



**Town and Country Planning Act 1990**

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

**PLANNING PERMISSION FOR DEVELOPMENT**

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**Application Number: 2022/62/93344/E**

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**To:** Alan Powell,  
Den Architecture Ltd  
8, Wharf Street  
Leeds  
LS2 7EQ

**For:** C McCue

**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:-**

CONVERSION AND EXTENSION OF EXISTING BUILDING TO FORM 10 ONE-BEDROOM APARTMENTS AND ASSOCIATED EXTERNAL WORKS

**At:** SCHOOL OF DANCE AND PERFORMING ARTS, 61-63, MOOR LANE,  
GOMERSAL, CLECKHEATON, BD19 4LF

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**In accordance with the plan(s) and applications submitted to the Council on 11-Oct-2022, subject to the condition(s) specified hereunder:-**

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 National Planning Policy Framework and Policy LP30 of the Kirklees Local Plan. 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 an 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 as 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:-**

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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 Plan	BA11605	1	11/10/2022
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 bedroomed 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.

**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 Tel No: (01484) 221550 for more information.**

**It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.**

#### **Details Reserved by Condition**

- **This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".**
- **You can apply online for approval of these details at the Planning Portals website at [www.planningportal.gov.uk](http://www.planningportal.gov.uk). Alternatively the forms and supporting guidance for submitting an application can be found online at [www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning).**
- **This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.**
- **You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.**
- **It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.**
- **If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.**

## **Development within a Coal Mining Area**

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](http://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](http://www.gov.uk/government/organisations/the-coal-authority)

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk)

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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 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 relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
  - i) 28 days of the date of service of the enforcement notice, or
  - ii) within the specified period, starting on 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.**

**Dated:** 06-Jul-2023

**Signed:**



**David Shepherd  
Strategic Director Growth and Regeneration**

### **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](http://www.kirklees.gov.uk/planning), and by clicking on the 'search planning applications and decisions' and by searching for application number 2022/62/93344/E .

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

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

E-mail: [dc.admin@kirklees.gov.uk](mailto:dc.admin@kirklees.gov.uk)

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

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