

KIRKLEES METROPOLITAN COUNCIL INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

DELEGATED DECISION TO DETERMINE APPLICATIONS FOR CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION

Reference No:	2026/44/91599/E
Site Address:	Wesley House, Huddersfield Road, Birstall, Batley, WF17 9AZ
Description:	Discharge of details reserved by conditions 3 (roof light), 8 (bin store), 9 (lighting), 10 (bat box), 11 (Construction Management Plan - Gravestone) on previous permission 2024/92105 for alterations to convert former offices to 21 apartments (Listed Building within a Conservation Area)
Recommending Officer:	William Simcock

DECISION – Discharge of Condition – Approve

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.

Nick Hirst

AUTHORISED OFFICER

Date: 10-Aug-2026

Application: 2026/91599

Site: Wesley House, Huddersfield Road, Birstall, Batley, WF17 9AZ

Proposal: Discharge of details reserved by conditions 3 (roof light), 8 (bin store), 9 (lighting), 10 (bat box), 11 (Construction Management Plan - Gravestone) on previous permission 2024/92105 for alterations to convert former offices to 21 apartments (Listed Building within a Conservation Area).

Assessment

Condition 3 (roof light)

3. Prior to works associated with the installation of any roof light(s) commencing, details of the roof lights shall be submitted to and approved in writing by the Local Planning Authority. The roof lights shall be of a conservation style to be fitted flush with the roof slope. The roof lights shall then be installed in accordance with the approved details and thereafter retained.

Reason: *In the interest of preserving the historic character of the building in line with LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the National Planning Policy Framework.*

A document has been submitted which provides a brief description of the product (Velux conservation-style rooflight with a black finish) and a photograph of a similar rooflight in situ.

KC Conservation & Design (comments dated 30/06/2026) confirm that the submitted details are acceptable. Officers concur with this view, and it is recommended that they are approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 8 (bin store)

8. Before the development is brought into use, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: *In the interest of highway safety and waste management and to accord with LP24 of the Kirklees Local Plan.*

The following documents were submitted with the application:

- A site layout plan reference KL/24/1709/01C, showing the location of the proposed bin store;

- A plan, titled Bin Store Detail, reference KL/24/1709/21. This shows the plan of a refuse compound of 4.78m by 2.80m, with a height of 1.5m, which would hold 6 no. communal refuse bins each with a capacity of 1,100 litres. An annotation states that the enclosure would be built of softwood tanalised boards and fixed to timber posts.

KC Waste Strategy were consulted, and in their comments of 30/06/2026 advised that the arrangements were unacceptable for three reasons:

- The bin store is undersized and must allow for a footprint of 1575mm x 1190mm plus internal access for future users and collection crews;
- The bin store is too far from the adopted highway – it should be within 8m, or alternatively responsibility for moving the bins to a collection point must be clarified;
- The vehicular entrance to the site is too steep for the safe manoeuvring of bins. Gradients should not exceed 1:12.

A subsequent amendment (rev KL/24/1709/01E, 31/07) showed the bin store adjacent to the building. KC Waste Strategy, in informal comments of 31/07/2026, advised officers that this would be unacceptable for fire safety reasons. Furthermore, the size and internal layout of the bin store would not provide the internal access that would allow residents to easily reach bins at the rear of the compound, and would therefore lead to a risk of wastes being placed in the wrong bin.

Subsequently, the following amended drawings were submitted, 06/08/2026:

- Proposed site layout and location plan, ref. KL/24/1709/01F;
- Bin Store Detail, ref. KL/24/1709/21A

The wording of the condition specifically seeks details of “storage, bin presentation points and access for the collection of wastes.” The latest version of the layout shows a bin compound located in the northern corner of the site adjacent to the boundary of the public highway and a pedestrian accessway which is also within the site boundary. It does not show a designated collection point, and it is therefore implied that bin collection crews would collect directly from the bin store. The distance between the furthest bin and the nearest point on the carriageway would be approximately 7m, which is within the maximum drag distance referred to earlier in this report and therefore acceptable. Assuming that both the entrance gates at the site boundary with the footway and the gates to the bin store were kept unlocked, then there would be no difficulty in bin collection crews gaining access. KC Waste Strategy confirmed, in informal comments made 07/08/2026, that the latest drawings are acceptable.

Officers concur with this view, and it is recommended that that the details submitted 06/08/2026 are approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 9 (lighting)

9. Before the development is brought into use a Sensitive Lighting Strategy, 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 shall demonstrate that the proposed lighting would not impact upon ecological networks and/or sensitive features. The external lighting shall be installed in accordance with the approved Sensitive Lighting Strategy, and shall thereafter be retained so.

Reason: *In the interests of biodiversity and to ensure the protection of any bats in accordance with Policy LP30 and Chapter 15 of the National Planning Policy Framework.*

A document was submitted with the application, titled Planning Approval Ref : 2024/62/92105/E, Condition 9 – External Lighting.

This provides a description of the proposed lighting. In brief, this comprises:

- Quantum semi-recessed anti-vandal 'eye lid' bulkhead downlight fixed to building, to avoid light pollution and to minimise effects on bats;
- 3m high column with LED Street Lantern to light downwards only to minimise light pollution and effects on bats;
- Floodlight to soffit of adjacent building.
- Illustrations and a technical drawing of the lighting column;
- A plan showing where the various types of lighting are to be installed within the site.

