

PLANNING STATEMENT

Nelson Inn
145 Slaithwaite Road
Thornhill Lees
Dewsbury
WF12 9DW

Proposal

Variation of Condition 2 (Plans) on Previous Permission Referenced 2022/92094 for the Demolition of Public House and Erection of Education Centre and Prayer Room.

Prepared by

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1.0 INTRODUCTION

1.1 This Planning Statement is submitted by Mubeen Patel, a Chartered Town Planner on behalf of the applicant who is currently partway through constructing the education centre facility previously approved as part of permission referenced 2022/92094 - 'Demolition of public house and erection of education centre and prayer room'.

1.2 This Statement provides details of changes made to the actual built form compared to the plans approved, and highlights necessary changes being sought permission. This Section 73 application is therefore a supplementary document which clarifies and explains the proposed changes upon the original permission, becoming an integral part of the permission without creating a complete new planning application.

1.3 It should be noted that the construction of the development this far has been carried out to some degree in accordance with the approved plans; however, there have been a number of changes to the building itself and to the internal layout of the scheme, although these changes are considered to be minor when taking the impacts of the changes on the wider development into consideration including their implications, this is discussed in detail in the statement. The proposed changes include;

- Double pitched roof replaced by one single pitched roof.
- Alterations to window and door fenestration.
- Front porch area constructed taller with lean to roof design, however this element is to be reduced to previously approved size as shown on the submitted plans.
- Semicircular niche (mihrab) to front elevation, essential and indicates the direction towards which Muslims face when praying.
- Due to the fenestration the internal layout of rooms has slightly changed, nevertheless the prayer room size remains similar with no impact on occupancy as previously conditioned.

- 1.4 The applicant is aware that the original permission related to a venue with maximum capacity limited to 15 students or 10 worshippers on site at any time. Most notably this proposal does not deviate away from this, and the changes proposed do not relate to an increase in guest numbers as will be demonstrated below.
- 1.5 This application has therefore been submitted to regularise the external and internal changes to the building and is proposing much needed amendments to the original permission. The proposal includes the submission of an;
- Application Form.
 - Full set of proposed plans.
 - Overlaid drawings for ease of comparison.
 - Planning Statement.

2.0 SITE AND SURROUNDINGS

- 2.1 The site and original building was last utilised as a Public House which consisted of a single and two storey building with associated car park, with the front elevation facing into the car park and with the Calder & Hebble Navigation to the rear. Planning permission was granted by Heavy Woollen Planning Sub-Committee on 15th December 2022 for the ‘Demolition of public house and erection of an education centre and prayer room’ (2022/92094).
- 2.2 There are new residential properties to the east and a pharmacy and medical centre on the opposite side of Slaithwaite Road.



- 2.3 **Above and below:** The image indicates the application site amongst a mixed-use area. The Nelson Inn PH is now demolished and has been replaced by the education centre.

3.0 PROPOSED DEVELOPMENT

3.1 Approval has already been granted for a similar sized part two, part single storey development. The original footprint of the building has been retained, including the internal facilities as approved previously by the Council.

3.2 A number of amendments are now required to the original permission, the reason for this application. The parking and layout of the scheme is to be retained as approved. The amendments required are detailed below;

Double pitched roof replaced by one single pitched roof.

3.3 The double pitched roof design has been replaced with one single large dual section of roof. This is done for longevity and possible future issues relating to leaks by the design of a central valley. Tree leaves would also collect on the roof leading to drainage issues.

Alterations to window and door fenestration

3.4 Due to the new altered internal layout, doors and windows have been moved along the elevations (please see overlay plans submitted). The new window positions better suit the natural light to each room.

Front porch area

3.5 This has been constructed taller than approved by the Council whilst the lean-to roof design is not built accordance with the approved plans. The applicant is in agreement that this element is to be reduced in height to the previously approved size, and with a flat roof design (as shown on the submitted plans). The windows and door positions would also change to align with upper floor openings.

Semicircular niche (Mihrab)

3.6 This is a new addition to the front elevation of the building. This is an essential element to the prayer room and indicates the direction towards which Muslims should face when praying. This is a small addition to the building which helps its identity.

Internal layout

- 3.7 Due to functionality and separating child classes with the prayer hall, the internal layout has slightly changed, nevertheless the prayer room size remains similar with no impact on occupancy as previously conditioned, please refer to the plans submitted.

