
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 22-Jun-2023

Subject: Planning Application 2022/93344 Conversion and extension of existing building to form 10 one-bedroom apartments and associated external works School of Dance and Performing Arts, 61-63, Moor Lane, Gomersal, Cleckheaton, BD19 4LF

APPLICANT

C McCue

DATE VALID

11-Oct-2022

TARGET DATE

10-Jan-2023

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION: APPROVE

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The site has been referred to the Heavy Woollen Planning Committee given that 263 representations have been received in relation to the application. Of the 263 representations, 250 were in objection to the proposal, 6 were in support and 7 were deemed as general comments. This is in accordance with the Scheme of Delegation set out in the Constitution.
- 1.2 As well as this, representations were also received from Cllr Mark Thompson and Cllr Elizabeth Smaje. These will be summarised where appropriate in the report below.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site lies at the junction of Dewsbury Road and Moor Lane, and measures 0.15 hectares. The site comprises an existing three-storey, hipped-roof, stone-built building, associated hardstanding/car parking and garden space. The building is currently used by a Dance School. There are or have been a café use and antiques use within the building in recent times, however these uses are unauthorised. Access to the site is from Moor Lane at the southern boundary. Boundaries comprise a stone-built wall (1-1.5m in height), hedgerows and mature trees.
- 2.2 The site lies within a predominately residential area consisting of single-storey and two-storey properties of varying character, with external materials predominantly comprising of stone and render for the walls and a mix of concrete and slate tiles for the roofing.

3.0 PROPOSAL

- 3.1 The application is seeking permission for the conversion and extension of the existing building to form 10 one-bedroom apartments and associated external works.
- 3.2 This would result in a change of use from the building's current use as a dance studio, antiques shop and café. The antiques and café use are unauthorised with no permission on digital record for these uses.

- 3.3 The proposed extension is to the eastern side of the original building. It would be two storeys in height and finished with a pyramid hipped roof. The extension would host four of the proposed apartments. Each side of the extension would be set in from the side elevation of the original building by 2.8m, and it would have a finished height 4.5m below the ridge of the original building also. The extension would be faced in stone to match the original building. The connection between the original building and extension would be via a recessed section of rendered walling.
- 3.4 The exterior of the original building will be largely unaltered with the addition of 4 new windows across the side elevations, repositioning of the door and the provision of 5 conservation style roof lights with fitted central bar being the only material changes. The original building would host six of the apartments.
- 3.5 The existing car parking would be utilised and slightly amended to provide 12 vehicle parking spaces, a cycle store and refuse store. The existing access from Moor Lane would be used.
- 3.6 Full details of the development can be seen on the submitted plans.

4.0 RELEVANT PLANNING HISTORY

Planning Applications

- 4.1 There are no planning applications on digital file for this site.

Pre-planning Applications

- 4.2 2022/20019 - Pre application advice for conversion and extensions to form 10 dwellings.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 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.

6.0 PLANNING POLICY

- 6.1 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 27th February 2019).

The application site is unallocated on the Kirklees Local Plan (2019).

- 6.2 The site is also located 125m outside the Gomersal Conservation Area and as such, does not affect its setting.

Kirklees Local Plan (2019)

Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP21 – Highways and access

LP22 – Parking

LP24 – Design

LP26 – Renewable and low carbon energy

LP28 – Drainage

LP30 – Biodiversity and geodiversity

LP33 – Trees

LP51 – Protection and improvement of local air quality

LP52 – Protection and improvement of environmental quality

LP53 – Contaminated and unstable land

Supplementary Planning Guidance / Documents:

- 6.3 Relevant guidance and documents are:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions
- Negotiating Financial Contributions for Transport Improvements (2007)
- Highways Design Guide SPD (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

Climate change

- 6.4 In 2019, the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates 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.

National Planning Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

6.6 Since March 2014 Planning Practice Guidance for England has been published online

7.0 PUBLIC/LOCAL RESPONSE:

7.1 In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO), the application was advertised as neighbour notification letters, in the press and by a site notice.

