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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2024/70/91186/E

To: Rebecca Beardsley
nineteen47 Ltd
6, Pat Midgley Lane
Sheffield
S2 5PN

For: West Yorkshire Fire & Rescue Service

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

VARIATION OF CONDITIONS 2 (PLANS AND SPECIFICATIONS) AND 14 (LANDSCAPE PLAN) OF 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

At: OAKROYD HALL, WEST YORKSHIRE FIRE AND RESCUE SERVICE HEADQUARTERS, BRADFORD ROAD, BIRKENSHAW, BD11 2DY

In accordance with the plan(s) and applications submitted to the Council on 25-Apr-2024 [together with those plans and application(s) submitted to the Council on 12-Aug-2022 and incorporated into planning permission 2022/92718 granted on 19-Dec-2022] and subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun no later than 18/12/2025.
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 to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP3, LP7, LP8, LP21, LP22, LP24, LP30, LP33, LP35 and LP53 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. No development shall commence (excluding the demolition of existing structures, site clearance and works to the RTC yard) until works to remediate shallow coal mine workings has been carried out in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.
Reason: To ensure the safe occupation of the site in relation to the historic coal mining legacy, in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

4. Prior to the occupation of the development, or it being taken into beneficial 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: To ensure the safe occupation of the site in relation to the historic coal mining legacy, in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

5. The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Revision 7, produced by Roscoe dated July 2022 and shall incorporate the detailed surface water drainage scheme and all the proposed mitigation measures into the development.
Reason: To ensure the safe occupation of the site in relation to flood risk and drainage in accordance with Policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. The Construction Environmental Management Plan (CEMP) referred to in the schedule of approved documents shall be adhered to throughout the construction of the development.
Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with part 15 of the NPPF and LP52 of the Local Plan.

7. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment (reference: The Environment Partnership ref 8808.01.001 dated Aug 2022). Specifically, the development shall be carried out in complete accordance with Arboricultural Method Stated enclosed within the forementioned Arboricultural Impact Assessment. These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy LP33 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

8. Notwithstanding the plans and details hereby approved, all of the new proposed trees, in addition to the proposed hedgerow to the north of the substation, shall be planted within the first planting season following the date of this decision. The new and replacement trees shall be of mixed native and naturalised species in accordance with the approved Arboricultural Impact Assessment (The Environment Partnership, ref: 8808.01.001 dated Aug 2022). If any of the newly proposed trees die within five years of the date of this permission, they shall be replaced with a tree of the same species and of the same material size, within the next planting season. The trees shall be retained thereafter.
Reason: To ensure appropriate tree planting is implemented in accordance with Policy LP33 of Kirklees Local Plan.

9. Remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy (ref: 7115A_2 Rem Strat Report - Dec 22). 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 two 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

10. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Verification 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 Verification 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.

11. 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.
Reason: To ensure the proposed development does not 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.

12. No external artificial lighting shall be used unless the lighting has been installed and operated in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority, and thereafter operated in accordance with the details so approved.
Reason: To safeguard the amenities of the occupiers of nearby properties and promote sustainable development in accordance with Chapters 2 and 15 of the National Planning Policy Framework and Policy LP52 of the Kirklees Local Plan.

13. Development shall be carried out in complete accordance with Biodiversity Net Gain Design Stage Report (ref: 8808.01.001).
Reason: To ensure a biodiversity net gain as to accord with Kirklees Local Plan Policy LP30, Chapter 15 of the National Planning Policy Framework and the Biodiversity Net Gain Technical Advice Note.

14. Development shall be carried out in complete accordance with the Landscaping Masterplans referred to in the schedule of approved documents.
Reason: To ensure the landscaping is undertaken in the interests of visual amenity and as to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

15. The external facing walls of the link extension between the breathing apparatus and technical training centre buildings here approved, shall be faced in to match the existing breathing apparatus building in regard to colour and size.
Reason: As to ensure the proposed extension represents good design and high-quality finish, in accordance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

Plans and Specifications Table:

Plan Type	Reference	Revision	Date Received
Application form			25/04/2024
Container drawing	20’ standard container details		25/04/2024
Substation screening and proposed path	S2	P01	25/04/2024
Landscape masterplan	S4	C12	25/04/2024
Landscape masterplan 2	S4	P04	25/04/2024
Car rack specification	1223-238		25/04/2024
Site location plan	S2	P01	25/04/2024
BNG technical note	8808.04.001		01/05/2024
Arboricultural impact assessment v2 addendum			25/04/2024
Site plan	A5	C03	25/04/2024
Covering letter			01/05/2024
Location Plan	HQC004-BBA-Z0-XX-DR-L-1032	P01	12/08/2022
Existing Floor Plans	HQC004-BBA-Z3-00-DR-A-2001	P02	12/08/2022
Existing Site / Block Layout	HQC004-BBA-Z0-XX-DR-L-1033	P03	12/08/2022
Existing Elevations	HQC004-BBA-Z3-ZZ-DR-A-3000	P02	12/08/2022
Plan General	1888.14.102	1	23/11/2022
Proposed Site Sections	HQC004-BBA-Z0-00-DR-L-7801	P04	12/08/2022
Grouped Plans and Elevations	HQC004-BBA-Z0-00-DR-L-7811	P01	12/08/2022
Grouped Plans and Elevations	HQC004-BBA-Z0-00-DR-L-7812	P01	12/08/2022
Grouped Plans and Elevations	HQC004-BBA-Z3-XX-DR-A-3203	P01	12/08/2022
Grouped Plans and Elevations	HCQ004-BBA-Z3-ZZ-DR-A-3210	P01	12/08/2022
Proposed Floor Plans	HQC004-BBA-Z3-00-DR-A-2201	P02	12/08/2022
Contamination Report Phase I	7115A_1	1	23/11/2022
Contamination Report Phase II	NE3626	1	23/11/2022
General	Check Drilling & Grouting Information DJT/211/08	1	23/11/2022
Ecological / Biodiversity Statement	8808.002 Preliminary Ecological Assessment	1	11/10/2022

Supp Info – Other Assessments	TCA-Permit terms_and_conditions-20220114_WYFRS Signed application to Coal Authority	1	11/10/2022
Supp Info – Other Assessments	Reports - Geoenvironmental Appraisal - Calabrian Geo-Tech Report 7115_3 Spec Treatment of Shallow Workings - Jan 22 (1)	1	11/10/2022
Supp Info – Other Assessments	TCA-Permit Return Letter - 24523	1	11/10/2022
Supp Info – Other Assessments	TCA-Permit Permit Certificate - 24523	1	11/10/2022
Contamination Report – Remediation Startegy	7115A_2 Rem Strat Report - Dec 22	1	05/12/2022
Contamination Report Phase II	037 Letter to Roscoe - CLT Response – dated 27 05 22	1	10/10/2022
Tree / Arboricultural Survey	Arboricultural Impact Assessment, reference (The Environment Partnership ref 8808.01.001 dated Aug 2022)	1	31/08/2022
General	Biodiversity Net Gain Design Stage Report 8808.01.001	1	19/08/2022
Flood Risk Assessment	Flood Risk Assessment and Foul and Surface Water Drainage Strategy (July 2022)	7	12/08/2022
General	Gas Risk Addendum 7115/034/RJH/rjh	1	16/08/2022
General	Geophysical Report inc Contaminated Land_REDACTED_compressed-46-274	1	
General	Geophysical Report inc Contaminated Land_REDACTED_compressed-1-45	1	12/08/2022
General	Coal Authority Letter 04.08.22	1	12/08/2022
General	HQC004-BBA-Z0-XX-DR-L-1037_Tree Plan Compressed	1	12/08/2022

General	Supporting statement RB/01/n1638	1	16/08/2022
Specifications of Treatment of Shallow Workings	7115/5A (submitted for application 2023/90462)		27/02/2023
Manhole Cover and Frame	13349 (submitted for application 2023/90462)		27/02/2023
Mechanical & Electrical Engineering External Services Layout	HQC004-HEB-XX-00-DR-ME-19004_S5. (submitted for application 2023/90462)	P05	27/02/2023
Coal Authority Permit Certificate, Closure Form and Return Letter	26291		27/02/2023
Construction & Environmental Management Plan	Wilmott Dixon – application (submitted for application 2023/92192)		20/07/2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

The case officer did not enter into negotiations with the applicant as the submission of amended plans was not considered necessary.

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

Development within a Coal Mining Area

DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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

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

Appeals to the Secretary of State

- **If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.**
- **If an enforcement notice is served or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:**

i) 28 days from the date of this notice where the enforcement notice has been served,
ii) 28 days of the date of service of the enforcement notice or,
iii) the specified period starting from the date of this notice,

whichever period expires earlier.

- **If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.**

- **The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.**

- **Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/appeal-planning-decision. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.**
- **You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.**
- **The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.**
- **The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.**

- **In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.**

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

Purchase Notices

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

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

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

Dated: 13-Aug-2024

Signed:

David Shepherd
Executive Director for Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search and view existing planning applications and decisions' and by searching for application number 2024/70/91186/E .

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

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

E-mail: dc.admin@kirklees.gov.uk

Write to: Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL