

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 73

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS TO
CARRY OUT DEVELOPMENT WITHOUT COMPLIANCE WITH PLANNING
CONDITIONS PREVIOUSLY ATTACHED**

Reference No:	2025/70/92994/E
Site Address:	Nelson Inn, 145, Slaithwaite Road, Thornhill Lees, Dewsbury, WF12 9DW
Description:	Variation of condition 2 (plans) on previous permission 2022/92094 for demolition of public house and erection of education centre and prayer room
Recommending Officer:	Jennifer Booth

DECISION – Variation of Condition - Approved

**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: 19-Dec-2025

OFFICER REPORT

Site Description

The site was formally a public house consisting of a single and two storey building with a car park. The front elevation facing into the car park and with a Calder & Hebble Navigation to the rear. At the time of the site visit, the building had been substantially demolished and a replacement building mostly erected.

There are new residential properties to the east and a chemist and medical centre on the opposite side of Slaithwaite Road.

Description of Proposal

The application is seeking planning permission to vary condition 2 (plans) of the approval under 2022/92094 for demolition of the public house and erection of an education centre and prayer room.

The proposed changes include the following:

- Double pitched roof replaced by one single pitched roof.
- Alterations to window and door fenestration.
- Currently the front porch area has been constructed taller with lean to roof design however this element will be reduced to the previously approved size as shown on the submitted plans. The windows and door position however will change to align with upper floor opening.
- Semi-circular niche (mihrab) to front elevation
- 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.

Relevant Planning History

93/01549 - Erection of signage - Granted

97/93696 - Formation of beer garden with external alterations - Granted

07/94142 - Erection of smoking shelter - Granted

2020/92661 - Change of use from public house to education centre and prayer room - Granted

2022/92094 - Demolition of public house and erection of an education centre and prayer room – Approved

2023/92130 – Variation condition 2 (plans) on previous permission
2022/92094 for demolition of public house and erection of education centre and prayer room – Refused

Representations

The application was advertised by site notice, which expired on 08/12/2025

As a result of the above publicity, no representations have been received.

Consultation Responses

None

Policy

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 UNALLOCATED on the Kirklees Local Plan Proposals Map

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**
- **LP13 – Town centre uses**
- **LP21 – Highway safety**
- **LP 22 – Parking**
- **LP 24 - Design**
- **LP 27 - Flood risk**
- **LP48 – Community facilities and service**

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 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

Assessment

Principle of development:

The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. In terms of extending and making alterations to a building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.

Impact on visual amenity:

The 2021 planning approval for replacing the original public house permitted an increase in the building's height while maintaining its original proportions and the low-level appearance provided by the dual-pitched roof over the two-storey element. A previously refused variation sought to widen the first floor above the single-storey section and replace the roof with a single pitch of significantly greater height, which would have resulted in a substantial increase in bulk and massing on this prominent and modest plot.

The current variation proposal still includes a pitched roof; however, the overall height has been reduced compared to the earlier refused variation proposal. Additional changes include the formation of a mihrab, modifications to the front extension, fenestration adjustments, and internal layout alterations. Given the reductions from the previous refusal variation, and the nature of the amendments, these are considered acceptable.

The application would expand and enhance community use, introducing an acceptable increase on a prominent plot. The proposals are deemed appropriate in terms of visual amenity, scale, and character, resulting in a satisfactory relationship with the street scene.

Having taken the above into account, the proposals would not cause any significant harm to the visual amenity of either the host building or the wider

street scene, complying with Policy LP24 of the Kirklees Local Plan (a) in terms of the form, scale and the aims of chapter 12 of the National Planning Policy Framework.

Impact on residential amenity:

Consideration in relation to the impact on the residential amenity of neighbouring occupants shall now be set out, taking into account policy LP24 c), which sets out that proposals should promote good design by, amongst other things, extensions minimising impact on residential amenity of future and neighbouring occupiers.

Impact on 147 Slaithwaite Road

The neighbour to the south occupies a position some 17m from the site with their blank side elevation facing the development. Given the relationship between this neighbour and the proposed extension, there would be no significant impact in terms of overbearing, overshadowing or overlooking.

Impact on 1 Hebble Court

The neighbour adjacent to the east occupies a position some 3m from the single storey element of the building. It is noted that the current proposals would not reduce this space and as such there would be no additional overbearing and overshadowing. It is also noted that there are some trees on the boundary line, which provide screening between the properties.

Having considered the above factors, the proposals are not considered to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework.

Impact on highway safety:

The application site is located on the heavily trafficked B6117 Slaithwaite Road opposite the junction with Parker Road. The site does have an existing car park for 7 to 8 cars to park off street and safely turn around within the site. It is noted that sight lines from the existing car park onto Slaithwaite Road are currently deficient. The previous approvals included conditions requiring a management plan and restrictions in terms of the numbers of people using the site – neither of which has to date been addressed. The agent has indicated that although the scheme is for the provision of two new, large rooms on the first floor, there is no intention to increase the number of building users. If officers were minded to approve, the same highways conditions could be utilised ensure accordance with Policies LP21 and LP22 with regards to highway safety.

Other matters:

Flood Risk

The site is close to the River Calder and within Flood Zone 2. However, the use proposed is no more vulnerable than the existing use. The proposal is therefore considered to be acceptable in terms of LP27 of the Kirklees Local Plan.

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.

There are no other matters for consideration.

Representations:

None

Negotiations:

None

Proposed conditions

Along with the standard timescale condition, which is a requirement of Section 91 of the Town and Country Planning Act 1990, it is considered appropriate to add the following conditions.

Accordance with the approved plans to ensure the development is carried out in line with the officer's assessment.

Use shall be limited to 15 students or 10 worshippers on site in the interests of highway safety.

Provision of a management plan for timings for prayers and classes to ensure highway safety.

Surfacing of the car park in the interest of highway safety.

Provision of EV charging point and the reporting of unexpected contamination.

Conclusion:

This application to vary condition 2 of the approval under 2022/92094 for demolition of the public house and erection of an education centre and prayer room has been assessed against relevant policies in the development plan as listed in the policy section of the report, the House Extensions & Alterations

SPD, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposals are 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: 2025/92994

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

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

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, and the aims of the National Planning Policy Framework.

3. The use of the site shall be limited to 15 students or 10 worshippers on site at any one time.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 of the Kirklees Local Plan.

4. The development shall not be brought into use until a Management Plan for the timings of classes and prayers and to include an attendance register and monitoring regime has been submitted to and approved in writing by the Local Planning Authority, the development shall then operate in accordance with the approved Management Plan.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 of the Kirklees Local Plan.

5. The development shall not be brought into use until the car park has been surfaced, marked out into bays and drained in accordance with details that have previously be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with LP21 of the Kirklees Local Plan.

6. Before the development is brought into use an electric vehicle charging point shall be installed and retained thereafter.

Reason: In the interest of encouraging the use of electric and low emission vehicles and to accord with LP24 of the Kirklees Local Plan.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the

Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: So as to protect the development from any potential contaminated land and to comply with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Proposed Elevations	-	1111752	27/10/2025
Proposed Floor Plans	-	1111751	27/10/2025

Plan Type	Reference	Web ID	Date Received
As built & Proposed Comparison Plans	-	1111750	27/10/2025
Overlays Comparison Plan	-	1111753	27/10/2025
Planning Statement	-	1111754	27/10/2025

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.

As the submitted plans were considered to be acceptable, no changes were sought.

Report Dated 15/12/2025