

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91083/W
Site Address:	Waterloo Inn, 609, Wakefield Road, Waterloo, Huddersfield, HD5 9XP
Description:	Alterations to former public house to form 2 retail units
Recommending Officer:	Edward Cheseldine

DECISION – CONDITIONAL FULL 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.

John Holmes

AUTHORISED OFFICER

Date: 2nd September 2025

Officer Report

2025/91083 - Waterloo Inn, 609, Wakefield Road, Waterloo, Huddersfield, HD5 9XP

Site Description

609 Wakefield Road is a traditional, two-storey building constructed with coursed hammer dressed stone, and a pitched roof clad within stone roof tiles. The building has traditional sash style windows openings and stone corbels amongst other traditional features. The building is present on the 1893 OS Map, identified as 'Waterloo Inn'. The map shows a building with a rectangular footprint with side projection to north-west. The footprint of the building indicates there have been additions to the rear of the building. There is a courtyard area situated to the north-east aspect of the site and a hardsurfaced area at the south-west aspect of the site. Access leads from Wakefield Road which is a Primary A road.

The building is located in an area of retail and commercial sites that run along Wakefield Road. However, there are residential units that adjoin the application building to the side and within the first-floor level. The site sits adjacent to a junction that joins Wakefield Road with Penistone Road.

The site is located within the Waterloo Local Centre boundary.

Proposal Description

The applicant is seeking retrospective permission for a change of use from public house to form 2 retail units.

5 parking spaces are proposed to the side of the site, by removing a section of stone walling. An existing egress from Wakefield Road will be utilised for the access.

The application does not propose any external changes to the fabric of the building.

Public Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter

The application was advertised by way of a site notice, which expired on the 23-Jun-2025. As a result of the publicity there were no representations.

Amendments/Negotiations

Further details were requested by Officers to confirm the proposed openings hours. In the absence of a proposed use for one of the retail units and due to the depth of uses within Class E, it was requested if use Class Eb could be

restricted so a future occupation would not require the submission of an Odour Assessment. These requests were confirmed by the applicant on 05 August 2025. The applicant provided an updated car park plan and waste strategy scheme during the process

Relevant Planning History

None relevant.

Consultation Responses

KC Highways DM – No objection to the change of use. Conditions were recommended for further layout and parking specifications, a signage scheme, servicing and waste management scheme. An assessment of comments relating to highway safety will be made within the *Impact on Highway Safety* paragraph of the assessment.

KC Environmental Health – Sought advice in relation to noise and odour. Recommended conditions for a noise impact assessment for ancillary machinery and a condition for party wall insulation.

KC Waste Strategy – Recommended condition for waste collection details of commercial units.

Policy & Legislation

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is located within the Waterloo Local Centre boundary in the Kirklees Local Plan Proposals Map. The site falls within an area with a known presence of bats.

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.

Kirklees Local Plan Policies

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 13** – Town centre uses
- **LP 21** – Highway safety
- **LP 22** – Parking
- **LP 24** – Design
- **LP 48** – Community Facilities and services
- **LP 51** – Protection and improvement of air quality
- **LP 52** - Protection and improvement of environmental quality

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, and 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 – Sustainable development
- Chapter 6 – Building a strong and competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Other material considerations

- Kirklees Highways Design Guide Supplementary Planning Document (2019)
- Kirklees Waste Management Design Guide, Version 5 (amended)

Assessment

Principle of Development

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.

The dimensions of sustainable development will be considered throughout the proposal. 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. This too will be assessed.

The site is located within the Waterloo Local Centre boundary on the KLP Policies Map. Policy LP2 states that:

“All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...”

The site is located in the Waterloo Local Centre boundary, as such relevant policy in relation to Town Centre/Local Centre uses apply. In addition, the building pertains architectural interest due to its traditional styling. The site is also located near a busy junction and Primary A road. In terms of the use of the building, the applicant is seeking permission for a change of use from a public house (pub) to two retail sites. A pub is classed as a community facility, which would be lost following a conversion to retail units. This too will be explored below.

Town Centre Use

The site is within the Waterloo Local Centre boundary in the Kirklees Local Plan (KLP), whereby Policy LP13 is relevant to proposals within the designated town/local centres. The change of use will divide the existing public house into two retail units, one which is currently a pharmacy, the other which is currently vacant. A retail unit would carry a Class E use which would be suitable within a local centre location. For the purposes of an assessment in respect of Policy LP13, the retail units are acceptable within this location.