7.2 As a result of the application's publicity, 263 comments have been received on the application to date. Of the 263 representations, 250 were in objection to the proposal, 6 were in support and 7 were deemed as general comments. These comments have been summarised as follows:

7.3 Objections:

- Loss of the dance school would have effects on community wellbeing and health. The dance school is a valuable asset to the village where people have limited accessibility to alternative venues. Its flexible use offers so many positives to the community which would be lost if the development is permitted.
- Increase in traffic on Moor Lane would be dangerous.
- The proposed use would exacerbate existing drainage and flooding issues.
- The proposed parking is insufficient.
- The development would harm the visual amenity of the historic building.
- The proposed apartments do not reflect the local need.

7.4 General Comments:

- Concerns whether the dwellings are required.
- State that the redevelopment should have publicly accessible facilities.

7.5 Supporting Comments

- Shortage in one bedroom flats in the area, which this would address.
- The existing dance school causes detrimental highways and amenity issues. The traffic, parking and noise issues were and still are harmful and impact on the lives of those which live close by. The proposed use would have far more less traffic movements to and from the site causing less harm.

7.6 Whilst officers note this summary of representations seems short given the number of representations received, the vast majority of comments were about the loss of the dance school and some impacts of that which are unfortunately not material planning consideration, such as how long the dance school has been there and the history it would take away. Other non-material considerations raised mentioned the loss of the café, which cannot be considered as its use is unauthorised. There has not been a certificate of lawfulness to regularise the café development.

7.7 Cllr Mark Thompson stated *'request that if the below application isn't to go to planning committee that it does so please. As there have been so many complaints / comments it would be remis of us that they don't have an opportunity to voice their concerns.'*

7.8 Cllr Elizabeth Smaje objects to the proposal and states *'Any changes to this property should reflect the historical context of the existing building which clearly this development does not. The building is not just historic in its fabric but also in its use and is part of the history of the area.'*

There is already difficulty with the existing entrance and the lack of parking although with the current use the parking is not all day, every day. There needs to be adequate on-site parking as Moor Lane is already busy with parked cars. Sight lines are difficult and there needs to be adequate room for larger vehicles, just as the bin lorry and emergency vehicles, to get in and out without blocking the road. There also needs to be provision so that no bins are left on the road for collection/return as there is no pavement at this side of Moor Lane. Bins on the road cause a hazard already further along Moor Lane.

The proposal for 1-bedroom apartments does not fit into the local area nor does it meet the housing need.'

8.0 CONSULTATION RESPONSES:

A summary of the consultation responses received during the course of this application are set out below. Where appropriate, they are expanded on further in the main report.

Statutory:-

KC Highways Development Management – No objections

KC Trees – No objections

KC Lead Local Flood Authority – No objections

KC Education – No objections

Non statutory:-

KC Strategic Housing – No objections

KC Designing Out Crime (West Yorkshire Police) – No objections

KC Waste – No objections

KC Environmental Health – No objections

9.0 MAIN ISSUES

The appraisal of the application will review the following topics: -

- Principle of Development for Residential Development and Loss of the Existing Use
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Matters
- Representations

10.0 APPRAISAL

Principle of Development

Principle of Residential Development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in chapter 2 of the National Planning Policy Framework. Policy LP2 sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Policy LP3 of the Local Plan is also of relevance insofar as it requires development to deliver homes in a sustainable way.
- 10.2 Policy LP7 of the Kirklees Local Plan states that proposals should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value and a net density of at least 35 dwellings per hectare should be provided. Principle 4 of the Housebuilders Design Guide seeks to ensure a density of 35 dwellings per hectare or more is achieved. Where a density of 35 dwellings per hectare cannot be achieved, policy LP7 sets out that lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. In this case, the application for 10 dwellings would result in a net density of 66 dwelling per hectare which would accord with Policy LP7.