KC Ecology were consulted and in their initial response (18/06) made the following comments:

“The submitted information details that downlighting will be installed on the building, but does not detail where this will be installed, or what colour temperature it will be. I would recommend this information is provided, prior to discharge of condition 9.”

In response, the following substitute and additional drawings were supplied, 30/07/2026:

- Planning Approval Ref: 2024/62/92105/E, Condition 9 – External Lighting;
- Elevations showing external lighting, ref. KL/24/1709/23.

KC Ecology, in their updated comments (07/08/2026) confirm that the information submitted is satisfactory and has addressed their earlier concerns.

Whilst it is noted that the condition was not imposed for reasons of amenity, KC Environmental Health were, as a precautionary measure, also informally consulted (16/07/2026), and confirmed that they had no concerns about the lighting scheme.

It is considered that the submitted information is sufficient for the purposes of condition 9 and it is recommended that it be approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 10 (bat box)

10. Prior to the occupation of the hereby approved development, details of a bat box to be installed within the site shall be submitted to, and approved by, the Local Planning Authority. The box shall be long-lasting Schwegler type or similar and shall be located away from sources of light and be sited at least 4 metres above ground level. The approved bat box shall be installed prior to first occupation of the dwellings and thereafter be retained.

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

A document has been submitted, titled Medipharma (Bradford) Ltd - Wesley House, Chapel Lane, Birstall WF17 9EF - Bat Roosting Features.

It proposes the installation of 1No. 2F Schwegler Bat box, attached to the existing mature tree adjacent to the existing site entrance. It confirms that the boxes would be fixed to the east side of the tree trunk at a minimum height of 4m from ground level.

KC Ecology, in comments dated 18/06/2026, confirm that the submitted details are acceptable for the purpose of condition 10. Officers concur with this view, and it is recommended that the submitted details are approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Condition 11 (Construction Management Plan - Gravestone)

11. Prior to development commencing, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan must include details of the gravestones within the red line boundary and how they will be retained and protected during construction. The plan shall be fully implemented, and the development shall thereafter be operated in accordance with the approved details.

Reason: *In the interest of preserving the existing characteristics on the site and the historic character in accordance with Policy LP24 and LP30 of the Kirklees Local Plan and Chapter 12 and 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure that any protective measures are implemented prior to construction commencing.*

A document, titled Construction Management Plan, has been submitted.

Part 8 of the Construction Management Plan addresses the issue of gravestones within the site. It proposes that prior to the works commencing, a secure 2000mm hoarding / 'Heras' fencing would be erected to the front and sides of the site. The fencing would be erected to the kerb of the car park to protect the existing trees and also to protect existing gravestones laid flat outside the working area, within the existing landscaped area.

KC Highways were informally consulted (15/07/2026) and confirmed that they had no objection to the Construction Management Plan.

KC Conservation and Design, in comments dated 30/06/2026, advise that the proposed details are sufficient for the purpose of condition 11. Officers concur with this view, and it is recommended that the details are approved.

Notwithstanding the above, the condition has an ongoing requirement which prevents full discharge currently. A note of the ongoing requirement is recommended to be included on the decision notice.

Recommendation: Approve details

Report Dated: 07/08/2025

Proposed Letter Text

Condition 3 (roof light)

You have submitted a document which provides a brief description of the product (Velux conservation-style rooflight with a black finish) and a photograph to illustrate what it would look like in situ.

The proposed details are sufficient to fulfil the purposes of condition 3 and are hereby approved.

Notwithstanding the above, you are reminded that condition 3 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The roof lights shall then be installed in accordance with the approved details and thereafter retained.

Condition 8 (bin store)

You have submitted (06/08/2026) the following documents:

- Proposed site layout and location plan, ref. KL/24/1709/01F;
- Bin Store Detail, ref. KL/24/1709/21A.

The submitted details are acceptable for the purposes of condition 8 and are hereby approved.

Notwithstanding the above, you are reminded that condition 8 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The approved details shall be provided before first occupation and shall be so retained thereafter.

Condition 9 (lighting)

You have submitted (30/07/2026) the following documents:

- Planning Approval Ref: 2024/62/92105/E, Condition 9 – External Lighting;
- Elevations showing external lighting, ref. KL/24/1709/23.

The submitted details are acceptable for the purposes of condition 9 and are hereby approved.

Notwithstanding the above, you are reminded that condition 9 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The external lighting shall be installed in accordance with the approved Sensitive Lighting Strategy, and shall thereafter be retained so.

Condition 10 (bat box)

You have submitted a document titled Medipharm (Bradford) Ltd - Wesley House, Chapel Lane, Birstall WF17 9EF - Bat Roosting Features.

The submitted details are acceptable for the purpose of condition 10 and are hereby approved.

Notwithstanding the above, you are reminded that condition 10 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The approved bat box shall be installed prior to first occupation of the dwellings and thereafter be retained.

Condition 11 (Construction Management Plan – Gravestone)

You have submitted a document titled Construction Management Plan.

The submitted details are acceptable for the purposes of Condition 11 and are hereby approved.

Notwithstanding the above, you are reminded that condition 3 has the following ongoing requirements which must be adhered to, to ensure continued compliance with the condition:

The plan shall be fully implemented, and the development shall thereafter be operated in accordance with the approved details.