

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

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| Reference No: | 2025/62/90655/E |
| Site Address: | The Priory, Whitechapel Road, Cleckheaton, BD19 6HR |
| Description: | Demolition of existing pub and erection of a new two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works |
| Recommending Officer: | Kerri Simpson |

DECISION – Full Conditional Permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Kirsty Nicholls

AUTHORISED OFFICER

Date: 2-JUL-2025

Officer Report – 2025/90655

The Priory, Whitechapel Road, Cleckheaton, BD19 6HR

Site Description

The 0.38ha application site is located on the northern side of the unclassified Whitechapel Road, comprising an L-shaped part two/part single storey former public house with associated single storey additions and a dilapidated two storey element to the north, situated upon a large expanse of hard standing with an area of soft landscaping towards the northeastern corner of the site. Public Right of Way (PROW) reference no SPE/24/40 (footpath) runs along the western site boundary and an existing vehicular access serving the site adjoins Whitechapel Road.

The site is bounded to the north and west by a housing development permitted under reference number 2019/93658 (Land at, Whitechapel Road, Cleckheaton/ Greenway View) for the erection of 122 dwellings, landscaping and associated infrastructure, which is currently under construction. To the east by the Grade II Listed building “Whitechapel Church” and to the south by the highway of Whitechapel Road with residential properties beyond.

The site is subject to the following planning policy designations and constraints:

- Bat Alert Zone
- Coal Development Low Risk Area (northern section of the site)
- Coal Development High Risk Area (southern section of the site)
- Public Right of Way (PROW) (western section of the site)
- Group Tree Protection Order (beyond western site boundary)

Description of Proposal

The Scheme

The application seeks planning permission to demolish the existing buildings and construct a two-storey detached building to form eight supported living flats with an incidental summer house (outbuilding), private and communal garden spaces, 8 parking spaces and an upgrade of the existing PROW along with associated planting and boundary treatments.

The proposed building would be broadly L-shaped with a Gross External Area (GEA) of circa 342sqm. The building would have a maximum ridge height of circa 9.4m, and an eaves height of 5.66m. There are notable ground level changes across the site, with a circa 3m difference in external ground level from the west to the east.

The proposed south elevation forms the principal frontage, with a central gable projection encompassing an open fronted porch, set beneath a shallow

arch with a key stone feature. Solar panels are proposed to the main roof slope. The proposed west elevation includes a projecting gable to the right-hand side and a recessed central section. Multiple window openings are proposed across both floors, with several sets of double doors at ground floor level. The north elevation features two gables with a consistent roof form. Window openings are aligned in a regular pattern across both storeys. The east elevation mirrors the west in terms of form and arrangement, however, includes a cranked section between two gables, with a combination of windows and doors across the elevation.

Internally on the ground floor, the proposal comprises four, one-bedroom flats, a staff office and four communal storage cupboards. Each ground floor unit would be served with private outdoor amenity space. At first floor level, the proposal comprises another four, one-bedroom flats, a staff toilet and an ancillary staff bedroom with shower room.

The proposal would utilise the existing access and provide 8 parking spaces, a formalised turning and manoeuvring area along with a bin storage area.

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application to support the application:

- Phase 1 Environmental Desk Study & Coal Mining Risk Assessment Report (Reference no. C4800/24/E/7331, prepared by RGS Environmental Geotechnical Specialist)
- Noise Impact Assessment (Reference no. NIA-11824-24-12050-v2 Whitechapel Road, prepared by Environmental Noise Solution Ltd)
- Design & Access Statement (Prepared by Highstone)
- Planning Statement
- Preliminary Ecological Appraisal Report (Reference no. CW20-2543 RPT 002, prepared by Collington Winter Environmental)
- Arboricultural Method Statement (Reference no. AWA6460AM, prepared by AWA Tree Consultants)
- Building Heritage Statement (Reference no. P24-2888, prepared by Pegasus Group)
- Heritage Note (Reference no. P24-2888, prepared by Pegasus Group)
- Designing Out Crime Scheme (Prepared Highstone)

History of Negotiations / Amendments Received

1st May 2025 – In agreement with the applicant the description of the proposal was changed from “*Demolition of former pub and erection of 8 apartments with associated management*” to “*Demolition of existing pub and erection of a new two storey building comprising 8 self-contained supported living flats with ancillary staff facilities, single storey summer house and other associated works*”. To accurately reflect the planning permission sought and the scope of development.

12th May 2025 – The Council's Public Right of Way (PROW) Team raised concerns that the initially submitted documents did not include the public footpath (PROW) "Spenborough 24" which runs adjacent to the existing building. The PROW Team requested the inclusion of the PROW in submitted drawings, including details of the boundary treatment, width of path to be provided, surfacing and how the path is to be maintained during construction. The applicant submitted the following drawings for consideration:

- H24-WC-010 Rev C Landscape Plan
- H24-WC-009 Rev C Draft Sections
- H24-WC-003 Rev C Proposed Site Plan
- H24-WC-002 Rev B Existing Site Plan

20th May 2025 – A Preliminary Ecological Assessment (PEA) was submitted for consideration by the Council's Ecology Officer.

30th May 2025 - An additional Heritage Note (P24-2888 - Heritage Note) was submitted to detail the internal condition of the existing building in response to the West Yorkshire Archaeological Society's (WYAS) consultation response which highlighted the absence of information about the building's roof structure, an important source of historical information in the initial submission.

4th June 2025 – The Council's Tree Officer sought clarity as to whether a T24 (Hawthorne) tree was to be retained or removed. The applicant submitted a revised Arboricultural Impact Assessment which confirms the tree is to be retained.

6th June 2025 – West Yorkshire Police Designing Out Crime Officer sought clarification regarding security and crime reduction measures. The applicant submitted a "Designing Out Crime Scheme" to address the teams concerns.

Re-consultation was not required as the amendments and additional documents did not materially alter the proposal. The amended plans ensured that the PROW was appropriately addressed as part of the application. No neighbour was prejudiced and all comments received were taken into account in the assessment.

Relevant Planning History

There is no relevant planning history for the application site, however it is reasonable to highlight relevant planning applications on neighboring sites:

Address: Land at, Whitechapel Road, Cleckheaton

Application Reference No: 2019/93658

Description: Erection of 122 dwellings, landscaping and associated infrastructure

Decision: Granted with S106 Agreement (date 24.06.2021)

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter (December 2024).

The application has been publicised as "development affecting a public right of way" and "development affecting the setting of a Listed Building" through the Council's website, site notice and press notice. The expiry date of the publicity period was 13th June 2025.

Letters of Objection

There were 14 letters of objection received including one letter of objection submitted on behalf of a group of local residents. Letters outlined the following concerns, as summarised below:

Principle of Development

- The proposal contributes to overdevelopment of the area, in light of recent nearby housing schemes (Wadsworth Gardens)
- Development would lead to additional strain on local services such as schools, roads and transport infrastructure

Heritage Impacts and Visual Amenity

- The pub is of historic significance and should be classed as a Non-Designated Heritage Asset.
- The loss of a link between the former pub and Whitechapel Church (Grade II Listed)
- The building should be converted rather than demolished, as demolition is unjustified and harmful.
- The design is generic and out of keeping with the local vernacular
- Excessively scaled with an overbearing mass relative to the surroundings
- Dominating the adjacent church and churchyard
- The design lacks contextual sensitivity

Neighbouring Amenity

- Overlooking from new units
- Loss of outlook and privacy for nearby properties
- Potential noise and disturbance

Highways and Traffic

- Traffic increase and congestion along Whitechapel Road
- Residents' safety on the PROW, particularly for vulnerable adults and schoolchildren in the vicinity
- Ownership of access

Security and Safety

- Trespassers in the adjacent graveyard during the night and site security features.
- Antisocial behavior

Other Matters

- Application incorrectly claims that the building is vacant
- Question the transparency of end users and who will manage the site
- The building was a former community space
- The pub could be revived with appropriate investment

Letters of Support

There were 4 letters of support received; comments are summarised as follows:

Principle of Development

- Strong support for accommodation
- The development will provide a safe, well-managed setting

Visual Amenity and Heritage

- The site is an eyesore, derelict and no longer viable as a pub
- No listed status and architectural merit negligible
- Proposals are proportionate, appropriate in scale, and respectful of the adjacent church

Highways and Security

- Minimal traffic anticipated and occupant unlikely to drive
- Proposed lighting and CCTV as antisocial behavior deterrents.

Letters of General Comment

One neutral comment was received; the comment is summarised as follows:

- Clarification is sought on the additional security measures that will be provided to protect residents and staff from individuals trespassing in the adjacent graveyard during the night.

Consultation Responses

The following consultations have been undertaken for this application with the summarised responses listed below.