4.0 HISTORY

4.1 A history check has been undertaken which has revealed the following relevant planning history;

Application 2023/92130

Variation condition 2 (plans) on previous permission 2022/92094 for demolition of public house and erection of education centre and prayer room

🏠 Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW

Received on 17-Jul-2023

✗ Application refused, comment period has ended

Application 2022/92094

Demolition of public house and erection of education centre and prayer room

🏠 Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW

Received on 21-Jun-2022

✓ Application approved, comment period has ended

Application 2021/93733

Non material amendment to previous permission 2020/92661 for change of use of public house to education centre and prayer room

🏠 Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW

Received on 21-Sep-2021

✓ Application approved

Application 2020/92661

Change of use of public house to education centre and prayer room

🏠 Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW

Received on 17-Aug-2020

✓ Application approved, comment period has ended

5.0 RELEVANT PLANNING POLICY

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 The National Planning Policy Framework (December 2024) sets out the Government's overarching planning policies. At its heart is a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or, where there are no relevant development plan policies, granting permission unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.3 The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019). It states that 'Our vision needs to consider what Kirklees should be like in the future if the needs and aspirations of those who live, work in or visit Kirklees are to be met whilst retaining the characteristics that make it attractive and distinctive. It also needs to be flexible to allow us to respond to future challenges in a way that is right for Kirklees and its residents and businesses.'
- 5.4 The statement vision for Kirklees is that people will have access to a range of local facilities including services, healthcare and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Region and beyond.
- 5.5 The following Local Plan policies have relevance to the proposal:
- LP 1 - Achieving Sustainable Development
 - LP 2 - Place Shaping
 - LP 7 - Efficient and Effective Use of Land and Buildings
 - LP 13 - Town Centres

- LP 21 - Highway Safety and Access
- LP 22 - Parking
- LP 24 - Design
- LP48 - Community Facilities and Service

National Planning Policy Framework

- 5.6 The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.
- 5.7 The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

6.0 ASSESSMENT

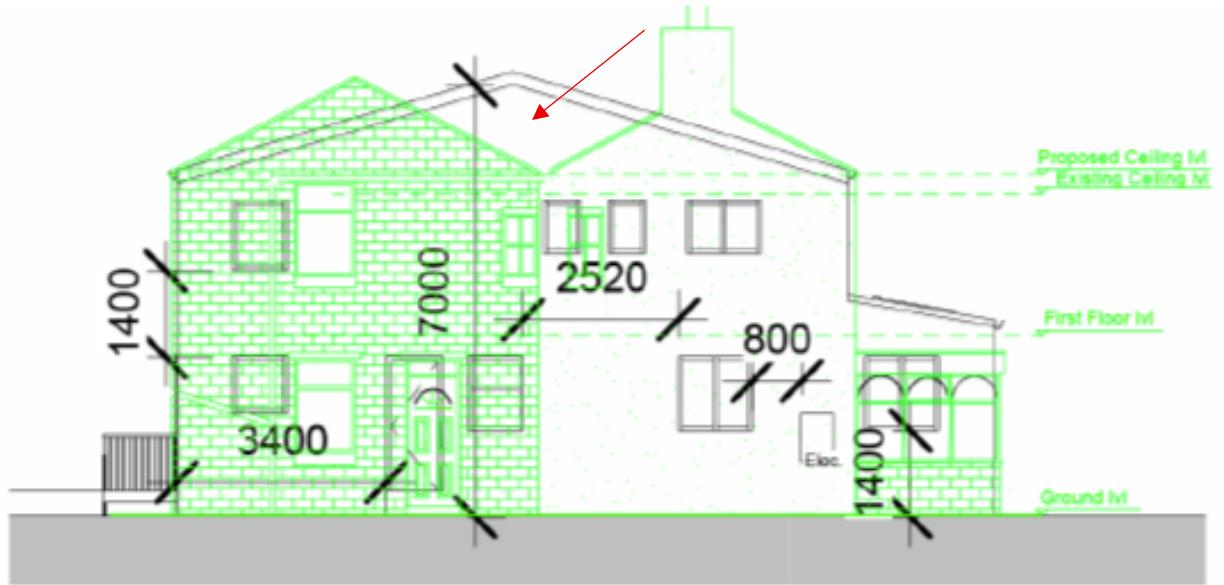
Principle

- 6.1 The education facility has already been approved as part of permission referenced 2022/92094 - 'Demolition of public house and erection of education centre and prayer room. The applicant is currently partway through constructing the approved development.
- 6.2 This proposal provides details of changes required to the original permission. The proposed changes do not go to the heart of the development. This addendum would therefore become an integral part of the permission without creating a complete new planning application.
- 6.3 Given the above the 'Principle' of the development is already agreed/approved and under construction.

