

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

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

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

<b>Reference No:</b>	2024/62/92105/E
<b>Site Address:</b>	Wesley House, Huddersfield Road, Birstall, Batley, WF17 9AZ
<b>Description:</b>	Alterations to convert former offices to 21 apartments (Listed Building within a Conservation Area)
<b>Recommending Officer:</b>	Nina Sayers

**DECISION – Full Planning Permission – Approve**

**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.**

Nicholas Hirst

***AUTHORISED OFFICER***

**Date:** 30/09/2025

**Decision Authorisation:** Committee Decision

**Committee:** Strategic Planning Committee

**Date of Committee:** 31<sup>st</sup> July 2025

**Application Number:** 2024/92105

### **Officer Recommendation**

DELEGATE determination of the application and the issuing of the decision notice to the Head of Planning and Development, subject to:

1. Await the receipt of a bat survey, with regards to the roof and potential habitat value, then re-consult K.C. Ecology. Thereafter proceed as follows:
  - a. in the scenario identifies no bats, or bats / roosts are found and K.C. Ecology conclude suitable conditions may be imposed to mitigate anticipated impacts, determinate the application as set out in 2. below.
  - b. in the scenario bats are found, and are inhabiting / roosting in a manner that would preclude the development so as to form a strong reason for refusal, determine the application on that basis.
2. Complete the list of conditions, including those contained within this report

**Committee Decision:** Determination of the application delegated, plus additional condition for a CEMP to include details of protecting gravestones on site.

### **Summary of Committee Decision** (if applicable)

Since the committee decision, in accordance with the recommendation, the applicant has submitted a Bat Emergence Survey. This has been reviewed by KC Ecology, who provided comments dated 25/09/2025.

The survey concludes that *“bats utilise the site for foraging and commuting, however, they were not found to be roosting within either of the onsite buildings.”* K.C. Ecology accept the conclusion of the report and therefore raise no objections to the application being approved. However, this is subject to suitable conditions which should be imposed to mitigate anticipated impacts on bats. The conditions include;

- a lighting strategy to be submitted to and approved by the LPA prior to commencement of development.
- Submission of a Management Plan for the provision of a bat box.

Officers consider the first condition to be reasonable and necessary and recommend that they be imposed. For the second condition, a management strategy for a bat box is not deemed necessary, however, a condition requiring that details of the provision and thereafter delivery and retention of it is considered more appropriate.

On this basis, officers are satisfied that, scenario 1.a of the committee recommendation has been met and therefore officers can progress with the approval of this application subject to conditions which will be detailed below.

The conditions were shared with the applicant and agreed via email, dated 29/09/2025.

### **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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP11, LP21, LP22, LP24, LP30, LP33, LP35 and LP63 of the Kirklees Local Plan, the adopted Housebuilders Design Guide SPD and Chapters 2, 5, 9, 11, 12, 15 and 16 of the National Planning Policy Framework.

3. Prior to works associated with the installation of any roof light(s) commencing, details of the roof lights shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall be of a conservation style to be fitted flush with the roof slope. The roof lights shall then be installed in accordance with the approved details and thereafter retained.

**Reason:** In the interest of preserving the historic character of the building in line with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

4. Any new pointing and mortar required to implement to the proposed development shall in all respects match the type and appearance of the existing building's pointing and mortar.

**Reason:** To ensure the satisfactory appearance of the development on completion to retain the significance of the designated heritage asset and to accord with Policy LP35 of the Kirklees Local Plan, as well as Chapter 16 of the National Planning Policy Framework.

5. Prior to any additional ventilation being installed (other than ventilation clearly shown on the submitted plans) details must be submitted to, and approved in writing by, the Local Planning Authority. The ventilation shall then be installed in accordance with the approved details and thereafter retained.

**Reason:** In the interest of preserving the historic character of the building in line with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

6. Any existing features, both internal and external, which formed part of the original building must be retained and protected at all times.

