

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2025/62/91277/W
Site Address:	Almondbury Garage Huddersfield Ltd, Hole Bottom Mills, Almondbury Bank, Almondbury, Huddersfield, HD5 8HF
Description:	Alterations to roof and external alterations
Recommending Officer:	Elenya Jackson

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: 31 July 2025

Officer Report

Reference No. 2025/91277

Site Address: Almondbury Garage Huddersfield Ltd, Hole Bottom Mills, Almondbury Bank, Almondbury

Proposal: Alterations to roof and external Minor alterations

Site Description

The application site is located within Hole Bottom Mills which is accessed from Almondbury Bank. There is a distinct change in ground levels between the main road and the site which, when coupled with the mature vegetation which is adjacent to Almondbury Bank renders the site to have low visibility from the wider public realm.

The immediate vicinity of the site is mixed use, with a larger garage building immediately adjacent to the site and a residential property to the rear.

The properties within Hole Bottom Mill are largely commercial in appearance with metal profiled cladding.

Officers understand that works have been undertaken to the building prior to the receipt of this application.

The structure was previously finished in stone; however, during the rebuild this has been replaced with breeze blocks and is proposed to be finished in cladding.

The wider area comprises a combination of residential and commercial properties of varying materials and architectural styles. The site is not located within a conservation area, nor are there any listed buildings or public right of ways within close proximity.

Description of Proposal

The application seeks planning permission for the alterations to the scale and design of the existing structure on site.

The infill extension would have the following dimensions:

Depth - 14.1m

Width - 17.9m

Height - 6.4m.

This would be finished with cladding.

The proposal also includes alterations to the previous flat roof of the building to introduce a lean-to roof. This would not increase the maximum height of the structure overall.

The proposals also include alterations to the fenestration.

Relevant Planning History

2025/91616: Erection of concrete plant. Pending consideration

Representations

The application was publicised by a site notice which expired on 24th July 2025. As a result of the above publicity one comment has been received which raises the following concerns:

- The use of the site as a concrete plant
- Highway safety issues associated with the use

There is a Listed Building to the south-west of the application property, but the application has not been advertised as affecting the setting of a Listed Building due to the separation distance between the properties.

Councillor Munro also provided comments on the application raising concerns with respect to:

- Trees
- Vehicular traffic
- Highway concerns

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the 'Assessment' section of the report, where appropriate):

No comments considered necessary

Planning Policy Background

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The

statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated on the Kirklees Local Plan.

Kirklees Local Plan Policies

- **LP 1** - Achieving Sustainable Development
- **LP 2** - Place Shaping
- **LP 3** - Location of New Development
- **LP 7** - Efficient and Effective Use of Land
- **LP 21** - Highways and Access
- **LP 22** - Parking
- **LP 24** - Design
- **LP 30** - Biodiversity and Geodiversity
- **LP 52** - Protection and Improvement of Environmental Quality
- **LP 53** - Contaminated and Unstable Land

In this case, the following SPDs are applicable:

- Highways Design Guide SPD (adopted 4th November 2019)
- Biodiversity Net Gain Technical Advice Note (adopted 29th June 2021)

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** - Achieving Sustainable Development
- **Chapter 4** - Decision-Making
- **Chapter 6** - Building a Strong, Competitive Economy
- **Chapter 11** - Making Effective Use of Land
- **Chapter 12** - Achieving Well-Designed Places
- **Chapter 14** - Meeting the Challenge of Climate Change, Flooding and Coastal Change
- **Chapter 15** - Conserving and Enhancing the Natural Environment

Assessment

1. Principle of Development

The site is without notion on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.

Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

The proposal is for the erection of extensions and alterations to an existing unit.

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;*
- or*
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.*

Policy LP7 of the Kirklees Local Plan refers to the effective use of land and buildings and states that proposals should encourage the efficient use of previously developed and in sustainable locations providing it is not of high environmental value.

Officers consider that the site has previously been developed, and it is enclosed by other commercial developments which are of varying scale and design. The site is well connected and is considered to be in a sustainable location. Therefore, officers consider that the proposal would accord with Policy LP7 of the Kirklees Local Plan.