Proposal impact

Double pitched roof replaced by one single pitched roof.

- 6.4 The double pitched roof design has been replaced with one single large dual section of roof. The proposed roof is similar in design to roofs along this portion of Slaithwaite Road.
- 6.5 Ultimately the proposed constructed roof ridge is the same height as the previously approved roofs, also, the eaves height is retained. The proposal therefore does not cause massing or having an overbearing impact on the street.
- 6.6 A comparison of the 'approved' and 'as built' roof is provided below. The plans and images show that this element is not out of character and has a neutral impact on the visual amenity of the area. Therefore, the new altered roof design meets with both local and national planning policy and guidance.



6.7 **Above:** The green overlay shows the previously approved building. The arrow indicates the new roof and the roof section which is the largest alteration, the height is not taller, and the design is compatible in the area, overall, the roof design and changes are considered acceptable.



6.8 **Above:** The proposed as built roof design, it is considered to be proportionate and acceptable with similar roofs in the vicinity.



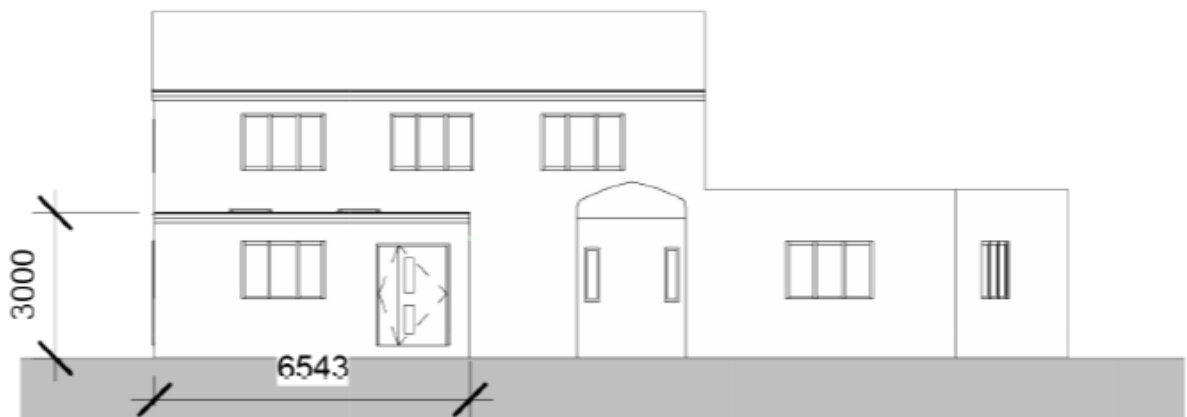
- 6.9 **Above:** Gable roof designs in the vicinity, across the road and adjacent to the application site.

Alterations to window and door fenestration

- 6.10 The proposed new altered internal layout, doors, and windows are not considered to harm the appearance and character of the area. They are well proportioned and functional in their position. The size of the windows compared to walling on each elevation is appropriate.
- 6.11 However, the porch windows do not align with the upper floor windows, this concern is recognised, and the proposed plans show alterations to the fenestration and positioning of the door to better suit and align with the upper floors.
- 6.12 The proposed changes make a positive change in terms of the design to the front elevation of the building and should be supported. It is considered this positive change improve the appearance of the building and is in accordance with policy and guidance.



6.13 **Above** The windows of the porch as built do not align with the upper floor windows.