KC Highways Development Management - No objection, access is shown via the existing access from Whitechapel Road and 8-off street parking spaces are shown to the site frontage. Given that the proposal will generate far less traffic than could potentially be generated by the existing public house if it were brought back into use, and ample off-street parking is proposed with space for internal vehicular turning, Highways Development Management have no objection to the proposal.

KC Conservation Team - The building is considered a Non-Designated Heritage Asset (NDHA) that contributes to the setting of the adjacent Grade II listed Whitechapel Church. Although the building is in a deteriorated condition and has limited architectural significance, it holds group value with the church and contributes to the character of the area.

The Conservation Team advises that demolition would result in the total loss of the non-designated heritage asset and would impact the setting of the church. While the level of harm is considered to be less than substantial, this should be weighed against the public benefits of the proposal. If demolition is accepted, historic building recording should be secured.

In order to ensure that the public benefit of redevelopment materialises, it is recommended that the implementation of the new building be secured, where necessary, via legal agreement, to help prevent the unnecessary loss of the building without replacement development coming forward.

KC Housing Growth - No objection, the development is for 8 units, it does not meet the threshold for affordable housing provision of 11 units. As such, there is no requirement for affordable housing on this site, and we would not need to comment from a Strategic Housing perspective. As these flats will be for supported living, please note that colleagues in the Councils Specialist Accommodation team have been made aware. They outlined that there is an identified need for this type of provision, as set out in the Specialist Accommodation Strategy, and that we would support this application. The applicant should continue to work closely with commissioning colleagues to ensure the provision meets the requirements of the Learning Disability team and any others.

West Yorkshire Archaeology Advisory Services (WYAAS) - No objection, the Priory has limited heritage potential but raises concerns that the heritage assessment relies solely on external evidence. A more robust understanding of the building significance particularly the roof structure should be secured via fabric appraisal before demolition.

WYAAS support a condition requiring a comprehensive archaeological and architectural record of the building prior to its demolition with further investigation dependant on the findings (e.g. if the roof dates to the 18th century or earlier). In terms of buried archaeology, two low level risks were identified:

- Slight potential for Roman Rd 712 to cross the site

- low potential for early burials linked to Whitechapel Church, possibly dating to 1130.

An archaeological watching brief is recommended during groundwork. To mitigate these risks, a model condition is suggested requiring approval of a written scheme of investigation prior to commencement.

KC PROW Team (08/05/2025) - Objection. Public Footpath Spenborough 24 runs adjacent to the site. KC PROW objects due to lack of reference to the footpath in this submission and in sufficient detail on its protection, such as boundary treatments, width, surfacing and maintenance. A temporary closure may be needed during demolition. If approved, a condition should secure that the footpath remains unobstructed throughout the works.

KC PROW Team (20/05/2025) - No objection. Amended plans received, as long as the development is set back from the boundary far enough to fit a 2m wide path, and this could be conditioned, then the PROW Team would remove its objection. There is no objection to the use of crushed stone for the path. PROW would authorise any temporary closure for demolition, however we could not allow this for the length of the development.

KC Ecology Team - No objection. The Preliminary Ecological Appraisal is considered acceptable and identifies a range of measures to be secured via a Construction Environmental Management Plan (CEMP). Recommended provisions include Reasonable Avoidance Measures (RAMS) for reptiles, precautionary working methods for nesting birds and Badgers and the appointment of an Ecological Clerk of Works. A bat emergence re-entry survey must also be completed between May and August. With regards to Biodiversity Net Gain (BNG), the site appears to be on an area of hardstanding as such it would appear that BNG is exempt.

KC Tree Officer - No objection, several trees within and adjacent to the site could be affected by the development including protected trees on the western boundary (TPO ref 01/10). The submitted Arboricultural Method Statement (AMS) proposes removal of three low value trees (T22, T23, T26) to facilitate development, and two further trees (T25, T30) due to safety concerns. The retention of T24 is unclear, as the AMS shows it for retention but also references removal. Clarification is required. Protective measures set out in the AMS are acceptable and must be followed throughout the development. No objection is raised from an arboricultural perspective.

West Yorkshire Police Designing Out Crime - No objection in principle to this application. It is respectfully requested that the decision includes a planning condition for security measures, in the interests of crime prevention and community safety. This is especially important due to the vulnerability of proposed occupants.

The Mining Remediation Authority/ Coal Authority - No objection, the Coal Authority notes the submitted Phase 1 Environmental Desk Study & Coal Mining Risk Assessment dated 17 January 2025 and prepared by RGS Ltd,

which accompanies the planning application. The report has been informed by appropriate geological and mining information. Based on a review of this information the report is able to discount any stability risks, specifically on the basis that the shallowest seams being of no economical significance (i.e. of a poor quality), with sufficient competent rock cover above subsequent seams of value to afford ground stability. On the basis that the information prepared by the competent body confirms the mineral support conditions beneath the site to be satisfactory.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation and Policy

The site is not allocated within the Kirklees Local Plan (adopted 2019).

The following legislation, policy and guidance is considered relevant to the determination of this application: -

Kirklees Local Plan

- LP1 Achieving Sustainable Development
- LP2 Place Shaping
- LP3 Location of new development
- LP7 Efficient and effective use of land and buildings
- LP11 Housing Mix and Affordable Housing
- LP20 Sustainable travel
- LP21 Highway and Access
- LP22 Parking
- LP23 Core Walking and Cycling Network
- LP24 Design
- LP26 Renewable and low carbon energy
- LP28 Drainage
- LP30 Biodiversity and Geodiversity
- LP32 Landscape
- LP33 Trees
- LP35 Historic Environment
- LP47 Healthy, Active, and Safe Lifestyles
- LP48 Community Facilities and Services
- LP51 Protection and Improvement of Local Air Quality
- LP52 Protection and Improvement of Environmental Quality
- LP53 Contaminated and Unstable land

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 Achieving sustainable development
Chapter 5 Delivery a sufficient supply of homes
Chapter 8 Promoting healthy and safe communities
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
Chapter 16 Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance

Kirklees Highway Design Guide (adopted November 2019)
Housebuilders Design Guide SPD (adopted June 2021)
The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
The Planning and Compulsory Purchase Act 2004.
Section 17 of the Crime and Disorder Act 1998 (as amended)
Wildlife and Countryside Act 1981 (as amended)
The Conservation of Habitats and Species Regulations 2017
Environment Act 2021
Town and Country Planning (Tree Preservation) (England) Regulations 2012

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Assessment

The following matters are considered in the assessment below –

1. Principle of development
2. Heritage Impacts
3. Visual Amenity
4. Residential Amenity
5. Highway Safety and Accessibility
6. Ecology and Biodiversity
7. Ground conditions

8. Climate change
9. Other matters
10. Representations
11. Conclusion

1. Principle of Development

1.1 Sustainable Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted.

The existing building is identified as a Non-Designated Heritage Asset (NDHA), and its proposed demolition is a material consideration. The heritage implications of this will be assessed in detail within the “Impact upon the character, appearance and heritage significance of the area” section of this report.

1.2 Loss of a community facility

Policy LP48 of the Kirklees Local Plan seeks to resist the loss of community facilities, including public houses, unless it can be demonstrated that they are no longer viable, needed or that suitable alternatives exist nearby.

In this case, while no formal marketing evidence has been submitted, it is recognised that The Priory has remained closed and unused as a public house since at least 2021, with signs of long-term vacancy and deterioration, and it has not been used as a functional community facility throughout this time.

Policy LP48 (c) does allow for the loss of such facilities where it can be demonstrated that adequate alternative provision exists in the locality. In this case, Cleckheaton Town Centre lies within 1.6km (1-mile or 5-mins drive/20min walk) of the site. The town centre is a well-served and sustainable location, where numerous other public houses, bars and hospitality venues remain operational. It is therefore considered that alternative provision exists to meet the needs of the local community, and that the loss of this facility would not significantly undermine the social infrastructure within the area. On balance, the proposal is not considered to conflict with the aims of Policy LP48 of the Kirklees Local Plan.

1.3 Housing Need

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19th December 2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (against a pass threshold of 75%).

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11 which triggers a presumption in favour of sustainable development. This means that for decision making “Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7) ; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council’s inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal.

Policy LP7 of the Kirklees Local Plan supports the efficient and effective use of land and buildings including the re-use of previously developed land, underused properties, priority to despoiled, degraded, derelict and contaminated land, particularly in a sustainable location and if it is not of high environmental value. The policy also seeks to ensure that developments achieve a minimum net density of 35 dwellings per hectare where appropriate, particularly in sustainable locations. Higher densities are encouraged near town centres and public transport hubs, while lower densities will only be excepted where justified, for example to reflect local character, address viability, or meet specific housing needs.

