

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:	2026/62/90619/W
Site Address:	United Church Marsden, Warehouse Hill Road, Marsden, Huddersfield, HD7 6AB
Description:	Change of use and alterations to church (class F1) and Sunday school to form 8 residential units (class C3), including internal reconfiguration and external alterations, insertion of rooflights and formation of roof terrace, associated parking, landscaping and ancillary work. (within a Conservation Area)
Recommending Officer:	Danielle Cooper

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.

Sarah Longbottom

AUTHORISED OFFICER

Date: 10 September 2026

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Officer Report – 2026/90619

Site Description

The application site relates an existing church building.

The building is constructed from stone, with arched openings and an expressed roof form. The building also contains stained-glass windows.

Internally, the building has surviving staircases and structural elements, which provide evidence of the building's original ecclesiastical function. While not ornate, the building demonstrates confident civic composition. The front elevation of the building is completely symmetrical.

The church links to a two storey stone building located to the west side elevation which currently operates as a Sunday school.

The building is a non-designated heritage asset.

On site parking is situated to the front of the building.

The site is located within Marsden conservation area and is identified as a Key Unlisted building/Building of Merit on P.22 of the Marsden Conservation Area Appraisal.

The site is located within a mixed use area, comprising residential and commercial buildings.

Description of Proposal

The application is seeking planning permission for the change of use and alterations to church (class F1) and Sunday school to form 8 residential units (class C3), including internal reconfiguration and external alterations, insertion of rooflights and formation of roof terrace, associated parking, landscaping and ancillary work (within a Conservation Area).

The proposal provides a total of eight residential dwellings, comprising seven units within the former church building and one unit within the former Sunday School.

A ramp is proposed to the front elevation to allow level access into the building. An internal lift will also be installed. 7 roof lights are proposed to the

roofscape of the buildings. New door openings are proposed to the east facing side elevation.

Units 2, 4, 5 and 6 will benefit from a garden area. A balcony area is proposed for unit 7 at the second floor level.

9 on site parking spaces are proposed, one of which will be an accessible space. The existing access off Woodhouse Hill Road will be utilised.

Bin storage is located to the west of the application site. Stone walls and shrubs act as the boundary treatment

The proposed internal floor areas are:

Unit No.	Type	Bedrooms	GIA(m2)
Unit 1	Masionette	2	104
Unit 2	Masionette	2	104
Unit 3	Masionette	1	67
Unit 4	Masionette	1	67
Unit 5	Masionette	2	104
Unit 6	Apartment	2	94
Unit 7	Apartment	1	79
Unit 8 (Townhouse)	Townhouse	2	182

Planning History

2000/90375 - Erection of entrance lobby/boiler room/store extension and formation of car park (modified proposal) (within a Conservation Area) – Approved

99/91190 - Erection of entrance lobby/boiler room/store extension. formation of car park (within a Conservation Area). – Approved

Representations

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

The application has been publicised as affecting the setting of a conservation area on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 19th April 2026.

Letters of support

One letter of support has been received. The comments are summarised as follows:

- Support the conservation of the building which is currently out of use.
- The design of the proposal is sympathetic to the area.
- Creating additional homes close to the centre of the village will help support local businesses and improve the vibrancy of Marsden.

Letters of Objection

Three objections have been received to this proposal. The received objections are summarised as follows:

- The un-obscure windows, terraces and balcony will result in the loss of privacy, overlooking nearby neighbouring gardens. It is advised to include screening if such features are retained or relocated.
- Concern of increased parking provision which could lead to congestion and highway safety concern.
- The proposal does not provide sufficient off-street parking.
- The church should be retained for the community.
- Marsden does not need further housing.

General comments

One general comment has been received and summarised below:

- Support the proposal in principle.
- The following details should be taken into account or conditioned:
 - The large windows to the west elevation are proposed to no longer be stained glass, which therefore will have a negative impact on the privacy of neighbouring properties that have windows in close proximity. Obscured glass or other mitigation is requested.

- Pedestrian and vehicle access to neighbouring properties via the access drive to the west of the church building to be maintained at all times.
- Further satisfactory information to be provided regarding waste and recycling, including how and where the bins or containers will be managed and presented.

The comments are addressed within the 'Assessment' section of this report.

Consultation Responses

KC Conservation and Design Team: No objection subject to conditions relating to further details, sections, materials and methods of encapsulation of windows are submitted prior to commencement of this element of the works.

KC Highways Team: No objections

KC Ecology: No objection subject to conditions

KC Lead Local Flood Authority: Support the application

KC Environmental Health: No objection subject to conditions.

The informally provided advice of the consultees is taken into account in the 'Assessment' section of this application.

Negotiations

Following advice from ecology, conservation and highways, revised plans and information was submitted to address concerns of impact on existing habitats, highway safety and design. The revised information and plans were deemed acceptable by consultees and the case officer.

Allocation and 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 allocated as being within the Marsden Conservation Area and is also in an area with a known presence of Bats.

The following policies are considered relevant in the consideration of this application.

Kirklees Local Plan

- **LP1** – Presumption in favour of 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
- **LP21** – Highways and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP35** – Historic Environment
- **LP48** – Community facilities and services
- **LP52** – 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 August 2026, and the Planning Practice Guidance Suite (PPGS), 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.

The August 2026 revised NPPF introduced National Decision-Making Policies (NDMPs). Those considered most relevant to the proposal are:

- **DM1** – Preparing development proposals
- **DM2** – Information requirements
- **DM3** – Determining development proposals
- **DM6** – Use of planning conditions and obligations
- **S3** – Presumption in favour of sustainable development
- **S4** – Principle of development within settlements
- **CC2** – Mitigation of climate change
- **CC3** – Adaptation to climate change
- **L2** – Making effective use of land
- **DP3** – Key principles for well-designed places
- **DP4** – The design process

- **TR3** – Locating development in sustainable locations
- **TR4** – Street design, access and parking
- **P2** – Ground conditions
- **P3** – Living conditions and pollution
- **P5** – Maintaining public safety and security
- **F4** – Assessing flood risk for decision-making
- **N2** – Improving the natural environment
- **HE4** – Securing the conservation of heritage assets
- **HE5** – Assessing effects on heritage assets
- **HE6** – Proposals affecting designated heritage assets
- **HE7** – Decisions on non-designated heritage assets
- **HC6** – Retention of key community facilities and public service infrastructure

Supplementary Planning Documents

Kirklees Highway Design Guide (adopted November 2019)

Housebuilders Design Guide SPD (adopted June 2021)

The Biodiversity Net Gain Technical Advice Note

Marsden Conservation Area Appraisal (adopted 2007)

Legislation

The Town & Country Planning Act 1990 (as amended).