**Reason:** In the interest of preserving the historic character of the building in line with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.

7. The development shall not be occupied until all openings in the northern elevation of the application building, as shown on plan ref. KL/24/1709/05 Rev. B, have been obscurely glazed (to a minimum Grade 4). Thereafter the obscure glazing shall be retained.

**Reason:** To prevent overlooking to the neighbouring properties and to accord with Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

8. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

**Reason:** In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan.

9. Before the development is brought into use a Sensitive Lighting Strategy, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in writing by, the Local Planning Authority. The Sensitive Lighting Strategy shall demonstrate that the proposed lighting would not impact upon ecological networks and/or sensitive features. The external lighting shall be installed in accordance with the approved Sensitive Lighting Strategy, and shall thereafter be retained so.

**Reason:** In the interests of biodiversity and to ensure the protection of any bats in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework.

10. Prior to the occupation of the hereby approved development, details of a bat box to be installed within the site shall be submitted to, and approved by, the Local Planning Authority. The boxes shall be long-lasting Schwegler type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The approved bat box shall be installed prior to first occupation of the dwellings and thereafter be retained.

**Reason:** In the interest of biodiversity in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

11. Prior to development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan must include details of the gravestones within the red line boundary and how they will be retained and protected during construction. The plan shall be fully implemented, and the development shall thereafter be operated in accordance with the approved details.

**Reason:** In the interest of preserving the existing characteristics on the site and the historic character in accordance with Policy LP24 and LP30 of the Kirklees Local Plan and Chapter 12 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any protective measures are implemented prior to construction commencing.

**Note: Birds**

All works should be timed to occur outside nesting bird season (typically March to August, inclusive). If this is not possible all potential bird nesting opportunities must be checked by a suitably experienced ecologist within 24 hours prior to works. If any active nests are found, the ecologist should advise on suitable species-specific works exclusion zones. The exclusion zones should be regularly monitored by the ecologist and remain in place until the young have fledged the nest, or the nests are otherwise deserted. This is so that the proposals are implemented in accordance with the Wildlife and Countryside Act 1981 (as amended).

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan and Proposed Site Plan	KL/24/1709/01		26/07/2024
Existing Floor Plans	KL/24/1709/02		26/07/2024
Existing Elevations	KL/24/1709/03		26/07/2024
Proposed Floor Plans	KL/24/1709/04	A	11/12/2024
Proposed Elevations	KL/24/1709/05	B	11/12/2024
Design Statement			26/07/2024
Heritage Statement			26/07/2024
Financial Viability Appraisal	February 2025		25/02/2025
Financial Viability Appraisal Rebuttal	June 2025		26/06/2025
Bat Emergence Survey	Q16225		24/09/2025
Allied Surveyors & Valuers Report			26/06/2025
Supporting Email from Jane Wetherop Ltd.	24 <sup>th</sup> June 2025		26/06/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning

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

Officers had concerns regarding the ground and second floor living accommodation which is only served by small openings. The applicant discussed the idea of adding additional openings however, in the interest of preserving the listing building and not causing harm to visual amenity, officers outlined they would not support additional openings. Instead, a revised internal layout was provided which proposed the kitchen area to the lower levels and all other living accommodation to the upper levels which have larger openings.

The applicant was asked to demonstrate why the affordable housing provision could not be met. Whilst mentioning vacant building credits, the applicant did not provide any supporting evidence of this. Instead, they provided a viability assessment which outlined that affordable housing was not viable for the scheme. The initial viability assessment was sent back to the agent due to inaccuracies. The second was independently assessed on behalf of the council. A rebuttal statement was also submitted following the consultant's initial assessment and a final document was issued by the independent consultants.

A bat survey was also sought and provided to ensure no harm is caused to bats or bat roosts during construction.

Amended plans were not readvertised given the limited scope of the amendments and as there would be no additional harm to residential amenity as a result of the proposal.

**Report Dated:** 29/09/2025