The development will deliver 8 supported living flats on a site measuring approximately 0.38 hectares, resulting in a density of around 21 dwellings per hectare. In line with policy LP7 which requires development to make efficient and effective use of land, this density is considered acceptable in the context of this sites constrained nature. The site is relatively compact bounded by protected trees and lies in close proximity to a Listed Building and Public Right of Way, which limits the developable area and places additional design and layout considerations on the scheme. The specialist nature of the accommodation also necessitates lower density to ensure adequate circulation accessibility and amenity space for future residents.

In terms of sustainability, the site is reasonably well-connected to local services and public transport options. A bus stop is located within a 2-minute walk on Whitechapel Road, offering services towards East Bierley and Cleckheaton, as well as less frequent services to Bradford City centre. In the opposite direction, services run towards Birkenshaw and Heartshead Moor. Additional half hourly services are available from Turnsteads Avenue, approximately a 4-minute walk to the South, providing connections to Huddersfield and Halifax bus stations, Brighouse and Scholes Terminus. Cleckheaton Local Centre is located approximately 4 minutes away by car and offers a range of amenities including shops, services, and community facilities. The M62 Motorway providing an east-west route across northern towns and cities is also located to the west of the site. While the site is not immediately adjacent to a high-frequency public transport route, the location is not isolated and is considered a sustainable location for residential development on the fringe of an existing built-up area.

While it is acknowledged that future residents may be partially reliant on private vehicles, as assessed in the latter parts of this report, sufficient on-site parking is proposed to accommodate this. Given the scale and nature of the supported living use, it is not anticipated that the development would result in a significant intensification of vehicle movements.

In summary, the proposal represents an appropriate form of development in land use terms, with a density that reflects the sites' constraints and the specialist nature of the accommodation. The is considered sustainably located, with access to public transport and local amenities. As such, the principle of development is considered acceptable and in accordance with Policy LP7 of the Kirklees Local Plan.

2. Heritage Impacts

Chapter 16 of the National Planning Policy Framework (NPPF, December 2024) sets out the national policy approach to conserving and enhancing the historic environment. This includes guidance on both Designated (i.e. Listed Buildings) and Non-Designated Heritage Assets (NDHA).

Paragraph 210 states that “ In determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness”.

Paragraph 212 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any

potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

Paragraph 215 states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

Paragraph 216 states that “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

Paragraph 217 states that “Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.

Paragraph 218 states that Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted”.

Paragraph 219 states that “Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.

Policy LP35 of the Kirklees Local Plan sets out the approach to conserving and enhancing the historic environment. At LP35 (2), the policy states that “Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset”.

Accordingly, the assessment below considers the significance of the NDHA proposed for demolition, the extent of harm resulting from its loss, and whether the development as a whole justifies that harm. In addition, it assesses the impact of the proposed development on the setting of the

nearby listed building, having regard to both national and local planning policies.

2.1 Significance of the Non-Designated Heritage Asset (NDHA)

The former public house “The Priory”, historically known as the Brow Cow Inn, is identified as a NDHA due to its historic function, vernacular architectural form, and its relationship with the Grade II listed Whitechapel Church located immediately adjacent to the site. The building is believed to date to the late 18th to early 19th century and holds some value as a surviving example of a traditional public house and historically served the local community and churchgoers. Historic mapping and local sources including 19th century newspaper reference confirm the building's longstanding presence and link to the adjacent churchyard, which shared a gateway with the Inns access route.

Architecturally, the building is of modest vernacular design, with its principal southern elevation presenting a symmetrical 3 bay frontage with retained 2 over 2 sash windows and stone surrounds. However, the building has undergone extensive external and internal alteration including the loss of historic fabric, replacement of most fenestration with uPVC units, and the application of modern render to rear and side elevations. As such while it retains a recognisable historic form on its front elevation, the overall architectural interest is considered to be limited.

Although no designated or recorded archaeological features are present on the site, the West Yorkshire Archaeological Advisory Service (WYAS) has noted the potential for below ground interest due to the site's proximity to the historic churchyard and its known occupation during the 18th to 19th centuries. This interest is considered low to moderate and would be addressed through standard recording and a Written Scheme of Investigation (WSI) which can be secured via a suitably worded condition should planning permission be approved.

Overall, the building is considered to hold limited local historical significance, derived from age, past function, partial architectural interest, and its historic group association with the nearby Grade II Listed church. The extent of later alterations and the loss of original features has, however substantially diminished its architectural and evidential value.

2.2 Scale of Harm Non-Designated Heritage Asset (NDHA)

The application proposes the complete demolition of the former pub. In accordance with paragraph 216 of the NPPF and policy LP35 of the Kirklees Local Plan, proposals affecting a NDHA should consider the significance of the asset and scale of harm that would result from its loss.

A heritage statement and heritage note (interior appraisal report), have been submitted, including internal roof inspections and supporting photographs, which confirmed that some historic fabric remains, notably in the form of king post truss roof structure within the central historic core and a queen post Truss roof within the western extension. Both structures include traditional elements such as narrow Hanson Timbers, rich beams, purlins, and principle rafters, and are considered indicative of 18th century construction methods. However, the same assessment also confirms that the wider building fabric has undergone extensive alteration over time, including the introduction of modern machine cut timbers, particularly in areas of roof repair.

Internally, the photographs and narrative evidence confirm that the historic character has been heavily modernised, resulting in the loss of most of the original plan form and internal features. The floors and walls are altered with laminate boarding, modern plaster finishes, ceramic wall tiles, and tiled or vinyl floorcoverings. Suspended ceilings are present in a number of areas with contemporary lighting integrated throughout. The modern bar servery and associated fittings remain in place, further detracting from any surviving historical character. These cumulative alterations mean that the interior no longer reflects the architectural character or historic function of the original building.

Although the trussed roof structures represent the primary surviving element of architectural interest, their visibility is limited to roof wise and inaccessible to the public. These features are preserved only in parts with some sections exhibiting modern interventions, such as machine cut replacement beams and general patchwork repair. The overall integrity of the historic roof structure is therefore partially rather than complete, and their contribution to the building significance is constrained by the context of widespread internal modernisation.

Demolition would result in a total loss of the NDHA, and having regard to paragraph 216 of the NPPF, the development constitutes harm to the historic environment. However, given the building's low remaining significance, the scale of harm is considered to be less than substantial.

The Councils Conservation Team outline that demolition of the former pub should only be considered as a last resort and that the Local Planning Authority should be satisfied that sufficient evidence has been provided to confirm that it is redundant in its current form and cannot reasonably be converted or extended.

Heritage evidence demonstrates that the building has undergone extensive internal and external alteration, significantly limiting its adaptability. Internally the space is heavily fragmented with modern interventions and partitioned rooms that likely bear little relationship to the original plan form. These

modifications have created an arrangement of narrow corridors with cellular rooms which appear to have poor natural surveillance and ventilation, making them unsuitable for adaptation to self-contained supported living accommodation which requires clear, accessible, and flexible space to meet the needs of future occupants.

Externally, opportunities for extension are highly constrained by the compact nature of the site and proximity to the listed building as well as its curtilage. As such, any new development to meet modern space standards and accessibility requirements would necessitate significant intervention or new build form.

On this basis, and having regard to the evidence submitted, officers are satisfied that the building is functionally redundant in its current form and cannot be reasonably converted or extended to deliver the proposed supported living use.

2.3 Impact on the setting of Whitechapel Church Grade II Listed)

Whitechapel Church is a Grade II Listed Building of high significance, with its status reflecting both its architectural quality and historical importance in the local area. The church is within an enclosed, well vegetated churchyard yard. Its tall spire is a prominent and locally distinctive feature within the surrounding landscape. The existing Priory pub, while not statutory protected, forms part of the peripheral setting of the church, particularly in longer views from the access point on Whitechapel Road where the church and pub can be appreciated in partial tandem through filtered tree cover.

The existing pub building is readily visible from the highway, presenting a relatively low profile two storey form with a linear and horizontal emphasis. Despite the unsympathetic alterations and a degraded condition, it loosely reflects the historic pattern in terms of building alignment and grain which was present prior to more recent development to the South. However, its current appearance, characterised by render and visibly failed additions, offers limited aesthetic value or contribution to the church visual appreciation.

The proposed replacement building would be sited further northeast into the plot, moving it from direct views from the access and approximately 11 metres from the church boundary. Although the new structure would introduce a more substantial built form, with a deeper plan and increased massing to accommodate supported living flats, its height remains broadly consistent with the existing pub at two storeys. There would be a minor increase in ridge height, however the building would remain subservient to the tree canopy and church Spire in key views. Furthermore, the stepped site layout, mature boundary vegetation and intervening topography mean that the building would not appear dominant from within the church yard or from key arrival points.

Importantly, the proposed development seeks to create a more legible layout that frames the retained public right of way and preserves the historic pedestrian route. A new boundary arrangement and an increase in the

provision of soft landscaping are proposed to reinforce the green character and maintain visual separation between the new development and the church while respecting the historic environment.