The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990

The Planning and Compulsory Purchase Act 2004.

The Conservation of Habitats and Species Regulations 2017

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

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

When making a recommendation in respect of a planning application affecting a Listed Building or its setting, attention must be given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

Assessment

1 – Principle of Development

The National Planning Policy Framework (NPPF), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

The NPPF, as revised August 2026, establishes a presumption in favour of sustainable development within National Decision-Making Policy (NDMP) S3. This states:

1. Decisions on development proposals should apply a presumption in favour of sustainable development. This means:

- a. Policy S4 in this Framework should be applied when considering development proposals within settlements;*
- b. Outside settlements, policy S5 should be applied; and*
- c. In all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in this Framework should be approved without delay.*

2. Where a development proposal falls partly within and partly outside a settlement, policies S4 and S5 should be applied to the relevant parts which are inside or outside of the settlement boundary (as appropriate), before coming to an overall view on the proposal

This site falls within a settlement, and therefore this application must be assessed against S4. This reads:

1. Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework.

2. In applying policy S4, the circumstances in which the benefits of approving development are likely to be substantially outweighed by adverse effects include (but are not restricted to) situations where the development proposal would:

a. Have a substantial adverse impact in relation to:

- i. The allocation or safeguarding of land or buildings for particular uses in the development plan, unless there is no reasonable prospect of an application coming forward for the allocated use, or there is evidence that the safeguarding is no longer appropriate; or*
- ii. The application of the policies in this Framework for existing recreational land and facilities (HC7), Local Green Space (HC8), areas of particular importance for biodiversity and geodiversity (N6), Protected Landscapes (N4) and development within residential curtilages (L2(1)(d)).*

b. Involve the whole or partial loss of undeveloped land which is used for a cemetery or burial ground; or for water storage and/or flood risk management (unless suitable compensatory provision is made that does not increase the risk of flooding either on or off-site); or

c. Fail to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances.

This assessment shall consider throughout whether adverse effects exist and if they would outweigh the benefits, on the planning balance.

Effective use of land

National and local policy each establish principles to ensure development delivers an effective and efficient use of land.

NDMP L3 relates to achieving appropriate densities and L3(1) states that:

Development proposals should make efficient use of land, taking into account the identified need for different types of housing and other development, local market conditions, the availability of infrastructure (including that supporting sustainable transport modes) and its scope

for improvement, a site's connectivity and the importance of securing well-designed, attractive and healthy places.

L3(2)(a) is relevant to the proposal, and read:

a. Within settlements, development proposals for residential and mixed-use development should contribute to an increase in the density of the area in which they are situated. The only exception is where there is a clear justification that this is either inappropriate or not possible (for example, where the prevailing density is already very high, the nature of the accommodation required precludes higher densities, or where it would conflict with other policies in this Framework). In considering the potential to increase densities, the existing character of an area should be taken into account, in accordance with policy DP3, but should not preclude development which makes the most of an area's potential;

In regards to whether L3(2)(c) is applicable, the site is considered to be well connected being approx. 221m from Marsden train station, as well as close to a number of bus routes.

Policy LP7 seeks to ensure the 'efficient and effective use of land and buildings'. Key considerations under this policy include ensuring proposals encourage the efficient use of previously developed land in sustainable locations (provided that it is not of high environmental value) and encouraging the reuse or adaptation of vacant or underused properties.

The proposed development would meet these expectations.

Policy LP7 also seeks to ensure residential developments have an appropriate density. The policy seeks, where appropriate, 35 dwellings per hectare (dph). The site is approx 0.13 hectares which provides a housing density of approximately 4.5 dwellings per hectare. The proposal is for 8 residential units, 7 of which will be apartments whereby the existing building will be converted. Given this, it is considered that the density is acceptable.

Policy LP11 requires all proposals for housing, including those affecting the existing housing stock, to be of high quality and design, and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. It adds that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different

types of housing. This includes consideration of provision for those with specialist needs.

The proposal is for 8 residential units, which will provide 1 and 2 bedrooms, therefore providing a mix of units which is considered acceptable.

Loss of a community facility

As the proposal relates to a community facility (in this case a Church and Sunday school) Policy LP48 of the Kirklees Local Plan is relevant, and sets out the following:

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:

- a. there is no longer a need for the facility and all options including the scope for alternative community uses have been considered; or*
- b. its current use is no longer viable; or*
- c. there is adequate alternative provision in the locality to serve the local community which is in an equally accessible location; or*
- d. an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible; and*
- e. any assets listed on a Community Asset Register have satisfied the requirements under the relevant legislation.*

Policy HC6 of the NPPF is also relevant stating the following:

“Development proposals should not result in the loss of key community facilities and public service infrastructure unless:

- a. It can be demonstrated that there is no reasonable prospect of the use being retained, either due to there being insufficient community support for the service it provides, or because it is no longer viable or feasible to operate (in the case of shops and public houses where commercial viability is an issue, evidence should be provided that reasonable steps have been taken to market the property for its existing use without success, for a period of at least 12 months); or*
- a. The loss resulting from the proposed development would be replaced by equivalent or better provision, in a location which offers comparable or improved accessibility for the community it serves; or*

b. The decision-maker is satisfied that there is sufficient alternative provision of the type of use concerned in the local area, such that its loss will not diminish access to key community facilities and public service infrastructure.”