- 10.3 With regard to the need, the Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement. The latest published five year housing land supply position for Kirklees, as set out in the Authority Monitoring Report (AMR), is 5.17 years. This includes consideration of sites with full planning permission as well as sites with outline permission or allocated in the Local Plan where there is clear evidence to justify their inclusion in the supply.
- 10.4 The 2022 Housing Delivery Test results have yet to be published and the government is currently consulting on changes to the approach to calculating housing land supply. Once there is further clarity on the approach to be taken, the council will seek to publish a revised five-year supply position. Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. The application site is set within a residential area. The existing building is large and benefits from a good-sized curtilage. Paragraph 69 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". The site is located within a built-up area in Gomersal and is directly adjacent to the A652 which a bus route with a bus stop circa 200m from the application site. As such it is a sustainable location for residential development.
- 10.5 Local Plan Policy LP11 states that 'All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.' The Strategic Housing Market Assessment (SHMA) for the Batley & Spen Ward, which this falls in to, identifies that new 1-2 bedroom homes are required. As such, KC Strategic Housing support the proposed housing type and officers deem the scheme accords with Local Plan Policy LP11 as it is in line with the latest evidenced of housing need. Whilst officers acknowledge there is no mix to the dwelling type, given the application is for a conversion with extension, the only feasible alternative housing type would be a two bedroom apartment. A mix of one and two bedroom apartments were proposed as part of the pre-application enquiry. To facilitate this mix of one and two bedroom dwellings, either: a much larger extension would be required, which would have harmful visual amenity impact; or, less dwellings would be achievable. As such, given there is a genuine and identified need for 1 bedroom dwellings, Officers consider, that the proposed scheme would make a valuable and significant contribution to meeting this identified need use, thus according with the overall principle of Policy LP11.

- 10.6 The proposal would make an efficient use of land in residential area. The ten dwellings would make a significant contribution to meeting the identified need in the area for the housing proposed. The site is also unallocated. As such, the principle of development for a residential use is considered to meet the requirements of policies of LP1, LP2, LP3, LP7 and LP11 of the Kirklees Local Plan, Chapters 2 and 11 of the NPPF and the key principles of the Housebuilders Design Guide SPD.

Loss of the Dance School

- 10.7 The Case Officer and KC Planning Policy liaised closely to consider the impact of the loss of the Dance School given local residents' concerns. Consideration was given as to whether the Dance School is a community facility, thus requiring an assessment against Local Plan Policy LP48 and Chapter 8 of the NPPF. Chapter 8 of the NPPF lists community facilities as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship. Unfortunately, the Dance School does not fall within any of these uses. Whilst Officers understand from the representations that the site may be informally used as a 'meeting place', by planning record, it is a dance school only. The site is a privately run facility and is not open to the general public and as such, cannot be considered a meeting place as listed by Policy LP48. Nevertheless, Officers have considered as to whether there are any alternative facilities in the area. The Built Leisure and Sports Facility Strategic Framework Assessment Report identifies more than 30 studios in the region, with schools in nearby Cleckheaton and Heckmondwike.

Principle of Development Conclusion

- 10.8 The proposed residential use is a sustainable development by virtue of being in a built up, residential area. The proposed housing type meets a need identified in the SHMA. The scheme also represents a suitable level of density in order to help meet the Council's housing targets. The loss of the dance school, which officers appreciate is popular and successful, cannot be protected by policy relating to community facilities as it is a privately run, commercial, business who dictate who can and cannot use the site. Therefore, in the planning balance, the principle of development is acceptable and accords with the purposes of the Kirklees Local Plan and the NPPF.

Impact on Visual Amenity

- 10.9 The site is not within a conservation area and does not include any listed buildings. The building does however make a positive contribution to the street scene by its early industrial form. The site lies on the corner of Moor Lane and Dewsbury Road (A652) and has an open appearance over its associated gardens from the east, south and north along Moor Lane and Dewsbury Road, respectively. The traditional stone wall boundary, mature hedgerows and tress contribute positively to the character of the street scene junction. Chapter 12 (Achieving well-design places) of the NPPF and Policies LP24 (Design) and LP32 (Landscape) are relevant in this instance.

