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:	**2026/62/91663/W**
Site Address:	Land Adjacent, 5, Fernside Avenue, Almondbury, Huddersfield, HD5 8NR
Description:	Erection of detached dwelling with detached garage
Recommending Officer:	Joanna Rednall

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: 25 September 2026

The Site

The application site consists of an irregularly-shaped plot of land measuring some 75m from Fernside Avenue to its farthest point in the north-west.

The only vehicular access into the site is via a narrow track that joins the adopted highway at the corner of Fernside Avenue and Town End. The surroundings of the site are residential, comprising medium-density, mostly semi-detached two-storey houses, but with bungalows on Bank End Lane.

The Proposal

The applicant is seeking planning permission for erection of detached dwelling with detached garage.

The proposed layout would position the dwelling with its front elevation facing Fernside Avenue, with a detached garage located to the west of the site.

The dwelling would be single storey and designed with a pitched roof, incorporating a flat-roofed, single-storey projection to the rear. The building would have an 'L'-shaped footprint, measuring approximately 15.5m in width and 12m in depth. Integrated solar panels are proposed on the front roof slope. The dwelling would provide three bedrooms.

The windows and doors would be of UPVC construction with a grey finish. The windows to the front elevation would incorporate sawn ashlar surrounds. The dwelling would be constructed in natural stone to the front elevation, with through-coloured render proposed to the side and rear elevations. The roof would be finished in artificial stone.

Private external amenity space would be provided to the rear of the dwelling, with bin storage located to the front. A detached garage would be positioned to the west of the dwelling.

The detached garage would incorporate a covered store to the side and would measure approximately 8.5m in width and 6m in depth. It would have a pitched roof measuring approximately 2.4m to the eaves and 3.7m to the ridge. The garage would be finished in render with an artificial stone roof. A designated turning area would be provided to the west of the dwelling to facilitate vehicle manoeuvring within the site.

History of Negotiations

Amended plans have been received showing the dwelling with an artificial stone roof, to align with the materials approved for the neighbouring dwelling under planning application reference 2026/91664.

Planning History

Relevant planning history for this site is summarised as follows:-

2001/90799: Re-use of former barn and new extension to form dwelling, and erection of detached double garage – Conditional full permission.

2019/91617: Demolition of existing builders store/depot and erection of 5 dwellings, formation of new access road and parking area – Refused. The reason for refusal is as follows:

1. *The proposed dwellings on Plots 3-5, by reason of their prominent and steeply pitching roofs, would be out of keeping with the character of established residential development and would be liable to have an overbearing impact upon established residential development, in particular neighbouring properties on Rockley Close to the north. This would be detrimental to visual and residential amenity and contrary to the aims of LP24 (a) and (b) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.*

1. *It is considered that, taking into account the amount of living accommodation provided within the proposed dwellings, especially the larger units on Plots 3-5, the accessibility of the site by public transport, and the absence of any written justification for the relatively low level of parking provision, there is a significant risk that the development would interfere with the safe and efficient flow of traffic as a result of increased parking on the public highway, contrary to the aims of Policies LP21-22 of the Kirklees Local Plan.*

2022/91834: Erection of 4 dwellings – Refused. The reason for refusal is as follows:

1. *The proposed development would take access to the public highway by means of an unadopted track that it is substandard in terms of its width, which would not allow two vehicles to pass, and would join Fernside Avenue near to the existing junction with Town End. It has not been demonstrated that there is an existing lawful use on either all or part of the site that could be resumed without the need to seek planning*

permission and which would generate an equal or greater number of vehicular trips to the development proposed. The proposed development would thereby give rise to a significant intensification of a sub-standard access close to an existing junction, leading to an increased potential for conflict with other road users and for accidents to occur. The proposed development, furthermore, would cause difficulties with arrangements for the collection of wastes. The proposed development is therefore contrary to the aims of Policy LP21 of the Kirklees Local Plan, Principle 11 of the Housebuilders' Design Guide Supplementary Planning Document, and paragraphs 111 and 130(a) of the National Planning Policy Framework.

2023/91887: Demolition of existing building and erection of two dwellings – Conditional full permission

Publicity & Representations

The application has been advertised by newspaper advertisement, site notice and on the Council's website in accordance with the Council's adopted Development Management Charter which incorporates the requirements of article 15 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

The application has been publicised as affecting the setting of a listed building.

Final publicity date expired: 27 August 2026.

No representations were received as a result of the publicity. The amended plans were not re-publicised as these did not fundamentally change the development applied for.

Parish/ Town Council Comments

N/A.

Consultations

- KC Highways Development Management – No objection

- KC Conservation & Design (informal) – No objection subject to natural blue slate and natural stone coursed to match the barn in terms of texture, colour, finish, type of stone and method of coursing.

- KC Ecology – Request a BEMP to be secured by condition.

The responses of the above consultees are discussed in greater length within the 'Assessment' section of this report.

