

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2024/44/92309/E
Site Address:	Oakroyd Hall, West Yorkshire Fire And Rescue Service Headquarters, Bradford Road, Birkenshaw, BD11 2DY
Description:	Discharge of details reserved by conditions 4 (coal mining remediation statement or declaration), 10 (Verification Report) and 12 (external artificial lighting) of previous permission 2024/91186 for 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
Recommending Officer:	William Simcock

DECISION – Discharge of Conditions – Split Decision

I hereby authorise the split decision 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: 25/09/2024

Officer Report 2024/92309

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

This application relates to permission 2024/91186 for 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.

The application seeks approval of details reserved by conditions 4 (coal mining remediation statement or declaration), 10 (Verification Report) and 12 (external artificial lighting). Those conditions are worded as follows:

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.*

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.*

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.*

Assessment

Condition 4

A verification report, by GeoEnginSeer, reference GPVS 0721-D4172 has been submitted.

The report concerns itself with the installation of gas protection membranes. It does not address the purpose of the condition which is ensure the safe occupation of the site in relation to its historic coal mining legacy. Condition 4 therefore cannot be discharged at the present time.

Condition 10

The following has been submitted:

- Remediation Strategy & Verification Plan (Calabrian)
- Verification Report (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 03/07/2023 and 05/07/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 01/09/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 16/10/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems - Lift Pit base (Vertical Return) 17/05/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Training area Q to V 07/02/2024 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Training area – Tunnels Visit 2 (second half of install) 09/05/2024 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Lift pit base 11/04/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retaining Wall (and base of staircase) 20/04/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retaining Wall, gridline 13 24/02/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retaining Wall, gridline 13 (continued) 27/02/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Pour #1 and Pour #2 12/06/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Pour #1 and Pour #2 12/06/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Pour #1 and Pour #2 05/06/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Perimeter outer edge detail 01/08/2023 (GeoEnginSeer)

- Verification Completion Report for Ground Gas Protection Systems – Training area K to Q 09/05/2024 (GeoEnginSeer)

KC Environmental Health have reviewed the provided documents and have raised concerns over the lack of clarity, and have highlighted several inconsistencies. For instance, gas protection elements are reported as installed in some sections but noted as ongoing in others. Additionally, a statement claiming that gas protection measures have been competently installed across the development, contradicts other documents indicating ongoing work. Clear plans should also be provided for each area referred to in the individual reports.

Overall, there is insufficient evidence to confirm the installation of gas protection measures in accordance with good practice guidance. Condition 10 therefore cannot be discharged at the present time.

Condition 12

The following has been submitted:

- Lighting Specification Drawing: D45010/LKM/H
- External Lighting Layout: HQC004-HEB-XX-XX-DR-E-63000 Rev C03

The following additional information is provided in the covering letter:

- The site will be operational 24 hours a day, the external lighting will be illuminated during all hours of darkness controlled with daylight sensors.
- The location and specification of each of the luminaries is illustrated on the external lighting layout plan submitted alongside this document.
- The proposed level of maintained average horizontal illuminance for each area is illustrated on drawing D4510/LKM/H.
- The external lighting features directional optics, which use a low G (glare) rating with little or zero upward lighting output, in order to minimize lighting glare and spillage beyond the site boundary. The exception to this is for the decorative uplighting to selected tree bases which are well within the site boundary. All elements are calculated using specialist lighting software to minimize glare and spillage to the lowest possible level.
- All new external lighting will be controlled via light sensors, with the option to manually override via switches or with a timeclock.
- All external lighting is designed to Environmental Zone E2 'Rural'.

KC Environmental Health have examined the submission. The submitted plan demonstrates that illuminance to habitable windows on Oakroyd View would be less than 2.5 lux, bordering 1 lux, and no other residential properties appear to be impacted by light spill from the development. The submitted information is considered acceptable. The installation and subsequent operation of the lighting in full accordance with the submitted details would ensure compliance with the condition.

Notwithstanding this, it is recommended that the applicant be reminded that Kirklees Council has powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited. If the approved installation were proven to cause statutory nuisance, further controls (for example, by way of cowls) might need to be applied.

Decision notice text

Condition 4 (coal mining remediation statement or declaration)

A verification report, by GeoEnginSeer, reference GPVS 0721-D4172 has been submitted.

The report concerns itself with the installation of gas protection membranes. It does not address the purpose of the condition which is ensure the safe occupation of the site in relation to its historic coal mining legacy. Condition 4 therefore cannot be discharged at the present time.

Condition 10 (Verification Report)

The following has been submitted:

- Remediation Strategy & Verification Plan (Calabrian)
- Verification Report (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 03/07/2023 and 05/07/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 01/09/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retro installation to old Fire House building 16/10/2023 (GeoEnginSeer)
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- Verification Completion Report for Ground Gas Protection Systems – Retaining Wall, gridline 13 24/02/2023 (GeoEnginSeer)
- Verification Completion Report for Ground Gas Protection Systems – Retaining Wall, gridline 13 (continued) 27/02/2023 (GeoEnginSeer)
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- Verification Completion Report for Ground Gas Protection Systems – Training area K to Q 09/05/2024 (GeoEnginSeer)

KC Environmental Health have reviewed the provided documents and have raised concerns over the lack of clarity and regarding several inconsistencies. For instance, gas protection elements are reported as installed in some sections but noted as ongoing in others. Additionally, a statement claiming that gas protection measures have been competently installed across the development contradicts other documents indicating ongoing work. Clear plans should also be provided for each area referred to in the individual reports.

There is insufficient evidence to confirm the installation of gas protection measures in accordance with good practice guidance. Condition 10 therefore cannot be discharged at the present time.

Condition 12 (external artificial lighting)

The following has been submitted

- Lighting Specification Drawing: D45010/LKM/H
- External Lighting Layout: HQC004-HEB-XX-XX-DR-E-63000 Rev C03

The following additional information is provided in the covering letter:

- The site will be operational 24 hours a day, the external lighting will be illuminated during all hours of darkness controlled with daylight sensors.
- The location and specification of each of the luminaries is illustrated on the external lighting layout plan submitted alongside this document.
- The proposed level of maintained average horizontal illuminance for each area is illustrated on drawing D4510/LKM/H.
- The external lighting features directional optics, which use a low G (glare) rating with little or zero upward lighting output, in order to minimize lighting glare and spillage beyond the site boundary. The exception to this is for the decorative uplighting to selected tree bases which are well within the site boundary. All elements are calculated

using specialist lighting software to minimize glare and spillage to the lowest possible level.

- All new external lighting will be controlled via light sensors, with the option to manually override via switches or with a timeclock.
- All external lighting is designed to Environmental Zone E2 'Rural'.

The submitted information is considered acceptable and is hereby approved. The installation and subsequent operation of the lighting in full accordance with the submitted details would ensure compliance with the condition.

Notwithstanding this, please be reminded that Kirklees Council has powers under Section 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited. If the approved installation were proven to cause statutory nuisance, further controls (for example, by way of cowls) might need to be applied.

Report Dated:

27/09/2024
