respect of condition 8 has not yet been issued. Details submitted in respect of condition 8 may therefore need to be updated to ensure that they match the site plan

and other details now being considered, but no further details are required in order to assess this current application.

The case officer concurs with The Environment Partnership that the changes to the layout shown on the latest plans are compatible with the aims of conserving biodiversity and would thereby accord with Local Plan policy LP30.

#### *Conditions:*

Since the approval of an application for variation or removal of a condition has the effect of issuing a new permission, all conditions on the original decision notice should, for the sake of clarity, be applied to the permission as varied, if they remain relevant.

Section 73 planning application 2022/92681 was for the variation of conditions 2 (plans), 3 (CMP), 4 (LEDS), 8 (BEMP) 12 (Drainage), 17 (AMS), 22 (Phase II Intrusive Investigation) and 23 (Remediation) of previous permission 2022/91138.

#### *Condition Amendments*

Several conditions would need to be amended by way of an update to the original permission (2022/91138) in order to reflect the progress made in previous applications. The officer's report for application 2022/92716 made the following recommendations:

- Condition 1 Updated to reflect the 3-year deadline from the date of the original permission.
- Condition 2 Condition wording remains the same. Alterations restricted to the list of approved documents.
- Condition 3 A Construction Management Plan and supporting documentation were supplied under 2022/92716 which has been confirmed by KC Highways Development Management and KC Environmental Health as satisfactory. The condition wording is to be changed to compliance the approved documentation.
- Condition 4 Amended to a compliance condition following satisfactory submission of Landscaping Documents under application 2022/92681, as confirmed by KC Landscape.
- Condition 8 Amended to a compliance condition following satisfactory submission of Landscaping and Biodiversity Documents under application 2022/92681, as confirmed by KC Ecology.
- Condition 12 A detailed drainage design and maintenance programme were supplied under 2022/92716 which has been confirmed by the Lead Local Flood Authority as satisfactory. The condition wording is to be changed to compliance the approved documentation.
- Condition 17 An Arboricultural Method Statement was supplied under 2022/92681 which has been confirmed by KC Trees as satisfactory. The condition wording is to be changed to compliance with the approved documentation.

- Condition 22 and Condition 23 Both conditions have been satisfied under 2022/93582 and will be altered to compliance with the approved documents

These changes were not, however, carried over to the final conditions that appeared on the report or within the decision notice. This will be rectified under the current application, with conditions being re-worded appropriately.

Condition 26 has been the subject of a successful application to approve details, but the applicant has advised the case officer that these details would need to be amended so the condition will remain in its original form.

Conditions 15 and 28 that were addressed under this current application will be re-worded as compliance conditions.

Conditions 10 and 13, and condition 7, have also been discharged (ref: 2022/93052 and 2023/92120 respectively). This will be reflected in the final wording of the conditions. Condition 10 only specified works that had to be done before development commences, not to require the applicant to submit proof of compliance with the condition or impose any further ongoing responsibilities. Since development has commenced, this condition is superseded and can be deleted, however to avoid confusion, subsequent condition numbers are not proposed to be changed.

#### 6 – Representations:

No representations were made.

#### 7 – Conclusion:

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.

### **Recommendation – GRANT VARIATION OF CONDITIONS**

## Decision Authorisation - Delegated Powers

**Application Number:** 2024/91185

**Officer Recommendation:** Grant variation of condition

### Conditions and Reasons

1. The development hereby permitted shall be begun no later than 26/07/2025.

**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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The development shall be carried out strictly in accordance with the approved Construction Management Plan and supporting documentation listed in the approved document schedule on this notice.

**Reason:** To protect the amenity of adjacent residents in accordance with Policy LP24 of the Kirklees Local Plan.

4. The Landscape and Ecological Design Scheme (LEDS) shall be implemented in accordance with the details listed in the document in the approved documentation schedule and all features shall be retained in that manner thereafter.

**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 Policies LP32 and LP33 of the Kirklees Local Plan. This pre-commencement condition is required so that the development will be appropriately landscaped such that any harm to the visual amenity of the area is minimised.

5. The external facing materials to be used in the construction of the Fire Station extension hereby approved shall match those present in the existing Urban Search and Rescue Building in all respects.