- 10.10 The existing building would be largely unaltered and as such, the assessment with regard to visual amenity relates to the proposed extension. The proposed two storey extension would be visually subservient to the existing three storey building. Since the pre-application enquiry, the applicant has reduced the scale of the extension to ensure this subservience. The extension is 5.6m narrower than the host building which allows for original openings on each side to remain and appear prominent. It is considered that the two-storey extension, with small link and hipped roof form to match the existing building demonstrates how the extension is a subordinate addition to the existing building. The form, appearance, openings, and materials of the extension follows and matches the traditional form and appearance of the existing building. The positioning at the junction results in visibility from the south, west and east, which the design also addresses well by including openings to in these elevations in both the existing building and proposed extension to ensure active frontages. The existing stone walls around the boundary would also be retained.
- 10.11 Whilst Officers accept that there would be some impact on visual amenity, the extension has been well designed. The development suitably respects the character of the existing building whilst also being subservient. It would utilise the large curtilage well and still provide a good level of surrounding outdoor space which would positively contribute to the setting. As such, subject to a condition for samples/details of the proposed materials to ensure it does match the original building, the design and appearance of the extension is considered to be acceptable.
- 10.12 Officers consider that there would be no material harm visually; as such, the scheme accords with Local Plan Policies LP24 and LP32, The Housebuilders Design Guide SPD and Chapter 12 of the NPPF with regard to visual amenity.

Impact on Residential Amenity

- 10.13 Local Plan policies LP11 and LP24 require all proposals for housing to be of a high quality and design, providing a high standard of amenity for future and neighbouring occupants. The need for providing a good standard of amenity for all is reiterated by principles set out in the Housebuilders Design Guide SPD and Chapter 12 of the NPPF. Local Plan policy LP52 is also relevant with regard to noise.

Future Occupants

- 10.14 Section 9.1 (Internal space standards) of the Housebuilders Design Guide SPD (June 2021) is relevant in supporting Policy LP24 of the KLP and requires that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers. The Council also recognises the Nationally Described Space Standards (NDSS) as best practice to ensure that new homes are able to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

- 10.15 In this case, the agent has provided the Gross Internal Area (GIA) of the proposed apartments which shows they accord with NDSS. The proposal also retains some outdoor amenity space in the form of a garden area. The site is also within walking distance of the Richmond Grove Play Area & Open Space and has several Public Rights of Way (PROW) close-by which lead through the allocated Green Belt countryside. For these reasons, the development is considered to provide a suitable level of amenity for future occupants.
- 10.16 The Noise Impact Assessment (NIA) also shows that future occupants would not be subjected to any material harm with regard to noise pollution and there would be suitable amenity in this regard also. The implementation of the measures set out in the NIA shall be conditioned to ensure this.

Neighbouring Properties

- 10.17 The nearest neighbouring occupiers subject to potential effects are those to the north, south and west. Given the existing use, and surrounding land uses, the proposed conversion to residential flats would be in keeping with the surrounding land uses. However, it is important the privacy of the existing dwellings nearby is retained. In this case, the windows facing west would face towards the black side elevation and driveway of the dwellings to the west and would not overlook the gardens. To the south, the windows would be at an obscured angle to the dwellings on Moor Lane, with the highway in between. To the east there are no properties close by. To the north, again, the windows would be at an obscured angle to the dwellings and set over 30m away. As such, the scheme would not result in any material loss of privacy for any existing occupants.
- 10.18 For the same reasons as to why there would be no loss of privacy to neighbours, the development would also not appear overbearing. It is anticipated that noise generated from 10 one-bedroom dwellings would be less than a dance studio with other commercial activity. As such, it is not considered there would be any harm to neighbouring properties with regard to noise either.

Impact on Residential Amenity Conclusion

- 10.19 The proposed development accords with Local Plan Policies LP11, LP24 and LP52 with regard to ensuring a good level of amenity for future and neighbouring occupiers. The scheme also accords with NPPF Chapter 12 and the Housebuilders Design Guide SPD with regard to this matter.

Impact on Highway Safety

- 10.20 Policy LP23 of the Kirklees Local Plan relates to cycling / walking network and sets out that proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Principles 12 and 19 of the Housebuilders Design Guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance. KC Highways Development Management were consulted as a part of this application.