The site has previously received permission in 1989 to be used for vehicle repairs and garage purposes. Officers acknowledge that comments have been received relating to the site being used for the manufacturing of concrete; however this use does not benefit from planning permission. Therefore in the consideration of this application it is considered appropriate to consider the proposal on the basis of the use of the site in association with cars.

In view of the above, and as this site is enclosed by other commercial properties, the proposal is considered acceptable in principle meeting the requirements of Policies LP1 and LP7 of the Local Plan and Chapters 2, 5 and 9 of the NPPF in this regard.

In this case, the principle of development is considered acceptable, and shall be assessed against other material planning considerations, including visual and residential amenity, as well as highway safety. These issues along with other policy considerations will be addressed below.

1. Impact on Visual Amenity

Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring the form, scale, layout, and details of all development respects and enhances the character of the townscape, extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details.

The NPPF also offers guidance relating to design in Chapter 12 (achieving well designed places) whereby Paragraph 131 provides a principal consideration concerning design which states: *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

The external walls of the building would be constructed from corrugated metal panels in grey.

The design of the unit is considered to be typical for a unit of this nature use and would be acceptable in this regard.

It is considered that the scale of the structure is largely determined by the previous structure on site and the increase to the height of the development would be marginal in this instance.

Furthermore, the structure would not appear incongruous from public vantage points given the scale of the site. On this basis, it is considered that the proposed development would not have any significant visual impact on the character and appearance of the surrounding area.

Having taken into account the above, it is considered that the proposed development would be acceptable from a visual amenity perspective, in

accordance with Policy LP24 of the Kirklees Local Plan and Chapters 12 of the NPPF.

2. Impact on Residential Amenity

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

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.

The submitted plans confirm that there is no residential property to the north or west of the application site which would be affected by the proposed works.

Bankfield House

This property adjoins the application site to the south-west; there is a slightly offset relationship between the two properties and a separation distance of 25m between them.

Overlooking: The proposal would feature rear facing windows. It is considered that there would be a reasonable amount of screening between the properties and an offset relationship and therefore no significant issues would occur as a result of overlooking.

Overshadowing/loss of light: It is considered that the orientation of the proposal to the north-east of Bankfield House and when coupled with a 20+m separation distance would prevent any significant issues regarding overshadowing/loss of light/overbearing.

No details have been provided regarding any external lighting on the property, however a condition is considered necessary for a lighting scheme to be submitted should any external lighting be required. On the basis of the inclusion of such a condition the impact of the proposal in this regard is considered to be acceptable.

Having considered the above factors, it is not considered that the proposal would result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, complying with Policy LP24 of the

Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Paragraph 135(f) of the National Planning Policy Framework.

3. Impact on Highway Safety

Local Plan Policies LP21 and LP22 of the Kirklees Local Plan are relevant and seek to ensure that proposals do not have a detrimental impact on highway safety and provide sufficient parking. Furthermore, Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

This application has been received for alterations to an existing building that was re-built and increased in height. No other matters are considered and therefore, the proposed extensions and alterations would not affect the existing parking arrangements on the wider part of the site. Taking account of the nature of the proposal it is considered that the proposal would not significantly affect access and highway safety in this case.

Therefore, it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network, in accordance with Policies LP21 and LP22 of the Kirklees Local Plan, guidance within the Council's Highways Design Guide SPD, and Chapter 9 of the National Planning Policy Framework.

4. Other Matters

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 pre-dates 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.

In this case, due to the nature of the proposal is not considered reasonable to require the applicant to put forward any specific resilience measures.

Land Quality / Stability

Policy LP53 of the Kirklees Local Plan and paragraphs 196 and 197 of the National Planning Policy Framework are relevant which seek 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 is identified as being potentially contaminated due to the former use of the site. As the proposal is for the increase in the maximum height and does not request any groundworks, no contaminated land conditions are required.

It is considered that, subject to conditions the proposal would accord with Policy LP53 of the Kirklees Local Plan.