As part of this application a Planning Statement has been submitted. It goes on to state that the following:

- a. The former church is no longer required as a community facility due to a sustained decline in attendance, culminating in its final service being attended by only three people. This demonstrates that there was insufficient demand to justify its continued use as a place of worship and that its community function had effectively ceased prior to the redevelopment proposal. It is also noted that the church closed in March 2025.
- a. The church's closure also highlights the lack of viability of its former use. The building incurs significant ongoing costs, including maintenance, utilities, insurance and repairs, which cannot reasonably be supported by such a minimal level of use. Redevelopment would provide a sustainable new use for the site and prevent the building from remaining vacant and deteriorating.
- b. The proposal would not result in a loss of community provision, as alternative places of worship and community facilities remain available locally, including Bartholemew Church located nearby. Given the availability of these alternatives and the church's very limited use before closure, the loss of the building would not create a significant deficiency in community facilities.
- c. As there is no demonstrated need for the former church and suitable alternative facilities exist within the area, there is no requirement for replacement community provision. While Policy LP48 seeks to protect valued and necessary community facilities, the evidence indicates that the church was no longer fulfilling such a role.
- d. Finally, the property is not listed as an Asset of Community Value, meaning this element of Policy LP48 does not apply.

Given the above details, the local planning authority consider the submitted information to comply with policy LP48. It is therefore considered that when weighing up the resultant additional housing provision which would be provided and the fact the building is currently vacant and has been for over a

year, it is considered the principle of the development is acceptable in this case and accords with the aforementioned policies.

2 – Impact on character and appearance of the area (including impact upon historic environment):

LP24 of the Local Plan and NDMP DP3 each outline general design guidance. The Policies each seek to promote good design, by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

Policies HE4, HE5, and HE6 contained in Chapter 20 of the NPPF are also relevant to the proposal to ensure the significance of conservation areas are proposed. Policy HE6 (5) states that *“Where a development proposal would cause substantial harm to, or the total loss of, the significance of a designated heritage asset, consent should be refused unless it can be demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm or loss”*.

Policy LP35 of the Kirklees Local Plan reflects these national objectives, seeking to preserve or enhance the significance of designated heritage assets and ensuring that development proposals are informed by a clear understanding of their historic and architectural importance.

The Conservation and Design officer have reviewed the proposal. They have noted that whilst the building is not listed, it has been identified as a Key Unlisted building/Building of Merit on P.22 of the Marsden Conservation Area Appraisal. The United Church (1931), formerly the Congregational Church, on Warehouse Hill Road is classed as a Non-Designated Heritage Asset.

Policy HE7 of the NPPF states the following in regard to non-designated heritage assets:

- “1. Development proposals which would have a positive effect on a non-designated heritage asset should be supported.*
- 2. Where a development proposal would harm the significance of a non-designated heritage asset, this should be weighed against the benefits of the proposal and a balanced judgement made, having regard to the scale of any harm or loss and the significance of the non-designated heritage asset.*
- 2. Where a development proposal would cause substantial harm to, or the total loss of, the significance of a non-designated heritage asset, it should*

only be supported where the harm or loss is outweighed by the benefits of the proposal, having regard to the scale of the harm or loss and the significance of the non-designated heritage asset.”

The front elevation is symmetrical, with stone steps, walls and railings to the main entrance door. Part of the proposal is to erect a new ramp the side of the entrance steps to provide level access into the building. Whilst this element will introduce an asymmetrical feature, it is considered that this element of the proposal will not result in any adverse visual harm to the character and appearance of the existing building. The LPA also welcome the introduction of level access into the building. Conservation and design have recommended that the proposed retaining wall and surface of the ramp should be natural coursed stone to match the colour and palette of the existing building. Quality metal railings will should also installed to complement the existing railings. A condition will be imposed to ensure the materials use to construct the ramp and railings are appropriate. It is also noted that some soft landscaping is incorporated to the ramp which helps to soften its large appearance to the side/front of the building.

No changes are proposed to the existing boundary walls of the site. However it is considered that the existing stone walls should be retained as such. A condition will be imposed to ensure that full details of new boundary treatments are submitted to the local planning authority to protect visual amenity.

Part of the proposal is to lay timber decking to the east side elevation of the building to provide amenity space for 3 of the units. Whilst stone paving would be considered more visually appropriate. It is not considered that the timber decking would have an adverse visual impact on the character and appearance of the existing building or immediate street scape. It is also noted that the existing ramp will screen the decking areas. Nevertheless, to help soften the appearance of the decking areas and to ensure planting is installed to the ramp, a soft landscaping plan will be conditioned to ensure the visual amenity of the site is protected. The proposed decking areas will involve some excavation works to ensure the amenity areas are level to the east side elevation which does not raised any concern. The decking area to unit 6 will be raised.

The large front window and two of the smaller front windows which are stained glass will be retained which is welcomed by the local planning authority as it ensures the historic character of the building is protected.

The other stained windows on the building will be replaced. Conservation and Design noted that to protect visual amenity, it is important to retain the original

stone tracery and stained-glass windows as they make a positive contribution to the character of the non-designated heritage asset and the conservation area. As such, the agent has proposed that they will retain the original stone tracery, encapsulate and reuse the stained glass within the lower section of the windows, and introduce a limited amount of clear glazing at the upper level for natural light and selected upper sections to be openable to provide the necessary ventilation. Conservation and Design have confirmed they are satisfied with this approach, as it will protect some of the historic fabric of the building. A condition will be imposed to ensure full details, sections, materials and methods of encapsulation of all replacement windows are submitted prior to commencement of these works. This is to ensure visual amenity of the building is protected.

All other pane windows should be repaired and replaced where necessary with timber or metal frames to match the original windows. They should also be recessed from the wall by 100-150mm to match the existing situation with concealed trickle vents. This will be conditioned as such to protect visual amenity of the building.

The original timber doors should be retained and made good, or replaced to match the existing timber doors if necessary. This will be conditioned as such. The proposed new doors are considered acceptable, however these doors should be vertical boarded timber and to be painted in a dark colour to match the existing timber doors. This will be conditioned as such.

The proposed side roof lights whilst large, will allow sufficient light into the proposed apartments and as they are situated on the side elevation of the building which is elevated when viewed from Warehouse Hill Road, will not be readily visible within the street scape. As such the size as shown on plan are considered acceptable. A condition will however be imposed to ensure that the proposed roof lights are flush with the roof slopes and use a Conservation type roof light with dark surrounds to protect the character and appearance of the building and conservation area.

The proposed recessed balcony with a screen to the east side elevation is considered to be of a large addition within the roofscape. However, as a result of its position and design, it will not be highly visible from the public realm and as such is not considered to result in any adverse visual harm to the character and appearance of the building or conservation area. Full details and section of the proposed recessed balcony and balustrade will be conditioned to be submitted prior to commencement to ensure the visual amenity of the building is protected.