- 10.21 The proposed development would utilise the existing 6.5m wide vehicular access point with a separate, adjacent pedestrian access gate. There are 12 parking spaces proposed in the redeveloped hard standing area. It should be noted that Dewsbury Road to the east of the site comprises a core walking/cycling route.
- 10.22 The proposed quantum of parking spaces is in accordance with local guidance which recommends 1 space per apartment and 1 visitor space for every four dwellings. As such, 12 spaces are considered sufficient. Each space is accessible with the applicant demonstrating this via vehicle tracking data. The cycle and bin stores are also accessible located, again as proven by vehicle tracking data. The 6.5m access provides enough space for two cars to pass as they enter and exit the site also. The proposal also sees a new cycle store created which is desirable given the link to the core cycling route. As such, subject to a condition for appropriate surfacing, KC Highways Development Management consider the scheme to be acceptable and in accordance with the forementioned policy.
- 10.23 Officers wish to acknowledge that alongside the loss of the dance school, highway safety concerns made up the majority of the objections. However, a 10-dwelling housing development would only bring a very small increase in trip generation. In the absence of a technical calculation, as a very rough rule of thumb, 0.5 trips are generated per hour, per dwelling at peak times. This would be even less in this instance as the dwellings would be one bedroomed and not family homes. As such, from a comparison perspective, the proposed use of the site at present generates several times more vehicle trips per day than the proposed apartments. As such, Officers consider the proposed use safer in terms of highway safety than the existing arrangement.

Trees

- 10.24 Local Plan Policy LP33 seeks to ensure trees are retained. There are two trees subject to Tree Preservation Orders (TPO) on the site. As such, KC Trees have been consulted.
- 10.25 The proposal for would not directly impact on the trees of value, or the protected trees, at the site. The TPO is in need of an update to ensure it reflects the tree cover that is present. Furthermore, the parking area is not being expanded to any significant degree beneath the protected trees and this does not give KC Trees cause for concern.
- 10.26 However, it is likely that the surface is to be repaired/re-laid. There is a risk this work could harm the two significant and protected Sycamore trees. Any resurfacing of the car park should be contained to the surface 50mm of the existing to avoid impacting upon the roots of these two trees. This shall be addressed by condition.
- 10.27 Notwithstanding the above, the applicant has submitted a Tree Protection Plan (TPP). The TPP submitted provides sufficient information and details to ensure the trees are protected. As such, subject to a condition of compliance with the TPP, the scheme is considered to accord with Local Plan Policy LP33 and Chapter 15 of the NPPF.

Contaminated Land

- 10.28 With regard to land quality, paragraphs 174, 183 and 184 of the National Planning Policy Framework and Policy LP53 of the Kirklees Local Plan which seeks to ensure land quality is maintained as part of new development and that it is safe for end users. KC Environmental Health have been consulted as part of this application.
- 10.29 The proposed development site is not shown as being potentially contaminated from its former use and is not located close to a historic landfill site that may have an adverse impact on the proposed development. However, contamination may be encountered during the construction phase and there may be imported soils for use on the site. Therefore, a condition is required relating to unexpected contamination and the use of imported soils. Subject to this, the scheme is considered acceptable with regard to contaminated land.

Carbon Budget

- 10.30 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates 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. Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy.
- 10.31 It shall be conditioned that one electric vehicle recharging point shall be installed for at least 10% of the spaces. Cable and circuit ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The submitted detail in relation to the specific charging point sets out the type, design and operation of the charging point. The Council's Environmental Health Team support this condition.

Biodiversity

- 10.32 Paragraphs 174, 180, 181 and 182 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided. An Ecological Impact Assessment (EclA) has been submitted with the application.

- 10.33 In terms of the existing ecological value, the site boundaries are marked by a native hedgerow and a line of broadleaved trees whilst there is also a lawn. As such, the site only hosts 0.2430 Biodiversity Habitat Units (BHU), which is a very low figure. There are also 0.5040 Hedgerow Units (HU), another very low figure.
- 10.34 The proposal would see the hedgerow and line of trees currently present on-site to be retained. The loss of habitat solely relates to the loss of some of the lawn, representing a total net unit change of -0.0532 BHU. Whilst this is a very, very small figure, a net gain must still be achieved to accord with Chapter 15 of the NPPF, Policy LP30 of the Local Plan and the relevant SPDs. The proposal does not see any ecological enhancements proposed. The EclA states a conclusion of providing off-site net gain and/or contributions rather than exploring the options of providing a net gain on site.
- 10.35 Officers consider that an on-site net gain can be realistically achieved given the impact on biodiversity is very limited in the first instance. It is likely that some relatively small-scale planting in the proposed communal garden would be sufficient to provide this on-site net gain, given only an additional 0.0776 BHU would need to be provided to achieve an onsite 10% net gain. As such, it shall be conditioned that an Ecological Design Strategy to achieve the on-site net gain be submitted, with the works implemented prior to the occupation of the development. Subject to this condition, the proposed development accords with Chapter 15 of the NPPF, Policy LP30 of the Local Plan, and the Biodiversity Net Gain and Housebuilders Design Guide SPDs.