Loss of a Community Facility

LP48 regards the ‘loss of a community facility’. LP48 states, ‘Proposals which involve the loss of valued community facilities such as shops, public houses and other facilities of value to the local community will only be permitted where it can be demonstrated that:

- b) its current use is no longer viable;
- c) there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location

The site previously functioned as a public house which is classed as a community asset. The pub has been closed since March 2020, in part due to the Covid-19 pandemic and the economic burden that has been set due to the circumstances the followed. Through the time of its closure, the pub has been publicly advertised to be re-let as a public house until the building was put on the open market in April 2022. In this time period the pub did not re-open, it has since being in use as retail units, which this application seeks retrospective permission for.

The pub has been advertised on the open market without its sale or change of use for a number of years, however it was unable to acquire a publican. Given the timeframes involved include the advertising of the pub for let, before it was put up for sale, it is evident that an alternative use for the building may be appropriate for the site.

In addition, there are a number of alternative pubs that are open within a 1km radius, which include, The Stag, The Black Horse & Beaumont Arms. The nearest of which is The Stag which is also on Wakefield Road. Due to the proximity and location of these pubs, it is reasonable to consider these as alternative local provisions.

For the purposes of Local Plan Policy LP48 it has been demonstrated that the current use of the pub would meet the criteria to indicate it is not a viable use and there are alternative locations which are accessible to serve the local community.

The principle of development is therefore considered to be acceptable.

Impact on Visual Amenity

The NPPF offers guidance relating to design in Chapter 12 (achieving well designed places and beautiful places) whereby paragraph 131 provides a principal consideration concerning design which states:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Kirklees Local Plan policies LP1, LP2 and significantly LP24 all also seek to achieve good quality, visually attractive, sustainable design to correspond with the scale of development in the local area, thus retaining a sense of local identity.

LP24 states that proposals should promote good design by ensuring:

“a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape...”

Whilst there will be a material change to the use of the building, it is not considered this will present a visual change that would be considered to alter the appearance of the site. In addition, there are no external alterations to the building.

A section of stone walling will be removed from the side outdoor area. It is a low, stone wall with concrete copings. The wall is likely to be a 20th century

addition. Its removal will not change the character of the site and complies with LP24a of the Kirklees Local Plan.

Impact on Residential Amenity

Policy LP24 b) of the Kirklees Local Plan states good design should be at the core of all proposals, including of which is that designs 'provide a high standard of amenity for future and neighbouring occupiers'.

The application pertains a change of use from a pub to two retail units. There is existing living accommodation in the side and first-floor area.

As there are no external changes, there will not be a loss of light or outlook from the proposal. Window openings of the residential dwellings are existing and are on the first-floor level as well as located around the rear courtyard. Public entrances are located to the south-west of the site. Due to the location of the residential windows there will be no impact to privacy.

A separate assessment of the impact to noise and odour will be undertaken with the *Environmental Matters* section within the paragraph below.

The development therefore accords with LP24b, in terms of an assessment of the impact to residential amenity taken above.

Impact on Highway Safety

Policy LP21 states all proposal should ensure the safe and efficient flow of traffic within the development and on the surrounding highway Network.

Policy LP22 and the Kirklees Highways Design Guide Supplementary Planning Document are relevant insofar as they relate to parking provisions.

Over the course of the application process, the applicant submitted 2 sets of car parking plans. These were reviewed by KC Highways.

The amended plans show 3 spaces including one for disabled parking with reverse parking signage and turning area with access from Wakefield, a 30mph two-way single carriageway primary A-class distributor road. There is an existing egress leading from the main road. A low partition wall will be removed

KC Highways DM were consulted on the initial proposal. They noted the proximity of the site to the Primary A road, 'No Loading' TRO markings, and the road's high frequency bus route. Within their response, it was noted the pharmacy will have linked trips with the adjacent health centre which hosts a car park.

5 spaces were proposed which will be 2.4m x 4.8m, however there is only a 4m headway. KC Highways do not consider the spacing is sufficient for safe manoeuvring in and out of the spaces or to turn to access and exit the parking

area in a forward gear, without it being demonstrated through swept paths. They recommended, if swept paths cannot be achieved, parking is reorganised which may lead to the number of spaces being reduced to 3 with signage to direct drivers to reverse into the bays. Or to provide swept paths to show vehicles can turn and exit in a safe manner.

The applicant, therefore submitted amended plans to reduce to 3. They made the following comments.