It is noted that no soil vent pipes, rainwater goods, external pipes or ventilation/extraction grilles are shown on plan. As such a condition will be imposed to ensure that any new soil vent pipes, plumbing, extraction grilles/pipes, flues, lighting, CCTV, wires and other external interventions shall be submitted to the local planning authority prior to commencement of works to ensure the character and appearance of the building is protected.

A condition will also be imposed to ensure that any point works shall be of an appropriate lime mortar, to be flush or recessed and not strap or ribbon pointing in the interests of visual amenity of the host building.

Subject to the aforementioned conditions, it is considered that the proposed development would result in less than substantial harm to the building that is mitigated by the retention and reuse of the building to achieve a viable end use. As such the proposal is considered to comply with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the NPPF.

3 - Impact on Residential Amenity

Section B and C of LP24 states that alterations to existing buildings should:

“...maintain appropriate distances between buildings’ and ‘...minimise impact on residential amenity of future and neighbouring occupiers.”

Policy P3 of the NPPF requires development to provide acceptable living conditions for existing and future occupiers and, amongst other matters, not give rise to unacceptable impacts on daylight and sunlight for neighbouring residents. Regard should also be had to potential impacts arising from noise, artificial light and other forms of pollution where relevant.

Principle 6 of the Kirklees Housebuilders Design Guide SPD states 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.”* The SPD also provides advised separation distances for two storey dwellings:

- 21 metres between facing windows of habitable rooms at the backs 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; and

- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

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.

Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accords with the 'Nationally Described Space Standards' document (March 2015).

The proposed development is not considered to result in any adverse overbearing or overshadowing impacts given that the proposal is to convert the existing building, with only new fenestrations to be inserted and a recessed balcony.

The proposed stained-glass windows on the front and side elevations will be retained at the lower level, with clear glazing introduced to the upper sections. This design approach will help to limit any potential overlooking of neighbouring properties. Consequently, it is not considered that the side windows will result in an unacceptable loss of privacy to the rear gardens of the neighbouring properties to the east.

While the proposed side windows without stained glass will allow some views towards the rear garden areas of the neighbouring properties to the east, they will not provide direct views into their immediate private amenity spaces. As such, the degree of overlooking is not considered to be significant and would not justify the refusal of the application on privacy grounds. In addition to this, the proposed recessed balcony will provide views towards the rear of No. 1 Warehouse Road Hill. To mitigate the impact of overlooking, the agent has submitted a revised elevation plan to show the balcony to have a 1.7m screen. A condition will be imposed to ensure the full details of the balustrade is submitted to the local planning authority to protect the residential amenity of No. 1 Warehouse Road Hill rear amenity space.

The west side habitable windows serving unit 1 look towards a parking area of No. 1 Station Road and therefore raises no concern to loss of privacy. The bedroom window serving unit 3 will look toward the blank side elevation of unit 8 and therefore raises no concern to the loss of privacy.

The windows in the east elevation of unit 8 will not look towards any habitable neighbouring windows of the proposed units within the existing church building and are therefore raises no concern to loss of privacy. The proposed north windows to unit 8 will look towards No. 6 Victoria Street, maintaining a

distance of approx. 12.5m. Given this separation distance, it is not considered that the overlooking impact would be detrimental and is therefore acceptable.

The windows on the eastern elevation of Unit 8 would not directly overlook any habitable room windows serving the proposed units within the existing church building and, therefore, would not give rise to concerns regarding loss of privacy. The proposed south windows will look onto the existing stone boundary wall and therefore be largely screened. As such there is no concern to loss of privacy. The proposed north-facing windows of Unit 8 would overlook No. 6 Victoria Street at a separation distance of approximately 12.5m. Given this distance, it is not considered that the level of overlooking would result in a harmful impact on residential amenity. Accordingly, the proposal is considered acceptable in this regard.

The proposed communal bin store will be located behind the existing stone wall and below the window height of southern windows in unit 8. As such, the proposed location of the communal bin store is considered acceptable.

The proposed terraces to the east side elevation would provide outdoor amenity space for the proposed residential units. To facilitate the provision of these terraces, excavation works would be required to create level areas, given the existing tiered nature of the land to the east of the existing church. The terraces would be positioned at a lower level than the neighbouring residential gardens to the east, and the existing stone boundary wall would provide an effective buffer between the properties. Consequently, it is not considered that the proposal would result in any harmful overlooking or loss of privacy to neighbouring occupiers. As such, the terraces are considered acceptable. Furthermore, a planning condition will be imposed requiring details of boundary treatments to be submitted to and approved by the Local Planning Authority. This will ensure that appropriate screening is provided to safeguard the privacy and amenity of both neighbouring residents and future occupants of the development.

Future residents

The development would provide accommodation which exceeds the requirements of the NDSS and principle 16. Specifically, the requirements (as a minimum) are 39-58m² for a 1 bedroom dwelling and 61-79m² for a 2 bedroom dwelling.

In this case the apartments would be as follows:

Unit No.	Type	Bedrooms	GIA(m2)
Unit 1	Masionette	2	104
Unit 2	Masionette	2	104
Unit 3	Masionette	1	67
Unit 4	Masionette	1	67
Unit 5	Masionette	2	104
Unit 6	Apartment	2	94
Unit 7	Apartment	1	79
Unit 8 (Townhouse)	Townhouse	2	182

It is considered that all proposed residential units would be sufficient in terms of natural light, due to the amount and size of the windows and roof lights provided for each unit.

The development would see 4 of the residential units, with private amenity space, and one with a balcony. The proposed amenity spaces are considered to be a sufficient size.

A number of the proposed apartments would not benefit from private amenity space. Whilst this is not ideal, the site is located within easy walking distance of several public parks in Marsden, which provide accessible opportunities for outdoor recreation and amenity. On balance, it is considered that the absence of private external amenity space for these units is acceptable.

Noise

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

As part of this application, the applicant has submitted a Noise Impact Assessment, Ref: NIA-12454-26-12732-v2, dated 16th February 2026, prepared by Environmental Noise Solutions. This report has been reviewed by KC Environmental Health.

The report confirmed that in order to provide acceptable internal noise levels, that:

“a double-glazed window rated at least 25 dB Rw+Ctr (such as 4 mm glass / 6-20 cavity / 4 mm glass) in conjunction with trickle vents rated at least 32 dB Dn,e,w per 5000 mm² EA (vent open) such as the Titon Trimvent Select Xtra S13 with XC13 canopy, will provide circa 25 dB(A) sound insulation from external to internal at the site”.

Whilst the above is acknowledged, the building is a non-designated heritage asset and the existing stained-glass windows are proposed to be retained, with clear glazing to the upper sections, as discussed within the visual amenity section of this report. In this context, it is considered that the installation of double-glazed windows solely to address noise impacts may not be compatible with the retention of the stained-glass features. As full details of the proposed windows are still required to be submitted pursuant to a planning condition, an additional condition will be imposed requiring details of alternative noise mitigation measures. This will ensure that both the visual amenity of the heritage asset and the residential amenity of future occupants are appropriately protected.

Whilst no external lighting is currently proposed that may result in increased lighting on other residential properties that could be obtrusive, a condition will be imposed to ensure that if any external lighting is installed, full details would need to be submitted to the LPA to ensure the lighting has no adverse impact on the residential amenity of neighbouring properties.

An informative will also be inserted to make the applicant aware of construction hours.

As such, subject to the aforementioned conditions, it is considered the proposed development would not cause significant harm to the residential amenity of the existing or neighbouring occupiers and is therefore considered acceptable in terms of residential amenity and it is considered that the proposed development complies with Local Plan Policy LP24(b), the Housebuilders Design Guide SPD and Chapter 17 of the National Planning Policy Framework.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide and Key Design Principle 15 of the adopted House Extensions & Alterations SPD which seek to ensure acceptable levels of off street parking are retained are also considered to be of relevance.

KC Highways have reviewed the proposed development and have provided the following comments:

The proposed residential units comprise 1 no 2 bedroom dwellinghouse (unit 8), 3 no 1 bedroom apartments (units 3, 4 and 7) and 4 no 2 bedroom apartments (units 1, 2, 5 and 6).

The proposals also look to amend the existing car park and increase the number of spaces from 7 to 9.

Whilst no trip generation data has been provided, it is considered that the former use of the site as a church and Sunday school and the new residential use at the site would not materially increase vehicle trips.

It is also considered that the site is located within a sustainable location, with Marsden Railway Station in close proximity to the site and nearby bus stops are located along Station Road, Peel Street and at Marsden Market place and offer 1-4 buses an hour.

The existing access off of Warehouse Hill Road will be utilised, which has a dropped kerb across the frontage and provides two vehicular access points, one to the car park in front of the church and the second down the western edge of the site which accesses the Sunday school element of the building and appears to provide parking access to neighbouring properties. The vehicular access is approx 4.6m wide on the 'proposed site and roof plan', this would be wide enough to provide simultaneous access and egress. However, it is noted that the plan also states that the existing access point to the church car park is to be retained. The existing access does not appear wide enough to allow simultaneous access and egress. Whilst an access that allows simultaneous access and egress would be beneficial, it is accepted that the existing car park entrance has worked acceptably for many years and the proposals only look to increase the number of spaces within the site by two, which is unlikely to have an impact as confirmed by KC Highways.

The Kirklees Highway Design Guide states that 1-2 bedroom apartments should be provided with one car parking space and 2-3 bedroom dwellings should be provided with a minimum of two spaces. Therefore, the provision of 9 car parking spaces should be provided for the development.

The provision of 9 car parking spaces are provided for the development, one space is shown adjacent to unit 8 and 8 car parking spaces are provided for the development in the car park to the front of the church building. One of the spaces is accessible and is provided with 1.2m aisles to the side and rear of the space which is acceptable. KC Highways and Environmental health have

advised electric charging vehicle points should be installed to lower emissions. As such this will be conditioned as such.

A proprietary gas assisted two-tier cycle rack system will be installed with individual locking points within the single storey link structure. Full details on the proposed two tier cycle rack have been submitted and is considered acceptable.

Pedestrian access appears to be from the same access points as the vehicular accesses and are as existing. The proposals look to install a 1:15 ramp to the front entrance to the property. There is also pedestrian access proposed to units 3,4,5 and 6 from the side access to the property. Sufficient and safe pedestrian access is also provided to the side elevations of the building.

Bins are shown on plan within the western corner of the site. However, the LPA require full details in regard to storage, kerbside presentation and collection of waste from all properties, including the means of access for refuse collection vehicles. This level of detail has not been demonstrated and as such a condition will be imposed to ensure suitable waste storage and collection points are provided for the development.

Given the close proximity of the site to neighbouring properties, environmental health officers have recommended that a construction management plan be submitted to the LPA to ensure actions will be taken to minimise adverse impacts on occupiers of nearby properties from construction works. This will be conditioned as such.

On the basis the scheme is undertaken as proposed, it is considered the impact upon access and highway safety would not be significant and refusal on the basis of such impact could not be substantiated in this case taking account of the existing use and realistic alternative uses which could be undertaken in any event.

5. 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.

Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

As part of the application a climate change statement has been submitted, which sets out a number of measures to be incorporated, these being as follows:

- New rooflights within the roof structure to improve daylight penetration to upper level accommodation
- Water efficient appliances within residential units
- The development will incorporate high efficiency heating systems designed to minimise energy
- Reuse of the existing building shell, reducing embodied carbon associated with demolition and new construction
- Use of locally sourced construction materials where possible
- Minimising waste through careful refurbishment and reuse of materials where viable
- High levels of insulation to new roof, wall and floor build ups where feasible

Considering the scale and nature of the proposed development and measured intended to be incorporated it is considered the proposal would have an acceptable impact in relation to sustainability. The proposal is therefore concluded to accord with the aforementioned policies in this regard.

6. Other Matters

Ecology

Biodiversity Net Gain (BNG) of 10% for developments is a mandatory requirement in England under the Environment Act 2021, subject to some limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

A BNG assessment has been provided. The site will attain a net gain of 0.03 biodiversity units (77.17% net gain), due to vegetated gardens and shrubs. As such the report and metric is considered acceptable.

The LPA consider it necessary to ensure an informative is in place upon any grant of permission which sets out the requirements of Biodiversity Net Gain legislation. Under the legislation, a condition is in place by law. The biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990.

As such, it is not considered necessary for any further condition to be in place upon any grant of permission given the statutory requirements in relation to biodiversity and the fact that the provision of the measures set out in the submitted ecological assessment would meet the requirements of the aforementioned policy.

Therefore, subject to inclusion of the recommended informative note, the proposal is considered to be acceptable in this regard.

Turning to policy requirements for biodiversity.

Chapter 19 of the National Planning Policy Framework is 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.

Principle 7 of the Housebuilders Design Guide Supplementary Planning Document is also of relevance. Which seeks to ensure existing features such as trees, habitats and landscape features are retained. Principle 9 requires that net gains in biodiversity are provided.

The Biodiversity Net Gain Technical Advice Note sets out that minor developments are subject to the mitigation hierarchy outlined within Chapter 2.2 and will still be required to demonstrate a net gain for biodiversity. Chapter 2.2 of the advice note details a mitigation hierarchy of avoid, mitigate, compensate, offset and finally enhance.

A Preliminary Ecological Assessment and Bat Survey have been submitted and reviewed by KC Ecology who are satisfied with the information submitted.

A Construction Environmental Management Plan will be conditioned to any mitigation measures for bats, birds and badgers are included. Additionally, an invasive species strategy for the control of rhododendron and cotoneaster identified onsite will be conditioned also.

To protect existing habitats surrounding the site, an artificial lighting strategy condition will be imposed also if the applicant decides to install any external lighting.

Given the above, an informative will also be imposed to ensure that if any evidence of bats, nesting birds, or other protected species is found during the course of works, all activity must cease immediately, and advice should be sought from a suitably qualified ecologist.

The submitted information is therefore considered acceptable in terms of ecology and would comply with Policy LP30 of the Kirklees Local Plan and Principle 9 of the Kirklees Housebuilders Design Guide SPD

Land contamination

Policy LP53 of the Kirklees Local Plan and Policy P2 of the NPPF seeks to ensure that a site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation.

This site has been not been identified as potentially contaminated, however due to the site's close proximity to contaminated land it is considered that reporting of any unexpected land contamination should be submitted to the LPA, along with a strategy to be submitted which details the intended placement, source, characterisation and suitability of any imported materials. These matters will be conditioned as such.

Subject to the recommended conditions, officers are satisfied that the site can be made suitable for the proposed end use and the proposal is therefore considered acceptable in accordance with Policies LP53 of the Kirklees Local Plan.

Flood Risk and Drainage

Chapter 18 of the NPPF seeks to direct development away from areas at risk of flooding and ensure that new development does not increase flood risk elsewhere. It also requires that surface water is managed using SuDs where possible and that developments are supported by appropriate drainage infrastructure, taking into account ground conditions and pollution risk.

Policy LP28 of the Kirklees Local Plan reflects these national objectives, requiring all new development to incorporate appropriate foul and surface water drainage arrangements, including SuDs where feasible, and to ensure that any such infrastructure does not increase flood risk or lead to pollution on or off site.

The site is located within Flood Zone 1. Kirklees Council records indicate that the area around the former United Church is at risk of surface water flooding during the 1 in 30 year rainfall event to a depth of up to 1.2m. The developer is therefore advised to take appropriate property resilience measures to ensure accommodation is protected from flooding. This will be added as an informative.

It is also noted that the site is located adjacent a canal, however as the proposal is a conversion of an existing building, and the development does not significantly increase the drained area, there is no increased risk of flooding from surface water. As such KC Lead Local Flood Risk officers support the proposal.

The development is therefore considered to accord with Policy LP27 and LP28 of the Kirklees Local Plan and Chapter 18 of the NPPF.

Crime

Kirklees Local Plan Policy LP24 sets out that proposals should promote good design by ensuring the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features.

To safeguard future residents, it is not considered necessary to impose a condition to ensure the proposed development does not commence until a scheme has been submitted which details installation of CCTV and other security measures. Subject to condition the proposal is considered to be acceptable in this regard.

7. Representations

The application has been publicised as affecting the setting of a conservation area on the Council's website, by site notice and by press advertisement. The expiry date of the publicity period was the 19th April 2026. The comments have been summarised and addressed below:

Letters of support

One letter of support has been received. The comments are summarised as follows:

- Support the conservation of the building which is currently out of use.

- The design of the proposal is sympathetic to the area.
- Creating additional homes close to the centre of the village will help support local businesses and improve the vibrancy of Marsden.

Officer comment: The above support comments are noted.

Letters of Objection

Three objections have been received to this proposal. The received objections are summarised as follows:

- The un-obscure windows, terraces and balcony will result in the loss of privacy, overlooking nearby neighbouring gardens. It is advised to include screening if such features are retained or relocated.

Officer comment: The above residential amenity concerns are noted and have been addressed within the residential amenity section of this report. Sufficient screening will be imposed to mitigate overlooking.

- Concern of increased parking provision which could lead to congestion and highway safety concern.
- The proposal does not provide sufficient off-street parking.

Officer comment: The above highway concerns are noted and have been addressed within the highway safety section of this report.

- The church should be retained for the community.

Officer comment: This comment is noted and has been addressed within the principle of development section of this report. It however considered that sufficient detail has been provided to address the loss of a community facility, complying with LP48.

- Marsden does not need further housing.

Officer comment: This comment is noted and has been addressed within the principle of development section of this report. It however noted that Kirklees does not have a 5 year housing land supply.

General comments

One general comment has been received and summarised below:

- Support the proposal in principle.
- The following details should be taken into account or conditioned:
 - The large windows to the west elevation are proposed to no longer be stained glass, which therefore will have a negative impact on the privacy of neighbouring properties that have windows in close proximity. Obscured glass or other mitigation is requested.
 - Pedestrian and vehicle access to neighbouring properties via the access drive to the west of the church building to be maintained at all times.
 - Further satisfactory information to be provided regarding waste and recycling, including how and where the bins or containers will be managed and presented.

Officer comment: The above comments are noted. The proposed alterations to the existing windows and the impact they will have on visual and residential amenity have been addressed within the officer report. Pedestrian and vehicle access, and waste storage and collection points have been addressed within the highway safety section of this report.

8. 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: 2026/90619

Officer Recommendation: Conditional Full Permission

Conditions

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 (as amended).

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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP7, LP20, LP21, LP22, LP24, LP26, LP28, LP30, LP35, LP48, LP52 and LP53 of the Kirklees Local Plan, and Chapters 4, 6, 12, 14, 17, 18, 19 and 20 of the National Planning Policy Framework 2026.

2. Prior to the installation of the ramp and handrails, full details and samples of all external materials to be used in the construction of the access ramp, handrails and associated soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the approved landscaping shall be implemented in full prior to the first use of the ramp and retained thereafter.

Reason: To ensure a satisfactory appearance of the development and to secure a high-quality design that integrates appropriately with the character and appearance of the building and conservation area, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

3. Prior to the first occupation of the development hereby approved, details of all boundary treatments associated with the private amenity space and boundary curtilage, including any walls, fences, gates or screening, shall be submitted to approved in writing by the Local Planning Authority. The approved boundary treatments shall be installed prior to the first occupation and retained thereafter.

Reason: In the interests of residential amenity of neighbouring and future occupiers and visual amenity and to accord with Policy LP24 and LP35 of the Kirklees Local Plan, principles 5 and 6 of the Council's adopted Housebuilders Design Guide SPD and Policies within Chapter 14 and 20 of the National Planning Policy Framework 2026.

4. The development shall not be brought into use until a scheme detailing soft landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include specifications for

trees and planting. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation. The areas indicated for use as soft landscaping shall be retained as soft landscaped areas for the lifetime of the development and used for no other purpose.

Reason: To ensure that there is a well laid out scheme of healthy trees, hedgerows and shrubs in the interests of amenity, providing biodiversity measures, to accord with policies LP24 and LP30 of the Kirklees Local Plan, principles 7 & 9 of the Housebuilders Design Guide, and policies within chapters 14 of the National Planning Policy Framework.

5. No works relating to the replacement windows shall commence until detailed drawings and specifications of the proposed windows have been submitted to and approved in writing by the Local Planning Authority. The details shall include elevations, sections at an appropriate scale, materials, finishes, glazing details, and the method of encapsulation. The replacement windows shall thereafter be installed and retained in accordance with the approved details.

Reason: To safeguard the visual amenity and architectural character of the building and to ensure a satisfactory appearance of the development, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

6. Prior to the installation of any replacement pane windows, they must be replaced with timber or metal framed windows to match the original design, profile and appearance of the existing windows. The approved windows shall be recessed within the wall opening by between 100mm and 150mm to reflect the existing arrangement and shall incorporate concealed trickle vents only. The works shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: To safeguard the visual amenity and architectural character of the building and to ensure a satisfactory appearance of the development, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

7. The original timber doors shall be retained and repaired wherever practicable. Where replacement is demonstrated to be necessary, the replacement doors shall be constructed of timber and shall match the existing doors in respect of design, dimensions, detailing, finish and method of opening.

Reason: To preserve the character and appearance of the building and to safeguard visual amenity in the interests of good design, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

8. Notwithstanding the approved plans, all new doors to be inserted should be vertical boarded timber and to be painted in a dark colour to match the existing timber doors.

Reason: To preserve the character and appearance of the building and to safeguard visual amenity in the interests of good design, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

9. Notwithstanding the approved plans, the proposed roof lights shall be of a conservation style, fitted flush with the plane of the roof slope, and shall have dark-coloured surrounds. The roof lights shall thereafter be installed and retained in accordance with the approved details.

Reason: To preserve the character and appearance of the building and to safeguard visual amenity in the interests of good design, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

10. No development relating to the recessed balcony and balustrade shall commence until full details of the balcony have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans, elevations, sections, construction details, materials, finishes and details of the balustrade. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: To ensure that the design, appearance and detailing of the recessed balcony and balustrade preserve the character and appearance of the building and safeguard visual amenity, and to ensure the balustrade will mitigate any impacts of overlooking, complying with Kirklees Local Plan policies LP24 and LP35 and

policies P3, HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

11. Prior to the installation of any soil vent pipes, plumbing, extraction grilles and pipes, flues, external lighting, CCTV equipment, cabling, wiring and any other external interventions. Full details of these external services and fixtures shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include their location, dimensions, design, colour, finish and method of installation. The approved works shall thereafter be carried out in accordance with the approved details and retained as such thereafter.

Reason: To preserve the character and appearance of the building and to safeguard visual amenity in the interests of good design, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

12. Notwithstanding the submitted plans, any point works shall be of an appropriate lime mortar, to be flush or recessed and not strap or ribbon pointing.

Reason: To preserve the character and appearance of the building and to safeguard visual amenity in the interests of good design, complying with Kirklees Local Plan policies LP24 and LP35 and policies HE4, HE5, HE6 and HE7 of the National Planning Policy Framework 2026.

13. Before the development is brought into use, noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The report shall details of the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required). The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

Reason: To protect the amenity of occupiers of the proposed development from noise or disturbance from nearby noise generating premises to accord with the aims of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 14 and 17 of the National Planning Policy Framework 2026.

14. Prior to the installation of any external lighting, a detailed lighting scheme, developed in accordance with established guidance (e.g. Bat Conservation Trust and Institute of Lighting Professionals (2023) Bats and Artificial Lighting at Night), shall be submitted to, and approved in

writing by, the Local Planning Authority. The Sensitive Lighting Strategy will demonstrate that the lighting will not impact upon ecological networks and/or sensitive features and ensure a dark corridor is maintained along the River Holme and its adjacent riparian corridor and the Woodland Fringe. The scheme should also indicate measures to be taken for the control of any glare or stray light from the operation of artificial lighting. Thereafter the external lighting shall be installed in accordance with the specifications and locations set out within the approved lighting scheme and retained thereafter.

Reason: In the interests of biodiversity, crime prevention and mitigation and to safeguard the amenities of nearby residential properties in accordance with Policy LP24, LP30 and LP52 and Chapter 14, 17 and 19 of the National Planning Policy Framework 2026.

15. Prior to the hereby approved development being brought into use, all areas indicated to be private drives on the proposed site plan, ref: 25-10-03-GA-120 rev D, shall be 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 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for parking thereafter.

Reason: In the interests of visual amenity and traffic safety, to mitigate flood risk arising from surface water run-off, to ensure adequate space within the site for vehicle movements and parking and to comply with Policies LP24 and LP28 of the Kirklees Local Plan and Chapters 15 and 18 of National Planning Policy Framework.

16. Prior to the hereby approved development being brought into use, details for bin storage, screening, BCPs, RCV access and how cars will be stopped from parking in front of the bin store shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided and shall be so retained thereafter.

Reason: In the interests of amenity and highway safety to accord with the aims of Policies LP20 and LP21 of the Kirklees Local Plan.

17. Before first occupation, a scheme outlining the specific facilities for charging electric vehicles and other ultra-low emission vehicles for each parking space at the premises must be submitted to and approved in writing by the Local Planning Authority. This scheme must

meet the minimum requirements in the current West Yorkshire Low Emission Strategy (WYLES) document. The approved facilities for charging electric vehicles must be installed before occupation and retained for use thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP20, LP24 and LP47 of the Kirklees Local Plan, Chapter 5 of the National Planning Policy Framework and the West Yorkshire Low Emission Strategy (WYLES).

18. Prior to development commencing, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:

- Noise & vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities, which should include measures to monitor and record the emissions of dust during construction
- Artificial lighting used in connection with all construction related activities and security of the construction site.

A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Authority must be included. The agreed plan shall be adhered to throughout the construction of the development.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with chapter 17 of the National Planning Policy Framework and policy LP52 of the Kirklees Local Plan.

19. 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.

The CEMP must also include the following specific plans / documents:

- Mitigation measures for the priority habitats (ancient and deciduous woodland) near the site.

- Pollution Prevention Plan for the watercourses and waterbodies (using good practice guidance such as CIRIA C532)

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 19 of the National Planning Policy Framework 2026.

20. No works shall commence on-site prior to the completion of an invasive species survey and appropriate removal and / or management plan and agreed in writing with the council. The survey must be undertaken at the optimal time of year; between May and September. Schedule 9 of the Wildlife and Countryside Act 1981 lists non-native species that are considered harmful to native biodiversity and habitats in the UK. It is illegal to release, plant, or allow these species to grow in the wild.

Reason: In the interests of biodiversity and in accordance with Policy LP30 and Chapter 19 of the National Planning Policy Framework 2026 and in order that the proposals are implemented in accordance with the Wildlife and Countryside Act 1981 (as amended).

21. Prior to the hereby approved development being brought into use, a Crime Mitigation strategy shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the agreed mitigation measures shall be installed prior to the hereby approved development being brought into use, and shall be retained thereafter.

Reason: In the interest of crime prevention and mitigation, so as to comply with Policy LP24 of the Kirklees Local Plan.

22. 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 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 on site shall not recommence until either:

- a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or,
- a) 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 whole 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: To identify and remove unacceptable risks to human health and the environment and in accordance with Policy LP53 of the Kirklees Local Plan and the National Planning Policy Framework.

23. Prior to materials being imported to the site, a strategy detailing the intended placement, the source, characterisation and the suitability of any imported material must be submitted to and approved in writing the Local Planning Authority. The testing to demonstrate suitability must then be carried out in accordance with the approved strategy. Following importation and placement of the materials as described in the approved strategy, a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time until a Verification Report 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 the National Planning Policy Framework.

FOOTNOTE: Statutory BNG Condition

In accordance Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) development may not be begun unless:

- a) A biodiversity gain plan has been submitted to the local planning authority; and
- b) The local planning authority has approved the plan.

The biodiversity gain plan must include:

- a) Information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- b) The pre-development biodiversity value of the onsite habitat;
- c) The post-development biodiversity value of the onsite habitat;
- d) Any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- e) Any biodiversity credits purchased for the development; and
- f) Any such other matters as the Secretary of State may by regulations specify.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulations of the Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

NOTE: A Standard Electric Vehicle Charging Point is one which is capable of providing a continuous supply of at least 16A (3.5kW) and up to 32A (7kW). The higher output is more likely to be futureproof.

The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity. The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: No construction related noise shall be audible beyond the site boundary outside the hours of:

Monday to Friday: 07.30 to 18.30 hours

Saturday: 08.00 to 13.00 hours

With no construction related noise audible beyond the site boundary on Sundays or

Bank/Public Holidays.

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: 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: All noise assessments should be carried out by a competent person. The applicant may wish to contact the Association of Noise Consultants <http://www.association-of-noise1consultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

NOTE: Kirklees Council records indicate that the area around the former United Church is at risk of surface water flooding during the 1 in 30 year rainfall event to a depth of up to 1.2m. The developer is therefore advised to take appropriate property resilience measures to ensure accommodation is protected from flooding.

Plans and specifications schedule:-

Plan Type	Reference	Date Received
Location Plan	25-10-03-EX-050-B	04/03/2026
Proposed Basement Floor Plan	25-10-03-GA-099-B	04/03/2026
Proposed Ground Floor Plan	25-10-03-GA-100-D	07/09/2026
Proposed First Floor Plan	25-10-03-GA-101-C	03/07/2026
Proposed Second Floor Plan	25-10-03-GA-102-C	03/07/2026
Proposed Site and Roof Plan	25-10-03-GA-120-D	07/09/2026
Proposed Elevations A & B	25-10-03-GA-200-C	03/07/2026
Proposed Elevations C & D	25-10-03-GA-201-C	07/09/2026
Design & Access Statement		04/03/2026
Heritage Statement		04/03/2026
Planning Consultation Response - Design Amendment		03/07/2026
Climate Change Statement		05/03/2026
Preliminary Ecological Appraisal		04/03/2026
Bat Activity Survey Results Report		21/07/2026
Biodiversity Net Gain Assessment Summary Report		04/03/2026
Secured by design two tier cycle rack		07/09/2026
Third angle projection	TBSC_TTR_SBD_DR_01-1	07/09/2026
Third Angle Projection	TBSC_TwoTier_CAD_01	07/09/2026

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 2015 and otherwise actively engaged with the applicant in dealing with the application. Further information was requested, and subsequently submitted, following receipt of the response of the Council's Highways, Conservation and Design Team and ecology officer.