While the replacement of the existing building will inevitably alter part of the wider setting of the church, the proposed buildings sitting, modest scale, retention of mature trees and introduction of further formalised soft landscaping would limit visual intrusion. It is therefore considered that the development would result in less than substantial harm to the setting of the Grade II Listed Building.

2.4 Public Benefits and Conditions

The proposed development would deliver 8 self-contained supported living units designed to accommodate individuals with care needs in a manner that promotes independent living. The accommodation would be purpose built to modern standards, providing an accessible and managed living environment that aligns with national and local objectives to support inclusive communities.

Kirklees Council's Specialist Accommodation Strategy (2022-2030) identifies the significant and growing need for this type of accommodation across the borough. The strategy highlights pressure on supported housing provision for working age adults with disabilities or mental health needs, many of whom currently live in housing that does not adequately meet their needs or are placed outside the district. The scheme would make a meaningful contribution to addressing this strategic gap in provision. While the strategy does not form part of the statutory local development plan, it is a material consideration which carries weight in the decision-making process, particularly given the alignment of the proposal with the aims of local planning policies and council objectives. The development is a Kirklees Commission scheme, and its delivery would directly support the council's commitment to improving specialist housing outcomes for vulnerable residents.

In addition, the council cannot currently demonstrate a 5-year supply of deliverable housing land, and therefore paragraph 11(d) of the national planning policy framework 2024 is engaged. The presence of Whitechapel Church (Grade II Listed) invokes consideration under paragraph 215 of the NPPF, meaning where development proposals lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the identified harm arising from the construction of the new building is considered to be less than substantial. The delivery of much needed specialist housing in response to a clearly evidenced local need is considered a significant public benefit, which weighs in favour of the development.

The proposal also engages the Public Sector Equality duty under section 149 of the Equality Act 2010. The scheme is designed specifically to support individuals with protected characteristics including disability. In considering this application, the local planning authority must have due regard to its duty to advance equality of opportunity and promote inclusive communities. The

provision of specialist supported housing on a sustainable and accessible site represents an opportunity to help meet the diverse needs of the local population in line with the council's corporate responsibilities and wider social objectives.

Furthermore, the scheme includes works to upgrade the adjacent Public Right of Way (PROW), which runs along the western boundary of the site. These improvements would enhance local pedestrian connectivity, improve safety and accessibility, and deliver a tangible public realm enhancement for wider community use. This direct benefit of redeveloping the site, adds further weight in favour of the development.

To mitigate the heritage loss, and in accordance with advice from both the Council's Conservation Team and West Yorkshire Archaeological Advisory Service (WYAAS), a pre commencement recording condition is recommended to be attached to ensure an appropriate level of historic building recording is undertaken prior to demolition. Additionally, a further pre commencement condition is recommended requiring submission and approval of a building contract for the proposed development, to ensure that the demolition of the building does not occur in isolation and is only undertaken if the redevelopment is secured. Whilst a legal agreement was requested by the Council's Conservation Team on this matter, it is considered unreasonable and unnecessary to require such a binding agreement to be undertaken and that a condition would suffice in this instance.

2.5 Conclusion on Heritage Impacts

The development would result in the total loss of a Non-Designated Heritage Asset (The Priory) which contributes to the setting of a Grade II Listed Building (Whitechapel Church). However, this loss is considered justified in this instance due to the existing buildings limited architectural significance, extensive internal alterations, and the lack of any viable reuse options that will deliver the identified housing need. While the scheme would lead to less than substantial harm to the setting of the Grade II Listed Whitechapel Church, this impact is considered to be limited and is outweighed by the public benefits of the proposal. These include the delivery of eight supported living flats commissioned by Kirklees Council, which contributes directly towards meeting an urgent and identified housing need within the borough. Further public benefits include the enhancement and resurfacing of the adjacent public right of way alongside the redevelopment of a somewhat degraded site.

To ensure an appropriate and sensitive approach to heritage impacts, a number of pre-commencement conditions are recommended. These include a requirement for the submission of a building contract to secure redevelopment following demolition, avoiding any unnecessary loss of the asset or vacancy of the site, in accordance with Paragraph 217 of the NPPF. A further condition will require a Written Scheme of Investigation (WSI) to address the archaeological and architectural interest of the site. Collectively, these conditions are necessary to ensure that the irreversible loss of the building

and any below-ground heritage assets is properly understood, recorded and mitigated.

On balance, it is considered that the public benefits of the scheme outweigh the less than substantial harm to the setting of the Grade II Listed Building. While the loss of the NDHA is acknowledged, it is justified in this instance due to its limited architectural significance and lack of viable re-use options. Subject to the recommended conditions, the proposal is considered to accord with Chapter 16 of the National Planning Policy Framework and Policy LP35 of the Kirklees Local Plan.

3. Visual Amenity

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps to make development acceptable to communities.

Paragraphs 134 and 135 of the NPPF set out the requirements for high quality, beautiful and sustainable buildings and places. Paragraph 137 states that planning decisions should ensure developments are sympathetic to local character while not preventing innovation or change. Paragraph 140 highlights the importance of layout and building form in contributing to a strong sense of place.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Local Plan Policies LP1 and LP2 are also relevant. These policies underpin Policy LP24 and seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Policy LP24 of the Kirklees Local Plan requires all proposals to promote good design by ensuring layout, scale, density and appearance respects the character of surrounding development and landscape. It also expects development to provide adequate outdoor space and be visually attractive.

Kirklees Housebuilder Design Guide SPD sets out 'Principles' and expectations for development to respond positively to topography, existing building lines, and settlement patterns. It also seeks to ensure that new development integrates well with surroundings, with appropriate spacing, layout and massing that reflects local character.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *“New residential development proposals will be expected to respect and enhance the local character of the area by:*

Taking cues from the character of the built and natural environment within the locality.

Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.

Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.”

Principle 5 of the Housebuilders Design Guide states, amongst other things, that buildings should be aligned and set-back to form a coherent building line and designed to front on to the street. To avoid dominating the street, Principle 12 states parking to the front will need creative design solutions to be incorporated.

Principle 6 sets out that Residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

Principle 17 of the Council's adopted House Builders Design Guide Supplementary Planning Document (SPD) requires development to ensure an appropriately sized and useable area of private outdoor space is retained.

3.1 Layout

The new building would sit adjacent to the northern boundary of Whitechapel Church, shifted further eastward than the existing pub building but would broadly retain the existing building line. It would maintain the respectful separation distance from the church to the south thereby preserving its prominence and continued setting as a landmark structure within the street scene. The proposed buildings footprint would be well contained within the existing plot with the bulk of development sited towards the north.

The proposal would provide a clear, legible arrangement with the principle front elevation facing towards Whitechapel Road, and secondary frontages oriented towards the public right of way to the west and towards vegetated boundaries to the east. The development includes an appropriate level of defensible space around the building, as not to spatially conflict with the nearby church or the housing development to the north/west and establishes a clear hierarchy of semi-public to the south and private space to north, east and west.

To the east, external amenity space is provided in the form of a communal garden area which would encompass a single storey detached summerhouse in the corner of the site. This structure would be appropriately sited, legibly playing a secondary role to the main building. Private external amenity spaces are provided for ground floor units to both the eastern and western sides of the building introducing a degree of formalised soft landscaping within the site, which marks an enhancement over the largely hard surfaced existing arrangement associated with the former public house. This landscaping would contribute positively to the overall setting and reinforce the site's residential character, however, to ensure that appropriate boundary treatments are delivered and maintained, a condition is recommended to be attached to secure final details of all fencing and boundary enclosures.

The existing PROW is overgrown with vegetation and narrowed due to the side elevation of the existing pub directly abutting the PROWs boundary. The minor reconfiguration and surfacing upgrades to the adjacent public right of way, establishing 2 metre width and consistent line of access from the neighbouring emerging housing development, further reinforce the development integration within its local context an enhanced connectivity for future residents and the wider public.

It is acknowledged that representations were received with regards to the use of the existing access from Whitechapel Road by the resultant development and potential conflicts between Whitechapel Church and the development for both vehicle users and pedestrians. This matter has been addressed in detail in the highway safety and accessibility section of this report.

The proposed site arrangement would ensure a functional, legible layout that respects neighbouring land uses, maintains an appropriate relationship with Whitechapel Church, and integrates well within the surrounding area.

3.2 Scale, Form and Massing

The proposed building adopts the traditional two storey form, laid out symmetrically with a central gable to the front, which is echoed through the use of cranked elevations to the east, west and north with balanced fenestration across all over elevations. In terms of scale, the proposed building is marginally taller than the existing pub, however this increase is not considered visually dominant nor materially harmful, particularly given that the overall ridgeline remains well-proportioned and the eaves height remain broadly consistent throughout the building. The increase in height arises largely from a more formalised ridge and gable arrangement as opposed to an excessive uplift in storey height.