The submitted parking layout fails to do this and proposed a more convoluted and possibly less safe parking layout that includes more manoeuvring within the site. A swept path analysis for a family car was not included to indicate whether the manoeuvring was safe or achievable. The layout of the parking spaces appears confusing to drivers and would require driving across the hatched area of the accessible space in order to reach the middle parking space. We would also point out that the accessible parking space is drawn the wrong way around for use with a "reverse parking only" sign, the hatched area at the end of the space should be located where the rear of the car should be to allow access to rear chair ramps or hoists and the design shown is drawn correctly for a car to drive forward in to the space.

It will therefore be conditioned that 8 weeks from the decision date parking scheme plans are submitted to the Local Planning Authority and with 4 weeks of their approval the plans are implemented.

If the applicant is seeking to alter the highway to extend the drop curb they must apply for a section 184 agreement of the 1980 Highways Act.

Subject to inclusion of the recommended condition, taking account of the response of the Highways Team, it is considered the proposal is acceptable in this regard particularly taking account the fall back position of the established use of the premises as a public house.

Environmental Matters

Noise

Kirklees Local Plan Policy LP52 ensures the protection of development from noise or disturbance from nearby noise generating sources and seeks to compliment LP24b in terms of an impact to neighbouring occupiers.

The application is for a change of use to a section of the building that adjoins residential accommodation. The site current has a use as a pub and has operate as such since its erection. It is unclear how long the accommodation areas have existed; however it is understood these areas have previously coexisted with the pub function operating.

KC Environmental Health were consulted in respect of the impact to noise that may arise from the proposed uses. They recommended a noise impact

assessment for noise output be conditioned and party wall insulation was installed.

It has been considered, if these measures would be reasonable and necessary. The existing use as a public house has the possibility to include noise producing equipment such as air coolers and ventilation for the kitchen/bar area. A pub would also have openings hours in the evening. The residential units have been in situ since the pub's operation, it is considered a retail use would have a similar noise output than its existing use. Considering the above factors, it is considered unreasonable to apply a condition to insulate party walls given the sound output will be similar to the existing relationship. Due to potential implementation of mechanical machinery with noise outputs it is not necessary to impose of condition for a noise assessment. However it will be necessary to restrict the hours of use, which will in turn reduce general disturbances to neighbouring occupiers.

Opening Hours

To mitigate an impact to neighbouring properties arising from noise and due to the uses, that fall within Class E, it is necessary to restrict the openings hours of the two retail units. Openings hours, collections and deliveries are restricted to

Monday-Friday: 08:30-17:30

Saturday: 10:00 to 17:00

Sunday/Bank Holidays: 10:00 to 16:00

These hours were confirmed by the applicant on 05 August 2025.

Odour

Kirklees Local Plan Policy LP52 ensures development does not cause harmful odour pollution within either a public area or at neighbouring premises in the interest of amenity and seeks to compliment LP24b in terms of an impact to neighbouring occupiers.

The application does not seek permission for any form of flues or a direct use which would produce odour; however Class E(b) includes the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. The applicant has confirmed, Class Eb can be restricted to avoid the requirement of a further assessment of odour. A condition would be included upon any grant of permission to ensure this is the case.

The restriction of Class Eb was confirmed by the applicant on 05 August 2025.

Subject to condition the proposal is considered acceptable in terms of odour impact.

Waste Collection

Policy LP43 of the Kirklees Local Plan, seeks to safeguard suitable waste management facilities for developments to work towards achieving the objectives and targets for recycling/recovery for waste as set out in the Waste Framework Directive. Part f of policy LP21 sets out that all proposals shall take into account access for emergency, service and refuse collection vehicles.

A waste bin storage area is indicated to the rear of the site. However, details of the collection, and suitability of the number of bins for the commercial units and residents has not been demonstrated. A Waste Strategy Management Scheme was submitted on 08 August 2025. KC Waste Strategy were consulted. They objected to the strategy based on insufficient information and out dated collection methods. They recommended further details are submitted through a condition to ensure suitable storage, and access for collection of wastes from the retail units.

It will be conditioned that a Servicing and Waste Collection Management Plan is submitted to and approved in writing by the Local Planning Authority. On the basis of inclusion of this condition the proposal is considered to be acceptable in this regard.

Ecology/Biodiversity Netgain

Paragraphs 187, 193, 194 and 195 of Chapter 15 of the National Planning Policy Framework are relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers. Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance.

Furthermore, Biodiversity Net Gain (BNG) came into effect for minor sites on 02 April 2024 unless the development is exempt from this requirement (detailed here). There is a requirement to replace the loss of a habitat whilst delivering at least 10% biodiversity net gain.

