

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2022/62/93344/E
Site Address:	School of Dance and Performing Arts, 61-63, Moor Lane, Gomersal, Cleckheaton, BD19 4LF
Description:	Conversion and extension of existing building to form 10 one-bedroom apartments and associated external works
Recommending Officer:	Callum Harrison

DECISION – Conditional Full Permission

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.

Majors Team

AUTHORISED OFFICER

Date: 06/07/23

Decision Authorisation – Committee Decision

Committee: Heavy Woollen Planning Sub-Committee

Date of Committee: 22/06/2023

Application Number:2022/93344

Officer Recommendation: Approve

Committee Decision: Approve

Summary of Committee Decision: DELEGATE APPROVAL as per officer report set out in the agenda with additional condition relating to use of natural stone in keeping with the existing building and local vernacular.

Conditions and Reasons:

1. The development hereby permitted shall be begun within three years of the date of this permission.

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 and a suitable use on completion, in accordance with Policies LP13 and LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Notwithstanding the plans hereby approved, there shall be no commencement of the development hereby permitted until an Ecological Design Strategy (EDS) has been submitted and approved in writing by the Local Planning Authority. The EDS shall include:

- a) The EDS shall be informed by the submitted Bat Survey, Preliminary Ecological Appraisal and Biodiversity Impact Assessment to demonstrate how the proposals will deliver a measurable biodiversity net gain of at least 10%.
- b) The pre-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 3.1 (or latest version, if available).
- c) The post-development biodiversity value of the onsite habitat, measured using the Biodiversity Metric 3.1 (or latest version, if available).
- d) Details, including future maintenance for at least 30 years, of any on site habitat enhancements, and then details of any offsite habitat enhancement

required to achieve a biodiversity net gain, including pre-development and target biodiversity value.

Reason: To ensure significant ecological harm is prevented and that a final scheme provides a biodiversity net gain in accordance with the NPPF and Policy LP30. This is a pre-commencement condition to ensure the scheme design is able to account for the baseline ecological value of the site and so can be designed in accordance with the ecological mitigation hierarchy, as required under Policy LP30.

4. Notwithstanding the plans hereby approved, prior to the marking and laying out of the car park as well as the occupation of the building, full details of the proposed communal refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. Details and information to be submitted shall include:

- The final location of the proposed bin store, with consideration to be given to the proximity of adjacent dwelling.
- Details of the bin presentation point.
- The final size and capacity of the built bin store.
- Methods for managing the bin store.

The development and site management shall then be carried out in complete accordance with the approved details, and retained thereafter.

Reason: As to ensure: the bin store does not harm the amenity of neighbouring occupiers; the waste can be safely collected; there is sufficient storage for the waste; and, that the collection and storage of the waste does not impact on the safety of the highway or parking arrangement. As to accord with Policies LP21, LP22, LP24 and LP43 of the Kirklees Local Plan; Chapters 9 and 12 of the National Planning Policy Framework and the Housebuilders Design Guide and Highways Design Guide SPDs.

5. Development shall not commence until samples of all externally facing materials, including samples of natural stone for the external facing walling, have been submitted to and approved in writing by the Local Planning Authority. The external works shall then be carried out using the approved materials only.

Reason: This is a pre-commencement condition necessary to ensure the materials to be refused represent high quality design, in order to comply with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 the National Planning Policy Framework.

6. Prior to the first occupation of any new vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas) published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and thereafter retained.

Reason: In the interests of highway safety and to achieve a satisfactory layout and in the interests of sustainable drainage and to accord with Policies LP21 and LP22 of the Kirklees Local Plan and chapter 14 of the National Planning Policy Framework.

7. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Tree Protection Plan, Barnes Associates (ref BA11605TPP,P,revA). 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 Local Plan and advice within the National Planning Policy Framework.

8. Before the development is first brought into use all works which form part of the sound attenuation scheme as specified in the Noise Impact Assessment authored by Environmental Noise Solutions Ltd dated 29 September 2022 Ref NIA/10487/22/10723/v1/Moor Lane, Gomersal:

a) shall be completed; and

b) written evidence to demonstrate that the specified noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

If it cannot be demonstrated that the noise levels specified in the aforementioned Noise Report have been achieved, then a further scheme shall be submitted for approval of the Local Planning Authority incorporating further measures to achieve those noise levels. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned noise levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.