The form of the proposed building reflects a more coherent and symmetrical layout compared to the somewhat ad hoc extensions present on the existing pub. The proposed building adopts a traditional domestic form with pitched roofs, gable ends, and simplified elevations. This arrangement would result in a more streamlined and legible massing, whilst respecting the historic and general character of the area particularly against the backdrop of Whitechapel Church and at the forefront of the emerging housing development.

From a massing perspective, while the proposed building has greater horizontal continuity, it is not considered to be excessively bulky. The roof scape is restrained, and articulation is introduced via gables, front porch and consistent window placements. The proposal presents a unified and measured approach to massing, over that of the sprawling and broken up footprint of the existing pub caused by a mix of roof forms and uncoordinated projecting elements. Despite a slightly greater footprint than the existing pub, it is considered that the proposal achieves a more balanced approach to massing.

Overall, the scale form and massing of the proposed building are considered to respond positively to the character of the area and the site's residential context beyond and the historic setting established by Whitechapel Church.

3.3 Detailed Design

The detailed design of the proposed building reflects a traditional architectural approach, with a symmetrical front elevation, vertically proportioned windows and doors, and a clearly defined principal entrance. The building would adopt a domestic character that is appropriate for its residential use and consistent with surrounding residential development. Proposed external materials include traditional artificial stone for the walls and natural slate for the roof. While these materials aim to replicate traditional local finishes, the conservation team have raised concerns regarding authenticity and long-term visual quality given the sites sensitive context. As such, the Conservation Team recommend the use of locally sourced natural stone, natural blue Welsh slate roof tiles, and painted timber windows to ensure the development responds positively to the setting of the adjacent Grade II Listed Whitechapel Church and reflects local vernacular materials.

Subject to the imposition of a condition requiring full details of all external materials prior to construction above slab level (above grade), it is considered that the proposed development would achieve an acceptable standard of detailed design.

3.4 Outbuilding (Summer House)

A single storey outbuilding is proposed within the northwestern corner of the site. The structure would be of a modest scale (15sqm) with horizontal timber clad in a shallow dual pitched roof. Full height glazed doors are proposed to the front elevation with additional openings to the side and rear. The outbuilding also includes a small WC. Given it's setting, size and appearance, the building is considered to be an ancillary structure appropriate to the setting and function of the site. Its timber finish and subordinate scale would not result in any material visual harm or functional conflict with the main development nor the surrounding context.

Conclusion on Visual Amenity

The proposed development is considered to represent an appropriate design response to the site context in terms of its layout, scale, and detailed appearance. The scheme introduces a coherent arrangement of public and private outdoor spaces, respects residential amenity and integrates soft landscaping that enhances the sites overall character. Whilst the development would be visible in the setting of the Grade II Listed Whitechapel Church, its scale and massing are considered proportionate, and the design approach avoids visual dominance.

Subject to a condition pertaining to materials, the proposal is considered to comply with policy LP24 and LP35 of the Kirklees local plan, Chapters 12 and

16 of the National Planning Policy Framework and the Kirklees Housebuilders Design Guide SPD.

4. Impact on Residential Amenity

Policy LP24 of the Kirklees Local Plan requires all development to provide a high standard of amenity for future and neighbouring occupiers. This includes appropriate levels of privacy, light, outdoor space and internal living conditions. The policy also seeks to ensure that development retains appropriate distances between buildings to avoid harmful impacts such as overshadowing and loss of privacy to neighbouring properties.

Further to this, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Residential Amenity – Future Occupants

Each of the eight one-bedroom/2-person flats across both floors would have a gross internal area between 57.5 square metres and 61.92 square metres, exceeding the minimum 50 square metre requirements set out in the National Described Space Standards (NDSS) and Principle 16 of the Housebuilders Design Guide SPD for a one-bedroom 2-person flat. Bedrooms within all units exceed the 11.5 square metre threshold, with each room measuring over 12 square metres, ensuring adequate space for functional use and flexibility.

The internal layout allows for clear circulation, with units logically arranged off central hallways. All habitable rooms benefit from external windows, satisfying expectations for daylight, outlook, and ventilation. Ground floor units are served by private garden areas accessed directly from the living areas, whereas 1st floor flats are provided access to the communal garden through a shared secondary door at ground floor. The proposal offers an appropriate level of outdoor amenity for residents, contributing to well-being and independence for future occupiers.

Staff facilities are integrated into the layout and include a ground floor staff office and a first-floor bedroom measuring 9.72 square metres with an en-suite. A separate staff WC is also provided. These elements are considered proportionate to the scale and function of the supported living scheme and play an ancillary role to the buildings primary use as residential.

While the submission does not explicitly demonstrate compliance with the M4(2) or M4(3) of building regulations, the scale of accommodation, flat layouts, and ground floor access arrangements indicate good potential to satisfy those requirements, should it be necessary in the future.

The applicant submitted a Noise Impact Assessment to assess potential noise impacts on the living conditions of future occupiers of the development, given the proximity of the site from the M62 Motorway. The assessment confirms that, with appropriate glazing and ventilation measures, internal noise levels

would remain within national guidelines. This includes the use of mechanical ventilation where necessary and trickle vents to allow rooms facing the motorway to remain closed at night while providing sufficient airflow. The report demonstrates that suitable mitigation can be achieved.

Taking the above into account the proposal is considered to provide a high standard of internal accommodation, with good access ability an immunity for future residents and appropriate provision for staff. The scheme is therefore compliant with the requirements of Policy LP24(b) and (d) of the Kirklees Local Plan in this respect.

Residential Amenity (Impact on neighbouring properties)

Principle 6 of the Kirklees Housebuilders Design Guide SPD, states that residential layout must ensure adequate privacy and maintain high standards of residential amenity to avoid negative impacts on light, outlook and avoid overlooking. For two storey houses, this SPD recommends minimum separation distances of:

- 21 metres between facing windows of habitable rooms at the back of dwellings
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room.
- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land

The nearest dwellings are located at the newly constructed housing development to the north and west, circa 36 metres from the proposed building. Similarly, residential properties on Whitechapel Road located to the south would be circa 76m from the building. Due these separation distances, it is not considered that there would be issues of overlooking/overbearing impact or loss of light to these neighbouring properties.

To the immediate east/southeast lies the Grade II Listed Whitechapel Church. Though this is not a residential receptor, it is acknowledged that some public comments referenced the existing shared access being used for funeral processions and informal parking by church users. However, this matter relates primarily to access rights on highway use rather than direct residential amenity impacts and is therefore addressed in the relevant section below.

In this context, the proposal is not considered to result in any material harm to neighbouring amenity and complies with the aims of policy LP24(b) and (c) of the Kirklees Local Plan.

4. Impact on Highway Safety and accessibility

Policy LP21 of the Kirklees Local Plan requires development to provide safe, convenient, and efficient access for all users, including pedestrians, cyclists, public transport users and vehicles. Proposals must not result in an unacceptable impact on the highway network.

Policy LP22 sets out parking requirements stating that developments should provide appropriate provision for vehicles in accordance with the Council's adopted parking standards. This includes on-site parking for residents and visitors, as well as provision of servicing and deliveries where relevant.

Policy LP23 sets out development should safeguard, enhance, and create new pedestrian routes that promote sustainable travel and healthy, inclusive communities.

Policy LP24(d) sets out that development should achieve high levels of sustainability to a degree proportionate to the proposal through design that promotes behavioural change promoting walkable neighbourhoods and making walking and cycling more attractive.

Policy LP47 sets out that development proposals should promote sustainable travel by improving access to local services, prioritising pedestrian routes, and enhancing connectivity for all users, including through improved walking and cycling infrastructure.

These policies are underpinned by Chapter 9 of the NPPF which requires that development proposals ensure safe and suitable access for all users, mitigate any significant impacts on the transport network, and provide adequate opportunities for sustainable travel.

In addition, Chapter 8, Paragraph 105 of the NPPF which seeks to ensure planning decisions protect and enhance Public Rights of Way and access, including taking opportunities to provide better facilities for users.

The Kirklees Highways Design Guide SPD provides further guidance on the detailed design of access points, private drives, internal layout dimensions, visibility splays, turning space, and the number of parking spaces required based on dwelling size.

4.1 Access and Ownership

Access to the development would be taken via the existing access from Whitechapel Road, which previously served the public house.

Concerns have been raised regarding ownership and rights of access over the unadopted lane leading to the site, given its shared use with the application site and the adjacent Whitechapel Church for funeral processions and parking. In planning terms, these are addressed through the Certificate of Ownership procedures under Article 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. In this instance, the applicant has correctly submitted Certificate C, which applies where the applicant does not own all the land affected by the development and is unable to identify all parties with an interest in that land.

The application form states that the access lane is unregistered, but that the current owners of the property (The Priory) have exercised rights of access over it for more than 30 years. In recognition of this uncertainty, the applicant has taken reasonable steps to ensure that interested parties are aware of the intention for continual use of the access, by publishing the required notice in the 'Dewsbury Reporter' on the 26th of March 2025, no earlier than 21 days prior to submission of the application on 11th March 2025. This approach satisfies the legal requirement for Certificate C.

While the Local Planning Authority must be satisfied that the correct notice procedures have been followed, it is not required to adjudicate on the ownership or rights relating to the land. Having regard to the submitted information, it is considered that the application has complied with statutory notification requirements pertaining to the access. Any ongoing dispute over land ownership or rights of access is a private legal matter and does not fall within the scope of planning control in this instance.

Notwithstanding the above, it is noted that no gates are proposed, and the access would remain open; as such, it is not considered that the continued use of the access by the development would prejudice ongoing shared use by the church particularly given the civil nature of any land ownership dispute.

Highways development management has confirmed that the continued use of the access is acceptable for the development from a highway safety perspective, and that the proposal would generate significantly less traffic than the lawful pub use if it were brought back into operation. As such, the retention of the existing access is not considered to raise any highway safety concerns.

4.2 Public Right of Way (PROW) Works

Public Right of Way (PROW) reference no SPE/24/40 (footpath) runs on the western boundary of this site, currently presenting as an informal, narrow route with a back and compact service and limited passive surveillance. It connects Whitechapel Rad with the wider footpath network serving the adjacent housing development and the nearby school.

As part of the proposed scheme, improvements to the PROW are included, with works to formalise and upgrade the route to a 2m wide crushed stone surface. This intervention would significantly enhance year-round accessibility and walkability through the site, improving pedestrian permeability and providing a more inclusive, legible connection from Whitechapel Road into the surrounding area. A new 1.8m high timber fence is proposed along the eastern side of the PROW to separate private garden spaces, enhancing security while maintaining the openness of the footpath. Further details of the boundary treatment are recommended to be secured by condition.

The proposed works also improve the setting of the PROW through the removal of the former building, which previously presented a blank and visually impermeable edge. The new building is sensitively set back from the

boundary and incorporates active windows overlooking the path, increasing natural surveillance and creating a more attractive, safer pedestrian environment.

Kirklees Councils Public Rights of Way team were consulted and raised no objection to the amended proposals. The proposed amendments are considered to enhance the character and usability of the route whilst maintaining amenity for future occupiers. A temporary closure of the PROW will likely be required to safely facilitate these works.

Subject to a condition to ensure that the upgraded surface and boundary treatments are completed prior to the first occupation of the development, the proposal would comply with Policies LP23, LP24 and LP47 of the Kirklees Local Plan and Paragraph 105 of the National Planning Policy Framework 2024.

4.3 Internal Layout and Parking

The internal layout of the development is acceptable, with sufficient space for parking in manoeuvring within the site. Eight off street parking spaces are provided, aligning with the number of units proposed. While it is not specified whether the parking is communal or allocated, that arrangement is functional and accessible. Highways development management has raised no objection to the layout or quantum of parking. As such, the proposal is considered to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF.

5. Biodiversity, Ecology and Trees

The Biodiversity Net Gain (BNG) Technical Advice Note provides local context on implementing BNG and reflects the statutory requirement introduced by the Environment Act 2021, which mandates a minimum 10% biodiversity net gain for most developments.

Chapter 15, Paragraphs 192, 193, 194 and 195 of the NPPF (December 2024) collectively seek to protect and enhance the natural environment by securing measurable biodiversity net gains, safeguarding irreplaceable habitats, and ensuring that harm to biodiversity is avoided, mitigated or, only where absolutely necessary, compensated.

Policy LP30 of the Kirklees Local Plan seeks to ensure that development proposals protect and enhance the natural environment. This includes safeguarding species and habitats of principal importance, avoiding significant harm to biodiversity, and securing measurable biodiversity net gains wherever possible.

The application site lies adjacent to a priority habitat (deciduous woodland) and within a locality that contains several records of protected and priority species. Initial comments from the council's ecology officer indicated the need for further assessment, given the building's derelict condition and features with potential to

support roosting bats. In response, a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) was submitted and subsequently reviewed by the council's ecologist.

No evidence of roosting bats were recorded; however, some features with limited potential were identified. The ecology officer therefore recommends that a bat emergence survey be undertaken prior to any demolition or other works affecting the structure, and that this is secured by condition. This approach ensures the Local Planning Authority meet its statutory duties under the Conservation of Habitats and Species Regulations 2017 (as amended), in the event bats are found to be present.

The submitted PEA also recommends precautionary measures to protect nesting birds and common amphibians, including seasonal timing restrictions and appropriate clearance methods. These can be secured through a construction environmental management plan CEMP, to be submitted and approved prior to commencement. The CEMP should cover method statements for site clearance and working practises, avoidance of harm to retained habitats and wildlife, an ecological supervision where relevant.

The proposal falls within the scope of the Environment Act 2021 with regards to Biodiversity Net Gain. Although the proposal initially appeared to fall within the small site exemption threshold due to its predominately hardstanding nature, the submitted Biodiversity Metric identifies 0.05 habitat units, including a measurable baseline. In the interest of securing long-term biodiversity value, a proportionate condition is recommended requiring the submission of a hard and soft landscaping scheme with a long-term monitoring and maintenance schedule.

Subject to conditions to secure the bat emergence survey, landscaping and a biodiversity led CEMP, the proposal is considered acceptable with regards to biodiversity and ecological impacts, I would have called with Policy LP30 of the Kirklees Local Plan and Paragraph 195 of the National Planning Policy Framework 2024.

5.1 Trees

Policy LP33 of the Kirklees Local Plan seeks to ensure that development proposals retain any valuable or important trees where they make a significant contribution to the character and visual amenity of the area.

There are trees both within and adjacent to the site and off-site specimens along the western boundary that are subject to Tree Preservation Order 01/20. An Arboricultural Method Statement (AMS) submitted with the application identifies the need to remove 3 low value trees (T22, T23, and T26) which are sited towards the eastern boundary of the site to facilitate the development, alongside two further trees (T25 and T30) within proximity that require removal for safety concerns. There were initial concerns raised by the tree officer regarding the status of tree T24, as to whether this is to be retained or removed, an amended Arboricultural Method Statement was

submitted which shows the tree to be retained with tree protection measures installed. There are no works proposed to the TPO'ed trees to the west.

Subject to adherence to the protective measures set out in the submitted documents, including implementation of tree protection fencing in accordance with the submitted tree protection plan, the Council's Tree Officer raises no objections. It is therefore considered that the development would not result in an unacceptable impact and arboricultural interests and complies with Policy LP33 of the Kirklees local plan.

6. Pollution Control

Chapter 15 of the NPPF promotes safe and healthy living environments and requires that land contamination and other environmental constraints are considered and mitigated as part of the planning process.

Policies LP51 and LP53 of the Kirklees Local Plan seek to ensure that development does not cause, or result in exposure to, pollution or environmental risks that would be harmful to human health or the environment. These policies require developments to be appropriately assessed and, where necessary, remediated to ensure that sites are suitable for their intended use.

The site lies within a defined Development High Risk and Low Risk Area for coal mining, as designated by the Mining Remediation Authority (Coal Authority). A Phase 1 Environmental Desk Study and Coal Mining Risk Assessment, dated January 2025 and prepared by RGS Ltd, has been submitted with the application. The report identifies the site as being underlain by made ground associated with previous developments and confirms a history of coal mining activity, including probable shallow workings related to a thick coal seam outcrop.

The Coal Authority has reviewed the submitted assessment and confirmed that, based on the geological data and the competent person's conclusions regarding stability, there are no objections to the proposal. The Coal Authority accepts that the shallowest seams are of poor quality and that sufficient rock cover exists to afford support.

The Phase 1 report also identifies the potential for contaminated sources including asbestos- containing materials, hydrocarbons, and heavy metals, which may pose a risk to future occupants if not adequately investigated and mitigated. The report also flags a moderate risk of ground gas, possibly from degrading organic material or shallow coal seams. As such, a Phase 2 Intrusive Site Investigation is recommended, including soil sampling and gas monitoring over a defined period. This will inform any remediation strategy required to ensure the site is suitable for residential end use.

In light of the Phase 1 findings and in accordance with Paragraphs 196 and 197 of the NPPF, it is considered necessary and reasonable to impose a

condition requiring the submission of a Phase 2 report, followed by a Remediation Strategy and Validation Report where required.

The site is not located within a designated Air Quality Management Area, as such no specific air quality measures are required in this instance. Given the scale of development and location, the proposal is not expected to give rise to significant impacts from air quality.

Subject to conditions, the development is considered acceptable in relation to contaminated land risk and environmental protection and would comply with Policies LP51 and LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

7.Climate Change

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.