**Reason:** To ensure that the extension to the USAR building ties in sympathetically to maintain the appearance of the streetscene in accordance with Policy LP24 of the Kirklees Local Plan.

6. The facing bricks and mortar utilised in the elevations of the development hereby approved and relating to items 1 and 8 on the approved elevation plan (ref: HQC004-BBA-Z1-ZZ-DR-A-3201 P06 and HQC004-BBA-Z1-ZZ-DR-A-3201-A5 C10) shall be as follows:

- Headquarters Building: Kingston Weathered Gault with natural mortar
- Training Arena Building: Staffordshire Blue Brindle Dragface with Charcoal mortar

No bricks shall be installed of any other specification, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

7. The facing materials used shall be in accordance with those specified in the Materials Schedule and clarification email within the schedule of approved documents.

**Reason:** In the interests of the visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. The on-site landscaping and biodiversity enhancements shall be implemented and maintained in accordance with the approved landscaping and biodiversity details, listed in the approved document schedule of this notice.

**Reason:** To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with LP30 of the Kirklees Local Plan.

9. Due to the likely presence of nesting birds, site clearance works shall not take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a careful, detailed check of the vegetation on site prior to demolition and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

**Reason:** To ensure the development hereby permitted does not incur harm to protected species in accordance with Policy LP30 of the Kirklees Local Plan. This pre-commencement condition is necessary to ensure that protected species are identified and appropriately mitigated for prior to works commencing on the site that may otherwise pose significant harm to those species, if present.

10. [no condition].

11. Prior to the development being brought into use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and mitigation measures within the building design to avoid the transfer of structural loads onto the treated mine shafts.

**Reason:** This condition is necessary ensure the stability and safe construction of development on the site in accordance with Policy LP53 of the Kirklees Local Plan.

12. The development shall be implemented in accordance with the approved drainage details listed in the approved document schedule on this notice. The approved drainage design shall be maintained throughout the lifespan of the development.

**Reason:** To ensure surface water is appropriately handled and disposed of in the interest of sustainable drainage in accordance with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

13. The approved temporary drainage scheme referred to in the schedule of approved documents shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

**Reason:** To ensure the provision of adequate temporary means of drainage, in the interests of amenity, environmental wellbeing and to accord with Policy LP28 of the Kirklees Local Plan and the National Planning Policy Framework.

14. Prior to the development being brought into use, a scheme detailing measures to manage parking on Whitehall Road West between Bradford Road and Heathfield Lane and all associated works, together with appropriate Safety Audits and timescales for implementation, shall be submitted to and approved by The Local Planning Authority. Unless otherwise agreed in writing, the approved scheme shall be implemented and retained in accordance with approved timescales.

**Reason:** In the interests of highway safety in accordance with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan.

15. The approved Car Parking Management Plan (CPMP) referred to in the schedule of approved documents shall be implemented before the development is brought into use and the development shall thereafter be operated in full accordance with the approved CPMP.

**Reason:** In the interests of highway safety in accordance with the requirements of Policies LP21 and LP22 of the Kirklees Local Plan.

16. The approved Travel Plan (Bryan G Hall – March 2022 – 21-397-003.03) shall be implemented in full. The five annual reports shall be submitted to the Local Planning Authority to evidence that the objectives of the Travel Plan have been met. Should the reports indicate that the Travel Plan objectives have not been met, the applicant shall submit a further Travel Plan to the Local Planning Authority for approval.

**Reason:** In the interests of promoting sustainable transport practices in accordance with the requirements of Policies LP20 of the Kirklees Local Plan.

17. The development shall be carried out in accordance with the Arboricultural Method Statement listed in the approved document schedule of this notice.

**Reason:** So as to protect the viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the

Kirklees Local Plan and advice within the National Planning Policy Framework.

18. Upon commencement of the development hereby approved, the mitigation measures to control fugitive dust emissions during the demolition and construction phase of the development shall be implemented in accordance with those detailed in Appendix A of the Air Quality Impact Assessment by Pace Consult (ref: HQC004-PAC-XX-XX-RP-R-00002) (dated: 25/02/2022). The specified measures shall be retained for the duration of the demolition and construction period.

**Reason:** To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the National Planning Policy Framework and Policy LP51 of the Kirklees Local Plan.

19. Prior to the installation of the kitchen extraction system, details of the kitchen extract system shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide the following information:

- A risk assessment for odour which considers amount and type of food that will be cooked together with the proposed dispersion of odours and proximity of receptors likely to be affected by any cooking odours;
- Based on the risk assessment, details of the proposed methods of odour control and dispersion of any extracted odours;
- Details showing the proposed location of all the major components of the extract system;
- The noise mitigation measures that will be incorporated in the extract system and details of the likely resulting noise levels that will be caused by operation of the extract system, in particular how loud it will be at nearby noise sensitive locations; and
- The proposed ongoing maintenance schedule that will be carried out to ensure that the extract system continues to effectively control odours and not cause excessive noise.

Before food cooking commences, the approved extract system shall be installed and thereafter retained and maintained in accordance with the approved details.

**Reason:** To ensure the proposed development does not cause harmful odour pollution at neighbouring premises or cause harmful noise pollution within neighbouring noise sensitive locations in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

20. The development shall not be brought into use until a scheme to prevent fats, oils, and grease entering the drainage network serving commercial food preparation and dish-washing areas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the café use commencing and shall be retained throughout the lifetime of the development.

**Reason:** To ensure the provision of adequate and sustainable systems of drainage are employed, in the interests of amenity, environmental wellbeing

and to accord with Policy LP52 of the Kirklees Local Plan and the National Planning Policy Framework.

21. Prior to the installation of the electrical system, 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. The scheme shall meet at least the following minimum standard for numbers and power output:

- One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of the non-residential parking spaces.

At non-residential developments, the requirement for one standard electric vehicle charging point for at least 10% of parking spaces may initially be reduced to one charging point for at least 5% of parking spaces with the remainder provided within five years of the permission being granted. 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 and maintained thereafter in accordance with the approved scheme.

**Reason:** In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

22. The development shall be conducted in accordance with the outcome of the Post-Demolition Intrusive Site Investigations as set out within the relevant documents listed in the approved document schedule of this notice.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. The development shall be conducted in accordance with the Remediation Strategy and supporting documentation listed in the approved document schedule of this notice.

**Reason:** To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

24. Remediation of the site shall be carried out in accordance with the Remediation Strategy listed in the schedule of approved documents. 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 groundworks in the affected area (except 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

25. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report by a suitably competent person 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 have been completed for the site 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 ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

26. Before the installation of external artificial lighting commences, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following information:

- The proposed hours of operation of the lighting;
- The location and specification of all of the luminaires;
- The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated;
- The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity;
- The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site; and
- The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

**Reason:** To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

27. Prior to occupation of the development, the means of securing/locking access doors into the building shall be submitted to and approved by the Local Planning Authority. The submitted details shall have regard to the contents of the email from the Counter Terrorist Security Advisor (dated 01/07/2022) and shall include a map of the locations where the security measures are to be implemented. The security measures shall be installed in accordance with the details, as approved.

**Reason:** To ensure the security and safety of the premises in accordance with Policy LP24 of the Kirklees Local Plan.

28. The use of sirens, horns or any other audible warning system on Fire Appliances/Vehicles accessing or egressing from the site shall be in full accordance with the details within the letter dated 12/03/2024 and submitted on 03/07/2024.

**Reason:** To prevent adverse noise levels at nearby residential properties in accordance with Policy LP24 of the Kirklees Local Plan.

**Footnotes:**

## **1. Highway Works**

Works on the Highway; 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.

## **2. Yorkshire Water Advice - Water Supply**

This site can be supplied from gravity subject to property height and demand, expected pressures are approx. 63m - 76m at ground floor level. Multiple live private water mains with FH and valves lie within redline boundary, if not required these needs to be diverted / disconnected and removed. All costs to be borne by Developer.

- a) There may be other private water mains crossing the site for which the Company holds no records.
- b) Some off-site mainlaying may be required.

## **3. EVF1 Electric Vehicle Charging Points**

A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof. Standard charging points for single residential properties that meet the requirements specified in the latest version of "*Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)*" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 socket outlet would be acceptable. For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable. The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

## **4. Odour**

Detailed advice is available in "*Control of Odour and Noise from Commercial Kitchen Exhaust Systems*" by EMAQ Sep 2018 which is an update of "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems" by DEFRA 2005.

## **5. Competent Person**

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants

<http://www.association-of-noise-consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

## 6. External Plant

The combined noise from any fixed mechanical services and external plant and equipment shall be effectively controlled so that the combined rating level of noise from all such equipment does not exceed the background sound level at any time. “Rating level” and “background sound level” are as defined in BS 4142:2014+A1:2019.

## 7. Artificial lighting

The proposed design levels of illuminance should be shown to be appropriate for the intended use by reference to appropriate guidance. Generally, to minimise problems of glare and stray light from external artificial lighting it should be installed and maintained in accordance with *the “Guidance Notes for the Reduction of Obtrusive Light”* by the Institution of Lighting Professionals: 2011 [www.theilp.org.uk](http://www.theilp.org.uk). The predicted levels of stray light must not exceed the recommended maximum levels given in Table 2 of this guidance for an Environmental Zone E3.

### Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
<b>Fire Station</b>			
Proposed GA Building Sections	HQC004-BBA-Z2-ZZ-DR-A-4501	P04	March 2022
Proposed GA Elevations	HQC004-BBA-Z2-ZZ-DR-A-3201	P06	December 2022
Roof GA Plan	HQC004-BBA-Z2-RF-DR-A-2203	P06	August 2022
Proposed First Floor GA Floor Plan	HQC004-BBA-Z2-01-DR-A-2202	P12	August 2022
Proposed Ground Floor GA Floor Plan	HQC004-BBA-Z2-00-DR-A-2201	P14	December 2022
<b>HQ/Training Arena</b>			
HQ Façade Intent Module	HQC004-BBA-Z1-ZZ-DR-A-3301	P04	August 2022
Proposed First Floor GA Floor Plan	HQC004-BBA-Z1-01-DR-A-2202	P14	August 2022
Proposed GA Building Sections – Atrium	HQC004-BBA-Z1-ZZ-DR-A-4503	P04	March 2022
Proposed GA Building Sections – HQ	HQC004-BBA-Z1-ZZ-DR-A-4502	P05	March 2022
Proposed GA Building Sections – Long Section	HQC004-BBA-Z1-ZZ-DR-A-4504	P04	March 2022

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed GA Elevations	HQC004-BBA-Z1-ZZ-DR-A-3201-A5	C10	April 2024
Proposed Ground Floor GA Floor Plan	HQC004-BBA-Z1-00-DR-A-2201	P13	August 2022
Proposed Roof GA Plan	HQC004-BBA-Z1-RF-DR-A-2204	P08	August 2022
Additional roof plan showing flue position	HQC004 BBA Z1 RF DR A 2204	C05	July 2024
Proposed Second Floor Plan	HQC004-BBA-Z1-02-DR-A-2203	P12	August 2022
Proposed GA Building Sections – Training Area	HQC004-BBA-Z1-ZZ-DR-A-4501	P05	March 2022
Elevations to Training Block	971327	5	July 2022
Proposed Site Sections	HQC004-BBA-Z0-XX-DR-A-4201	P02	August 2022
<b>General Plans</b>			
Condition 4 (LEDS) Statement by Bond Bryan 03/10/22	-	-	October 2022
Landscape Maintenance and Management Plan	HQC004-BBA-ZZ-XX-RP-L-0001	P01	October 2022
CT, BA & TRTC – Landscape GA	HQC004-BBA-Z0-XX-DR-L-1009	P01	March 2022
Hard Landscape Details	HQC004-BBA-ZZ-XX-DR-L-7801	P04	August 2022
HQ & Training Arena – Landscape GA	HQC004-BBA-Z0-XX-DR-L-1001	C01	October 2022
Fire Station – Landscape GA	HQC004-BBA-Z0-XX-DR-L-1008	P09	August 2022
Landscape Masterplan 1	HQC004 BBA-Z0-00 DR-L-1071	P04	April 2024
Landscape Masterplan 2	HQC004 BBA Z0 00 DR L 1010	C12	April 2024
Paving plan 1	HQC004 BBA Z0 00 DR L 1214	C01	April 2024
Paving plan 2	HQC004 BBA Z0 00 DR L 1215	C01	April 2024
Proposed Site Plan	HQC004-BBA-Z0-00 DR-L-1011	P04	April 2024
Site Location Plan	HQC004-BBA-Z0-	P04	March 2022