9. In the event that contamination, or the presence of coal not previously identified by the developer prior to the grant of this planning permission is encountered during the development, 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.

Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as that part of the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works 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 paragraph nos. 183 and 184 of the National Planning Policy Framework.

10. Before the electrical system is installed, 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:

- A Standard Electric Vehicle Charging point providing a continuous supply of at least 16A (3.5kW) for each residential unit that has a dedicated parking space
 - One Standard Electric Vehicle Charging Point providing a continuous supply of at least 16A (3.5kW) for at least 10% of residential parking spaces that are not allocated to specific dwellings
- The agreed dedicated facilities for charging electric vehicles are to be installed, maintained and retained thereafter.

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, Chapters 2, 9 and 15 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

11. Before the development is brought into use, the applicant must confirm whether imported materials are to be brought onto site. Where imported materials are to be used, a 'Verification Report' by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority for any topsoil or subsoil that has been imported onto the site. The verification report shall demonstrate how all imported topsoil and subsoil is safe and suitable for use on the site.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 183 and 184 of the National Planning Policy Framework.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and 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.

NOTE:

- 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.

- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity and the installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: The bin store at present located on the western boundary western boundary is set very close to existing dwellings. The bin store a shown on the approved plans would cause harm to the amenity of this dwelling, as well as being set too close to a dwelling for safety and fire risk reasons. As such, a new position for the bin store shall have to be secured under condition 4. Officers recommend the applicant to look to place parking where the bin store is currently proposed and place the bin store where parking space 7 is shown on dwg 3278-DEN-01-00-DR-A-1002 - Proposed Site Plan.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. Reports must be prepared in accordance with the following guidance:

- Land Contamination Risk Management (LCRM)
- BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice
- Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020 by the Yorkshire and Lincolnshire Pollution Advisory Group.

The conditions relate to Planning Control only. Approval under the Building Regulations may also be required, and the applicant should contact their Building Control Provider for further information. Any other necessary consent must be obtained from the appropriate authority. If the applicant commences work without discharging conditions, they will be at risk of enforcement action and invalidating the permission if the planning condition is a pre commencement condition.

Plans and Specifications Table:-

Plan Type	Reference	Version	Date Received
Location Plan	3278-DEN-01-00-DR-A-1000	1	11/10/2022
Proposed Site Plan	3278-DEN-01-00-DR-A-1002	2	17/03/2023
Proposed Floor Plans	3278-DEN-01-00-DR-A-2000	1	11/10/2022
Proposed Elevations	3278-DEN-01-ZZ-DR-A-4000	1	11/10/2022
Topographical Survey	037-200	1	11/10/2022
Building Survey	1037-200	1	11/10/2022
Tree Protection	BA11605	1	11/10/2022

Plan			
Tree Survey	BA11605	1	11/10/2022
Arboricultural Impact Assessment	BA11605	1	11/10/2022
Swept Path Analysis	MA-21626-ATR002.1	1	17/03/2023
Swept Path Analysis	AMA-21626-ATR002.2	1	17/03/2023
Biodiversity Impacts Assessment	FE212/BIA0	1	14/10/2022
Highways Supporting Statement	21626	1	11/10/2022
Noise Assessment	10487-22-10723-v1	1	11/10/2022
Preliminary Ecological Appraisal	No ref (dated, 04/07/2022, authored by Arbtech)	1	11/10/2022
Bat Emergence and Re-entry Survey	No ref (dated, 11/07/2022, authored by Arbtech)	1	11/10/2022
Heritage Statement	3278	V02	11/10/2022
Design and Access Statement	3278	V02	11/10/2022

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 has, 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. This application follows a pre-planning application enquiry which proposed 6 x 1-bed and 4 x 2-bed apartments in a scheme similar to that proposed now. In the pre-application response, Officers supported the principle of development. Whilst Officers were positive about extending the building on the eastern side, concerns were raised about the size of the extension, which has been addressed in the design submitted under the full application. This has led to all ten apartments being one bedroom as opposed to a mix of one and two bed roomed apartments as set out in the pre-application enquiry. During the course of this application, negotiations have revolved around highways, which has led to revisions to the car park details. Officers have also discussed the principle of development with the agent.

Report Dated:

05/07/2023