Policy LP24(d) of the Kirklees Local Plan requires developments to promote sustainable design and construction by minimizing resource use and carbon emissions, and by incorporating measures that reduce the environmental impact of buildings, including energy and water efficiency.

Policy LP26 further supports this by encouraging development that contributes to climate change and adaptation through layout, design, orientation, and use of low-carbon technologies.

The applicant has confirmed that the proposed dwellings will be designed to meet Building Regulations and include measures to reduce energy demand and accommodate renewable technologies in accordance with SAP and EPC standards. Construction materials will be locally sourced where possible, and hard standing removed from the site is sought to be reused on driveways, limiting embodied carbon during development. The site is not located within an area of Flood Risk; however, it would be expected that drainage matters would be dealt with through reserved matters.

Given the scope of the application at this stage, the submitted information and measures are considered acceptable. Specific sustainability matters relating to building design, energy use, surface water management, and biodiversity net gain would be expected to be addressed at the reserved matters stage.

8. Safety and Security

Policy LP24(e) of the Kirklees Local Plan seeks to minimise the risk of crime by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-design security features.

Policy LP47 promotes healthy, active and safe lifestyles, supporting development that contributes to creating safe environments and reduces opportunities for crime and anti-social behavior.

Paragraphs 96 and 135 of the NPPF encourages planning decisions to achieve healthy, inclusive and safe places which (b), are safe and accessible, so that crime and disorder, and the fear of crimes, do not undermine the quality of life or community cohesion.

The West Yorkshire Police Designing Out Crime Officer (DOCO) was consulted on this application, raising no objection in principle, and provided detailed comments highlighting a number of security concerns in the context of the sites proposed use as supported living accommodation.

The DOCO raised issues including the lack of access control details, the vulnerability of recessed doorways, absence of external lighting information, and limited clarity on the security of ancillary facilities such as bin storage. Concerns were also expressed regarding natural surveillance, permeability, and the potential for unauthorised access between flats, particularly given the levels of vulnerability associated with future occupants. These concerns were further contextualized by reference to crime records in the surrounding area.

In response to the comments, the applicant submitted a supplementary document outlining a Designing Out Crime Scheme. The document outlined a general commitment to crime prevention, including the introduction of external lighting, CCTV, a revision to boundary treatments to enhance defensible space, and a response to concerns around recessed doorways. While intentions to provide security measures are outlined in the submission, the submission documents do not comprehensively address the DOCO's concerns in full.

A number of representations raised concerns about the security of the development and the potential for antisocial behavior, particularly in relation to the vulnerability of future occupants of the supported living accommodation and the wider site as a whole. Given the crime profile of the wider area, the nature of the intended use, and the recommendations of the Designing Out Crime Officer, a planning condition is recommended to require the submission and implementation of detailed security measures. These would relate to matters such as external lighting, boundary treatments to control permeability and secure site edges, potential CCTV provision where proportionate and access control around the building.

The wording of the condition encourages reference to 'Secure by Design' Standards, while allowing the Council to assess proportionality and context-

appropriateness through the formal discharge of conditions process in consultation with the West Yorkshire Police. This approach ensures the planning authority discharges its duty under Section 17 of the Crime and Disorder Act 1998 to consider crime prevention in decisions, while aligning with Paragraphs 96 and 135 of the NPPF, and Policies LP24 and LP47 of the Kirklees Local Plan, which collectively seek to ensure that developments are safe, inclusive and do not undermine community cohesion.

9. Other Matters

Flood Risk and Surface Water Management

The site is not located within a designated Flood Zone and is not identified as being at risk from surface water flooding. As such, there is no requirement for a Flood Risk Assessment in this case. However, in accordance with Policy LP28 of the Kirklees Local Plan and the aims of Chapter 4 of the NPPF, new development should still incorporate sustainable drainage solutions to ensure that surface water is managed appropriately and does not exacerbate flood risk on or off site. Full details of surface water drainage, including the use of permeable surfacing or SuDs features where appropriate would be secured by conditions as appropriate.

10. Pre-Commencement Conditions

The pre-commencement conditions attached to this decision relate to matters including heritage recording and demolition sequencing, ecological mitigation and land contamination. These were considered necessary to secure key technical safeguards at the appropriate stage of development. The applicant provided written agreement to these conditions via email on 26th June 2025, in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018.

11. Representations

A total of 14 objections were received in response to the application. The concerns are comprehensively addressed in the assessment section of this report, however, are addressed in summary below as follows:

11.1 Heritage and Demolition Concerns

Concerns were raised regarding the demolition of The Priory (NDHA) and the implications this may have for the setting of the adjacent Grade II Listed Whitechapel Church. The planning judgement in this case has considered both the loss of the building itself and the effect of the overall development on the heritage setting, which is set out in full in the “Heritage Impacts” section of this report.

The Priory has been assessed as having low heritage significance due to the extent of later alterations and limited remaining architectural interest. While it's historical link to the church at a community level is acknowledged, its loss in

isolation is not considered to result in substantial heritage harm. The proposal has also been assessed in terms of the impact of the loss on the setting of the listed building. Officers consider that, while there will be a degree of change to the setting, the level of harm would be categorised as less than substantial and at the lower end of that spectrum.

In accordance with paragraph 212 of the NPPF, this harm has been weighed against the public benefits of the scheme, including the delivery of eight supported living flats in a moderately sustainable location. Although the site is not allocated for housing, the lack of five-year housing land supply adds weight to the provision of residential units, particularly given the pressing need for specialist accommodation of this nature. The proposed development is considered to respond positively to its context through a traditional design and sensitive scale, and its layout allows for continued preservation of the setting of the Grade II listed church.

To ensure that heritage interests are appropriately safeguarded, conditions are recommended to secure details of satisfactory boundary treatments and external materials, in addition to a written scheme of investigation which includes archaeological and architectural building recording, as well as a further condition to ensure that the existing building is not demolished until the building contract is in place for its replacement as to avoiding any unnecessary loss of the NDHA. These measures ensure that the transitional period between demolition and redevelopment is managed appropriately, and heritage value is recorded.

11.2 Highways Safety, Access and Parking

Objectors have raised concerns relating to Highway safety and intensification, specifically in regard to the use of the existing shared access by a Whitechapel Church for funeral processions and informal parking. It is noted that the existing access is not proposed to be altered and will remain unchanged in width, alignment, and function. The local highway authority has reviewed the proposal and raise no objections, confirming that the access is of sufficient width to accommodate vehicle and pedestrian movements associated with both the development and existing uses.

The access is acknowledged to be unregistered; however, the applicant has signed Certificate C, confirming that appropriate notice was served on other landowners. Public notice was also published in accordance with the requirements of Article 13 of the development management procedure order. The proposal does not involve the introduction of gates or physical changes to the access, as proposed, it will remain open and unobstructed. As such, there is no reasonable expectation that the continued use of the access by Whitechapel Church would be prejudiced by the development. Notwithstanding the above, legal concerns regarding access rights are considered to be private civil matters, not material to the planning determination.

Furthermore, the proposed internal site layout provides adequate turning and parking provision. Eight parking spaces are provided for the 8 flats. The Highways Development Management Team Has not raised concerns regarding intensification, and therefore, the development is not considered to give rise to unacceptable harm in terms of Highway safety or access.

These matters are discussed in full in the “Highway Safety and Accessibility” section of this report.

11.3 Residential Amenity

Concerns are raised regarding overlooking, loss of privacy and noise. It is noted that there are no immediately adjoining residential receptors exist in close proximity to the application site. The nearest housing lies to the west within the new residential development and the separation distances and orientation of the proposed building are such that no unacceptable impacts in terms of overlooking overbearingness, loss of light or significant noise impacts would result. Overall, the proposal is not considered to give rise to a material harm to residential amenity.

11.4 Safety and Security

Concerns have been raised by objectors regarding the site safety and the potential for anti-social behaviour, particularly in relation to the open access arrangement from Whitechapel Road and the proximity of the development to the public footpath and church. These matters have been carefully considered in the safety and security section of this report.

While the proposal does not include gates and the access will remain open, this is not considered to present a risk in planning terms, as the layout and orientation of the new building will significantly improve passive surveillance. To further address concerns, a planning condition will require the submission and implementation of security measures scheme. This should include details of bounded treatments external lighting and any proposed CCTV. These provisions are considered proportionate and necessary to ensure that the site is secure and that any vulnerabilities identified are appropriately mitigated and the developer is encouraged to carry out security measures to appropriate ‘secure by design’ standard. The West Yorkshire Police Designing Out Crime Officer raised no objection to the proposals in principle subject to the aforementioned condition to appropriately address matters of safety and security.