Biodiversity

The site is located in an area identified as being within a 'bat alert' layer on the Council's GIS mapping system. In this instance, a bat survey has not been provided to support the application as the works had been undertaken prior to submission of the application.

No lighting details have been proposed as part of the scheme and therefore a condition shall be added which states no artificial lighting is to be installed without prior consent of the local planning authority. A footnote will be added to the decision notice to provide the applicant with advice should bats or bat roosts be found during construction. This would accord with the aims of Policy LP30 of the Kirklees Local Plan, the Council's Biodiversity Net Gain Technical Advice Note, and Chapter 15 of the National Planning Policy Framework.

Trees

The application property is enclosed by a group of trees which benefit from a tree preservation order. Officers understand that the application building has been re-built prior to the submission of this application.

The applicant is reminded that A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the:

- cutting down
- topping
- lopping

- uprooting
- wilful damage
- wilful destruction of trees

without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed. In the Secretary of State's view, cutting roots is also a prohibited activity and requires the authority's consent.

The works have already been undertaken and therefore officers do not have any further comments to make. However, the applicant should be mindful of this constraint going forward.

5. Representations

The concerns raised in representations from members of the public and the ward member are addressed as follows:

- The use of the site as a concrete plant
Officer response: This application is not for a change of use and is only for alterations to an existing building. Officers understand that there is a separate application pending consideration at this time relating to the use of the site.
- Highway safety issues associated with the use
Officer response: Officers understand that there is a separate application pending consideration at this time relating to the use of the site; however, the application which is the subject of this officer report is purely for alterations to the existing building on site. It would be unreasonable to add any conditions to the application relating to hours of use and access arrangements.
- Trees
Officer response: This application is for alterations to the existing roof of the building. The trees surrounding the site benefit from a TPO and any alterations without the benefit of a tree works order would be susceptible to enforcement action.

6. Negotiations

No further details were required.

7. Conclusion

This application has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations. Given the acceptable design and lack of harm in terms of visual and residential amenity, the proposed development is considered acceptable.

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation: - Approve

Decision Authorisation - Delegated Powers

Application Number: 2025/91277

Officer Recommendation: Approve

Conditions and Reasons

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

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

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

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies LP1, LP2, LP3, LP7, LP8, LP21, LP22, LP24, LP30, LP52 and LP53 of the Kirklees Local Plan, the guidance within the Council's Highways Design Guide SPD and the aims of the National Planning Policy Framework.

3. Within three months of the date of this decision, details of all external materials and their colour finish to be used in the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with

the approved scheme which shall thereafter be retained for the lifetime of the development.

Reason: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan and the aims of Chapter 12 of the National Planning Policy Framework.

4. No external lighting shall be installed unless and until 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), has been submitted to, and approved in writing by the Local Planning Authority. The lighting scheme will demonstrate how all artificial lighting will not impact upon ecological networks and/or sensitive features. Thereafter the agreed lighting scheme shall be implemented in accordance with the specifications and locations set out within the Lighting Strategy.

Reason: In the interests of biodiversity and residential amenity in accordance with Policies LP24 & LP30 of the Kirklees Local Plan and policies within Chapters 12 and 15 of the National Planning Policy Framework.

NOTE: All contamination reports shall be prepared by a suitably competent person, as defined in Annex 2 of the National Planning Policy Framework 2021. 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: 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: 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: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

- 07.30 and 18.30 hours, Mondays to Fridays
- 08.00 and 13.00hours, Saturdays
- With no working Sundays or Public Holidays

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

Plans and specifications schedule: -

Plan Type	Reference	Revision	Date Received
Location Plan	25/1180/01		9.05.2025
Proposed site plan	25/1180/05		9.05.2025
Proposed Plans	25/1180/04		9.05.2025
Existing site plan	25/1180/03		9.05.2025
Existing elevations	25/1180/02		9.05.2025
Planning Statement			9.05.2025

Plan Type	Reference	Revision	Date Received
Climate change statement			9.05.2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought during the course of the application.