Drainage / Flood Risk

- 10.36 The site is located in Flood Zone 1 and as such there are no flooding risks. The development would also be able to utilise the existing surface, foul and water drainage systems with little increase in hardstanding, meaning the existing network is sufficient. KC Lead Local Flood Authority were consulted on this application and raised no objections. No conditions are required in order to accord with Local Plan Policies LP27 and LP28 and Chapter 15 of the NPPF with regard to drainage and flood risk.

Representations

- 10.37 As a result of the application's publicity, 263 comments have been received on the application to date. Of the 263 representations, 250 were in objection to the proposal, 6 were in support and 7 were deemed as general comments. These comments have been summarised as follows and responded to underneath each section:
- 10.38 *Objections:*
- Loss of the dance school would have effects on community wellbeing and health. The dance school is a valuable asset to the village where people have limited accessibility to alternative venues. Its flexible use offers so many positives to the community which would be lost if the development is permitted.
 - Increase in traffic on Moor Lane would be dangerous.
 - The proposed use would exacerbate existing drainage and flooding issues.
 - The proposed parking is insufficient.

- The development would harm the visual amenity of the historic building.
- The proposed apartments do not reflect the local need.

Response: All of these matters have been assessed in the relevant parts of the appraisal above.

10.39 General Comments:

- Concerns whether the dwellings are required.
- State that the redevelopment should have publicly accessible facilities.

Response: The requirement for the dwellings has been assessed in the appraisal above, as has the loss of public accessibility.

10.40 Supporting Comments

- Shortage in one bedroom flats in the area, which this would address.
- The existing dance school causes detrimental highways and amenity issues. The traffic, parking and noise issues were and still are harmful and impact on the lives of those which live close by. The proposed use would have far more less traffic movements to and from the site causing less harm.

Response: The comments have been noted and the matters raised has been assessed in the appraisal above.

10.41 Whilst Officers note this summary of representations seems short given the number of representations received, the majority of comments related to the loss of the dance school and some impacts of that which are not material planning consideration, such as how long the dance school has been there and the history it would take away. Other non-material consideration raised referred to the loss of the café, which cannot be considered as its use is unauthorised. There has not been a certificate of lawfulness to regularise the café development.

11.0 CONCLUSION

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The principle of development is considered acceptable as the site is set in a residential area. The existing cannot be protected as a community use as it is a privately run, commercial business, thus, not meeting the definition of a community use or asset. Officers have considered the impact on residential properties nearby, whereby there would be no material harm. There is only a minor impact with regard to ecology, which has been appropriately offset by conditions set out in the appraisal. The proposed development would also respect the character of the host building and have a positive impact in terms of highway safety and parking by providing sufficient off-street parking and reducing the number of vehicle trips to and from the site. Overall, the proposal would see the redevelopment of a brownfield site and make a significant contribution to addressing an identified local housing need. The scheme would also not prejudice any drainage/flood risk impacts. As such, the scheme accords with the purposes of The Kirklees Local Plan, The National Planning Policy Framework and the applicable supplementary planning documents.

11.3 It is therefore considered that the proposed development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

(Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development):

1. Time limit (3 years)
2. Development in accordance with the approved plans
3. Approval of samples of facing materials
4. Appropriate surfacing
5. Submission of an Ecological Design Strategy to provide Biodiversity Net Gain
6. Works in accordance with Tree Protection Plan
7. Implement agreed Noise Mitigation Measures
8. Reporting of unexpected contaminated land
9. Provision of electric vehicle charging points
10. Verification of imported materials
11. Details of any external artificial lighting
12. Details of the management and maintenance of communal refuse storage areas

Background Papers:

Application and history files. Website link:

[Planning application details | Kirklees Council](https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93344)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022/93344>

Certificate of Ownership: Certificate A signed and dated 07/10/2022