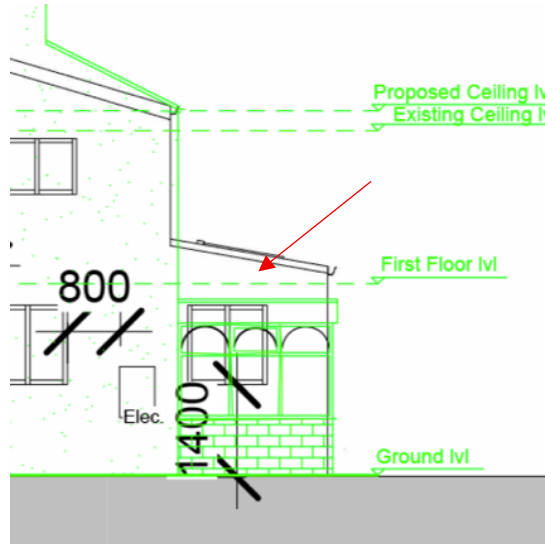


6.14 **Above:** The proposed porch and its window and door openings are better designed where they align with upper floor windows and are proportionate.

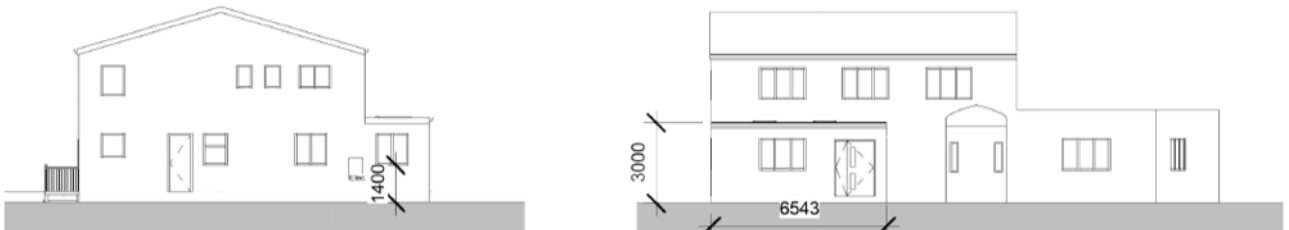
Front porch area

6.15 The applicant is in agreement with the Council's concerns that the constructed porch being taller than approved and having a lean-to roof design makes it appear dominant, adds mass, and is somewhat uncharacteristic.

6.16 Given the above, in order to improve its appearance, the plans show the porch is to be reduced in height to its previously approved size, and with a flat roof design. The amended design would now appear as a subordinate addition similar to the original building. The plans show the difference in the ‘as built’ and the ‘proposed’ porch.



6.17 **Above and below:** The green overlay indicates the previously approved porch; the red arrow shows the as built porch which is taller in height with lean to roof design. The proposed plans below show the roof will be reduced in height and a flat roof will be constructed to the previously approved height.



Semicircular niche (Mihrab)

6.18 This is a new addition to the front elevation of the building. This is a small slim additional element to the building. It is set away from the highway and well into the site. It does not rise above the first floor windows. Given its small size and the important function, it plays in the use of the building, it is considered as an acceptable addition.

6.19 The Mihrab is an essential element to the prayer room and indicates the direction towards which Muslims face when praying. This is a small addition to the building which helps its identity.

Internal layout

6.20 Due to functionality and separating child classes with the prayer hall, the internal layout has slightly changed. This includes most of the ground floor with the same number of rooms remaining, but the rooms rearranged to better suit functionality. Similarly, the first floor has also been slightly rearranged.

6.21 Nevertheless, the function and end use remains the same, as an education centre. the prayer room and its size remains similar with no impact on occupancy as previously conditioned as part of the approval.

6.22 It is considered that the internal layout does not have a negative impact over the previously approved plans.

7.0 CONCLUSION

- 7.1 The approved development is to construct a high-quality building to accommodate learning for local people. The applicant wishes to add changes to the previously approved plans. However, this will not result in an increase in the number of guests that can be accommodated at any given time.
- 7.2 The proposed internal and external appearance of the building improve the functional efficiency of the building without altering its fundamental footprint. The front porch will be reduced in size and windows aligned, whilst the roof of the building does not negatively impact on the character of the area. The Mehrab is small addition to identify the building.
- 7.3 It has been demonstrated that the proposed development can be carried out in full compliance with the Council's policies in the Local Plan and the National Planning Policy Framework. The development would provide a good quality development which would bring a positive contribution into the area without creating a significant detrimental impact on the amenity of the local occupiers and residents.
- 7.4 When considering future development, the Council should take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will work proactively with applicants jointly to find solutions, which means that proposals can be approved wherever possible, and to secure development that improves the economic, social, and environmental conditions in the area.