11.5 Public Right of Way (PROW)

Objections raised concerns about the impact of the development on the adjacent public right of way, including potential encroachment and changes to how it is currently used. The proposal does not involve the diversion or stopping of the PROW post development. Instead, it includes an upgrade of the existing surface using crushed stone to ensure a continuous and safe 2-metre-wide footpath. This improvement, along with the introduction of a 1.8m

high timber close boarded fence to separate private garden areas will assist in both safeguarding the function and amenity of the route.

The proposed development has been assessed by the council's PROW team, who has raised no objection. Conditions will be attached to the decision to secure this layout shown on the approved plans, and to ensure the delivery of appropriate security measures, including any external lighting where appropriate. An informative will also be included, advising the application to liaise with the Council's PROW team in advance of any temporary works or closures, should these be required during construction.

11.6 Supportive and Neutral Comments

A total of 5 comments of support and 1 general comment were received. While these views are noted, the application has been assessed against relevant planning policies and material considerations, and the recommendation is based on the planning merits of the proposal.

12. Conclusion

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.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation

APPROVE

Decision Authorisation: Delegated Powers

Application Number: 2025/90655

Officer Recommendation: APPROVE

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: To ensure compliance with 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, LP20, LP21, LP22, LP23, LP24, LP26, LP28, LP30, LP32, LP33, LP35, LP48, LP47, LP51, LP52 and LP53, of the Kirklees Local Plan, Chapters 2, 4, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework, and Principles 2, 5, 6, 9, 12, 13, 14, 15, 16, 17, 18 and 19 of the Housebuilders Design Guide SPD.

3. The development hereby approved shall be used solely as supporting living accommodation falling with Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose, including any other use within Class C3, without prior written consent of the Local Planning Authority.

Reason: In the interests of securing the specialist nature of the accommodation and to ensure appropriate future use of the site in accordance with Policy LP24 of the Kirklees Local Plan.

4. The development shall be carried out in full accordance with the Arboricultural Method Statement (Reference no. AWA6460AM, prepared by AWA Tree Consultants, dated February 2025, received 5th June 2025), including the tree protection measures and methodologies set out therein. The approved measures shall be retained for the duration of the construction period.

Reason: To ensure the protection of trees on and adjacent to the site, including those covered by a Tree Preservation Orders, in the interests of visual amenity and ecological value, in accordance with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

5. Prior to any roof works, demolition or other development likely to disturb potential bat roosting features, further bat emergence surveys shall be carried out during the active bat season (1st May to 31st August inclusive).

If roosting bats are identified, no such works shall take place until a Natural England license has been obtained, and development shall thereafter proceed in accordance with the license conditions and any approved mitigation measures.

Reason: To safeguard protected species and ensure compliance with the Conservation of Habitats and Species Regulations 2017 (as amended), Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

6. No demolition/development shall take place until a building contract for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The contract shall

include a programme and timescale for construction, demonstrating that redevelopment will follow without unreasonable delay.

Reason: To prevent premature loss of a non-designated heritage asset and avoid long-term dereliction of the site, in accordance with Paragraph 217 of the National Planning Policy Framework 2024 and Policy LP35 of the Kirklees Local Plan.

7. No demolition/development shall take place/commence within the area indicated until the applicant, or their agents or successors in title has provided a written scheme of archaeological investigation (WSI) and this has been [submitted to and] approved by the local planning authority in writing.

For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure the significance of the non-designated heritage asset is recorded and understood before loss, in accordance with Paragraph 218 of the National Planning Policy Framework 2024 and Policy LP35 of the Kirklees Local Plan.

8. No works shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities
 - b) Identification of "biodiversity protection zones"
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (these may be provided as a set of method statements)
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity and in accordance with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework 2024.

9. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

10. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 9, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

11. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 10. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

12. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

Reason: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and Paragraphs 196 and 197 of the National Planning Policy Framework 2024.

13. Before any above grade works begin for the development hereby approved, an external facing materials schedule shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with any such approval given.

Reason: In the interests of visual amenity and to ensure the development integrates appropriately with local historic character, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapter's 12 and 16 of the National Planning Policy Framework 2024.

14. Before any above grade work hereby authorised begins, details of security measures shall be submitted and approved in writing by the Local Planning Authority. Any such security measures shall be implemented prior to occupation in accordance with the approved details which shall seek to achieve the 'Secured by Design' accreditation award from the Metropolitan Police.

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with Chapter 8 of the National Planning Policy Framework (2024), and Policies LP24 and LP47 of the Kirklees Local Plan.

15. Prior to the occupation of the development, details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and installed in full accordance with the approved scheme.

Reason: In the interests of visual amenity and the amenity of future occupants, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework 2024.

16. Prior to the occupation of the development, a detailed external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details prior to first occupation.

Reason: In the interests of visual amenity and the amenity of future occupants, in accordance with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework 2024.

17. The development shall not be brought into use until all areas to be hard surfaced for access and parking have been and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. These areas shall be so retained, free of obstructions and available for access and parking.

Reason: In the interests of visual amenity, highway safety and to mitigate flood risk. To accord with Policies LP21, LP22, LP24 and LP28 of the Kirklees Local Plan and Chapters 9 and 14 of the National Planning Policy Framework 2024.

18. Prior to the first occupation of the development, details of a bin collection point for use on collection days shall be submitted to and approved in writing by the Local Planning Authority. The approved bin collection point shall be provided before any dwelling is brought into use and shall thereafter be retained free of obstruction for its intended purpose.

Reason: To ensure appropriate refuse storage and collection arrangements are in place in the interest of visual amenity, residential amenity and highway safety, in accordance with Policies LP21, LP24 and LP52 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework 2024.

19. Prior to the first occupation of the development, a soft landscaping scheme for biodiversity enhancement, including details of all areas to be planted as part of the site's amenity and communal spaces, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all areas to be planted, with species, planting densities, and details of maintenance for a minimum of 30 years. The approved scheme shall be fully implemented prior to occupation and

retained and maintained thereafter in accordance with the approved details.

Reason: To ensure the delivery of appropriate landscape design and measurable

biodiversity net gain across the site, in accordance with Policies LP24, LP30 and LP31 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: The applicant is advised that any works to create or alter vehicular access to the public highways, including the installation or alteration of dropped kerbs, will require a separate application to the Council as the Local Highways Authority. Approval under the Highways Act 1980 must be obtained prior to any such works commencing.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework. 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.

NOTE: Please note that the granting of planning permission does not override any private rights of ownership, and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership.

NOTE: 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](#)

NOTE: The applicant is advised that any works affecting a Public Right of Way including resurfacing, boundary treatment or temporary closure, must be carried out in accordance with relevant legislation. Early engagement with the

Councils Public Rights of Way Team is strongly recommended to ensure appropriate procedures are followed and any necessary consents are obtained. Please contact: highways.ross@kirklees.gov.uk or call 01484 221 000 and ask for public rights of way.

Plans and specifications schedule: -

| Plan Type | Reference | Version | Date Received |
|---|-----------------------|----------------|----------------------|
| Location Plan | H24-WC-001 | Rev B | 20/03/2025 |
| Site Plan | H24-WC-002 | Rev B | 12/05/2025 |
| Proposed Site Plan | H24-WC-003 | Rev C | 12/05/2025 |
| Existing Pub – Plans & Elevations | H24-WC-013 | - | 25/04/2025 |
| Elevations (Sheet 1) | H24-WC-006 | Rev A | 11/03/2025 |
| Elevations (Sheet 2) | H24-WC-007 | Rev A | 11/03/2025 |
| Ground Floor | H24-WC-004 | Rev A | 11/03/2025 |
| First Floor | H24-WC-005 | Rev A | 11/03/2025 |
| Summer House | H24-WC-012 | - | 11/03/2025 |
| Landscape Plan | H24-WC-010 | Rev C | 12/05/2025 |
| Draft Sections | H24-WC-009 | Rev C | 12/05/2025 |
| Phase 1 Environmental Desk Study & Coal Mining Risk Assessment Report | C4800/24/E/7331 | - | 11/03/2025 |
| Noise Impact Assessment | NIA-11824-24-12050-v2 | - | 11/03/2025 |
| Design & Access Statement | - | - | 11/03/2025 |
| Planning Statement | - | - | 11/03/2025 |
| Preliminary Ecological Appraisal Report | CW20-2543 RPT 002 | - | 29/05/2025 |
| Arboricultural Method Statement | AWA6460AM | - | 05/06/2025 |
| Building Heritage Statement | P24-2888 | - | 11/03/2025 |
| Heritage Note | P24-2888 | - | 30/05/2025 |
| Designing Out Crime Scheme | - | - | 04/06/2025 |

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. During the course of the application, the development description was updated to reflect the schemes supported living function. Minor revisions to the plans were made to address matters raised by consultees, including PROW works.

Report Dated:

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|----------------------------|
| 30 th June 2025 |
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