



**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: 2024/62/92105/E**

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**To:** Philip Bakes  
P N Bakes Architectural Consultancy  
23, Market Street  
Thornton  
Bradford  
BD13 3HW

**For:** RAJAN GUPTA, MEDIPHARM BRADFORD LTD.

**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:-**

ALTERATIONS TO CONVERT FORMER OFFICES TO 21 APARTMENTS  
(LISTED BUILDING WITHIN A CONSERVATION AREA)

**At:** WESLEY HOUSE, HUDDERSFIELD ROAD, BIRSTALL, BATLEY, WF17 9AZ

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**In accordance with the plan(s) and applications submitted to the Council on  
25-Jul-2024, 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 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 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 box 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.	24th 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.

**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**

### **DEVELOPMENT LOW RISK AREA - STANDING ADVICE**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://MiningRemediationAuthority.gov.uk)

### **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.

**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.

**Where 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:** 30-Sep-2025

**Signed:**



David Shepherd  
Executive Director for Place

### **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 2024/62/92105/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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