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
	XX-DR-L-1003		
Soft Landscape Details	HQC004-BBA-ZZ-XX-DR-L-7802	P02	October 2022
Tree Removal and Protection	HQC004-BBA-Z0-XX-DR-L-1030	P02	August 2022
Proposed Drainage Layout (Sheet 1)	HQC004-ROS-Z0-ZZ-DR-C-09101	P08	August 2022
Proposed Drainage Layout (Sheet 2)	HQC004-ROS-Z0-ZZ-DR-C-09101	P08	August 2022
Electrical Engineering Services Lighting Layout General Arrangement Layout	HQC004-CAD-XX-XX-DR-E-63000	P04	May 2022
Internal Luminaire Schedule	HQC004-CAD-XX-XX-SH-E-01004	P01	May 2022
Typical Window Details (Brickwork)	HQC004-BBA-Z1-ZZ-DR-A-7752	P04	08/07/2022
Generator Flue Drawings	25090-001		April 2024
Generator Flue Specifications	HQC004-HEB-XX-XX-TS-E-00011	Generator Flue Specifications	HQC004-HEB-XX-XX-TS-E-00011
Turnstiles	GMC 4000		April 2024
Barrier specification sheet	GMC 6000		April 2024
Bi-folding gate	GMC 9500		April 2024
Materials schedule		P05	20-Feb-2024
Clarification email			22-Feb-2024
<b>Reports</b>			
Air Quality Assessment	HQC004-PAC-XX-XX-RP-R-0002	0	February 2022
Arboricultural Impact Assessment	8808.005	1.0	January 2022
Arboricultural Impact Assessment Addendum and Technical Note	D8808.04.001	2	April 2024
Arboricultural Method Statement – The Environment Partnership	8808.007	2.0	August 2022 (2022/92881)
Biodiversity Net Gain Design Stage Report	8808.006	2.0	March 2022
Biodiversity Net Gain Report Appendix A –	-	-	March 2022

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
BNG Metric 3.0			
Biodiversity Net Gain (BNG) Addendum Note	8808.007	-	August 2022
All Photos Submitted under 2022/92716	-	-	10/10/2022 (2022/92716)
Construction Management Plan	-	A	September 2022 (2022/92716)
Site Logistics Wks 1-4	-	B	August 2022 (2022/92716)
Site Logistics Wks 5-8	-	B	August 2022 (2022/92716)
Site Logistics Wks 9-12	-	B	August 2022 (2022/92716)
Pre-condition survey scoping area	-	1	November 2022 (2022/92716)
Flood Risk Assessment and Surface Water Drainage Strategy	-	Rev 6	August 2022
Drainage and SuDS Maintenance Schedule October 2022	HQC004-ROS-Z0SL-RP-C-00002	1	November 2022
Planning condition 13 report	Wilmott Dixon		March 2023
Remediation Strategy & Verification Plan (Calabrian) October 2022	7115/4	-	November 2022 (2022/93582)
Letter from Tier Consult Referenced dated 30 August 2022	TE1678-TE-00-XX-GE-RP-001-V01	-	November 2022 (2022/93582)
Letter titled – Oakroad Hall, Birkenshaw – Post-Demolition Investigation (Calabrian)	7115/047/RJH/rjh	-	November 2022 (2022/93582)
Importation & Use of Soil Cover	-	-	November 2022 (2022/93582)
Email from Calabrian Limited, dated 27th November 2022	-	-	November 2022 (2022/93582)
Email from Calabrian Limited, dated 29th November 2022	-	-	November 2022 (2022/93582)
Car Parking Management	21-397-007.03		April 2024

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Plan			
Biodiversity net gain advice note	8808.04.001		April 2024

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. Further information was submitted during the planning process at the request of the applicant and the case officer requested a drawing showing the position of the flue within the roof.

**Report Dated:** 05/08/2024