The development is considered to benefit from exemptions as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024. The applicant has stated the development would fall under the de minimis exemptions category. The application is for a change of use, with the only external alterations being the removal of a wall. Given the changes, the development will not result in the loss of habitats.

The site is located within a bat alert layer according to the Council's GIS systems. The application is for a change of use, internal works are at a ground-floor level, which will not affect the roof space or eaves. Given this, no further information was required.

Carbon Budget

The proposal is a small scale development. As such, no special measures were required in terms of the planning application with regards to carbon emissions. However, there are controls in terms of Building Regulations which will need to be adhered to as part of the construction process which will require compliance with national standards. This conclusion is drawn having regard to the submitted climate change statement and also the nature of the proposal being for change of use, and fact there is an existing lawful use which can take place in any event. The climate change statement sets out suitable mitigation including upgrading of windows and use of low energy lighting. Further mitigation measures are not, therefore, considered to be necessary.

Conclusion

The application for change of use at 609 Wakefield Road has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable principle and design, and lack of harm in terms of visual amenity, residential amenity highway safety and environmental matters, the proposed change of use is considered to be acceptable.

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.

As set out above, this application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation

Approve

Decision Authorisation – Delegated Powers

Application Number: 2025/91083

Officer Recommendation: Approve

1. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP1, LP2, LP13, , LP21, LP22, LP24, LP48, LP51 and LP52 of the Kirklees Local Plan, and the policies within Chapters 2, 4, 6, 7, 8, 9 12, 14 and 15 of the National Planning Policy Framework.

2. The use hereby approved shall not take place outside the hours of: 08:30 to 17:30 hours Mondays to Fridays, 10:00 to 17:00 hours on Saturdays, and 10:00 to 16:00 hours on Sundays or Public Holidays.

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapters 12 & 15 of the National Planning Policy Framework.

3. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking or re-enacting that Order, the use of the two units shall be restricted to a use falling within Class E(a), (c), (d), (e), (f) and (g) of The Town and Country Planning (Use Classes) Order 1987 (as amended) only.

Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapters 12 & 15 of the National Planning Policy Framework.

4. Notwithstanding the details shown on the submitted plans, within 8 weeks of the date of this decision a scheme detailing arrangements and specification for layout and parking shall be submitted to the Local Planning Authority. Within 4 weeks of the issuing of written approval of the scheme by the Local Planning Authority the scheme shall be completed and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 & LP22 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

5. Notwithstanding the details shown on the submitted plans, within 8 weeks of the date of this decision a scheme of signage to indicate drivers must reverse into all parking spaces shall be submitted to the Local Planning Authority. Within 4 weeks of the issuing of written approval of the scheme by the Local Planning Authority the scheme shall be completed and retained thereafter.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 & LP22 of the Kirklees Local Plan and policies within Chapter 9 of the National Planning Policy Framework.

6. Notwithstanding the details shown on the submitted plans, within 8 weeks of the date of this decision a scheme detailing storage, and access arrangements for the collection of wastes from the retail units shall be submitted to the Local Planning Authority. Within 4 weeks of the issuing of written approval of the scheme by the Local Planning Authority the scheme shall be completed and retained thereafter.

Reason: To ensure that, having regard to its location and the restricted servicing facilities available, the site is not used in an over-intensive and inappropriate manner in order to protect the amenities of all other road

users and in the interests of highway safety and waste management and to accord with LP21, LP22 & LP43.

NOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

NOTE: It is the applicant's responsibility to find out whether the work approved by this planning permission requires written approval from the Highways Structures section for works near or abutting highway and any retaining structures. Contact Highways Structures Section on Tel No. 01484-221000 who can advise further on this matter.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of: 07.30 and 18.30 hours, Mondays to Fridays 08.00 and 13.00hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

NOTE: Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

NOTE: 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.

Plans and specifications schedule: -

Plan Type	Reference	Version	Date Received
Location / site plan	104	A	16 April 2025
Existing site plan	103		16 April 2025
Existing floor plan	105		16 April 2025

Plan Type	Reference	Version	Date Received
Existing floor plan	101		16 April 2025
Proposed ground floor plan	102	A	16 April 2025
Design and access statement	2025-enquiry 04	-	16 April 2025
Climate change statement			16 April 2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application.

Further details were requested by Officers to confirm the proposed openings hours. In the absence of a proposed use for one of the retail units and due to the depth of uses within Class E, it was requested if use Class Eb could be restricted so a future occupation would not require the submission of an Odour Assessment. These requests were confirmed by the applicant on 05 August 2025. The applicant provided an updated car park plan and waste strategy scheme during the process.