Allocation & Policies

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 application site is unallocated within the Kirklees Local Plan and also falls within an area with a known presence of bats and identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity. The site is close

Local guidance and policy is provided by the Kirklees Local Plan (adopted February 2019) as such the following policy, guidance and legislation is considered relevant to the determination of this application:-

Kirklees Local Plan (LP)

- **LP 1:** Presumption in favour of sustainable development
- **LP 7**: Efficient and effective use of land and buildings
- **LP 11:** Housing mix and affordable housing
- **LP 21:** Highways and access
- **LP 22:** Parking
- **LP 24**: Design
- **LP 28**: Drainage
- **LP 30:** Biodiversity and geodiversity
- **LP 35:** Historic environment
- **LP51:** Air Quality
- **LP53:** Potential contamination

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, 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. Considered to be of relevance to the consideration of this application are policies within the following chapters:

- Chapter 5 – Meeting the challenge of climate change, flood risk and coastal change
- Chapter 6 – Delivering a sufficient supply of homes
- Chapter 12 – Making effective use of land
- Chapter 14 – Achieving well-designed places
- Chapter 15 – Promoting sustainable transport
- Chapter 19 – Conserving and enhancing the natural environment
- Chapter 20 – Conserving and enhancing the historic environment.

Supplementary Planning Documents

- Kirklees Highway Design Guide (adopted November 2019)
- Housebuilders Design Guide SPD (adopted June 2021)
- The Biodiversity Net Gain Technical Advice Note

Legislation

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

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 of 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

The following matters are considered in the assessment below –

1. Principle of development
1. Impact upon visual amenity
2. Impact upon residential amenity
3. Impact upon highway safety
4. Other matters
5. Representations
6. Conclusion

1 – Principle of development:

The site is without notation on the Kirklees Local Plan (KLP).

Policy LP1 of the Kirklees Local Plan states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in Chapter 4 of the National Planning Policy Framework. Policy LP2 sets out that, in order to protect and enhance the character of places, all development proposals should seek to build on the opportunities and help address the challenges identified in the Local Plan.

National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered ‘out of date’ if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land.

The Local Plan identifies a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. National planning policy requires local planning authorities to demonstrate five years supply of deliverable housing sites against their housing requirement.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the Council is currently unable to demonstrate a five-year supply of deliverable housing sites, and delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing development in the context of NPPF.

The Council's inability to demonstrate a five-year supply of housing land, or pass the Housing Delivery Test, weighs in favour of housing development but this has to be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the officer's assessment.

The proposal seeks planning permission for the erection an additional dwelling within the built up area of Almondbury, small developments such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.

In terms of design, Policy LP24 of the Kirklees Local Plan is relevant, in conjunction with Chapter 14 of the National Planning Policy Framework. Policy LP24, together with the Housebuilders Design Guide SPD, suggests that proposals should promote good design by ensuring inter alia that the form, scale, layout, and details of all development respects and enhances the character of the townscape, heritage assets and landscape. Furthermore, it requires that proposals protect the amenity of future and neighbouring occupiers and promote highway safety and sustainability.

In this case, it can be stated that the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity, the impact on the Listed Buildings, as well as other matters which are discussed as follows.

2 – Impact upon visual amenity (including impact upon Historic Environment)

Policy LP24 of Kirklees Local Plan seeks to ensure development is of a suitable design. Chapter 14 of the NPPF sets out the objective to promote high quality, healthy, inclusive and sustainable places, through setting clear expectations about design outcomes and the use of relevant tools and processes.

Policy DP3(1) of the NPPF details that development proposals should respond to their context (the history, character and features of their site and its setting), so that they integrate with and enhance their surroundings; such as through the arrangement of development plots and buildings, the use of materials and architectural features, and the restoration, reuse and integration of heritage assets. This should not preclude innovation or change where appropriate, especially where an increased scale or density of development is justified in accordance with policies L2 and L3.

Also relevant to this is the Kirklees Housebuilders Design Guide SPD 2021, which aims to ensure future housing development is of high-quality design.

Principle 2 of the Kirklees Housebuilders Design Guide SPD states that: *"New residential development proposals will be expected to respect and enhance the local character of the area by:*

- *Taking cues from the character of the built and natural environment within the locality.*
- *Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details.*
- *Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context."*

Further to this, Principle 13 of the Housebuilders Design Guide states that applicants should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area, whist Principle 14 notes that the design of openings is expected to relate well to the street frontage and neighbouring properties. Principle 15 states that the design of the roofline should relate well to site context.

The proposed dwelling would be single storey in height and would be of a contemporary design. The property would be constructed from materials not overly discordant to dwellings within the vicinity due to it featuring natural stone to the front elevation and render to the side and rear with artificial stone for the roof which officers consider would be appropriate for the property style and its integration in the street scene.

The proposed dwelling would also be set back from the public highway and behind the terraced row on Fernside Avenue. Officers consider that its set back would result in the proposal generally respecting the existing building line and properties relationship to the street scene. In terms of footprint and massing, the property and detached garage would not be large in scale within its plot as there is ample space for amenity space to the rear; however, as it is a standalone dwelling located between development which faces north and south, it would not be considered out of keeping given that the surrounding area lacks a uniform character and there is already a degree of variation with regard to scale and design. Therefore, the proposed dwelling would have an acceptable impact within the existing street scene and against the neighbouring properties.

The application site is also of a sufficient size to support a dwelling as proposed with a parking area and garage to the side and a private outdoor

amenity space to the rear. The submitted plans demonstrate the garage would be subservient in scale to the host and would not overwhelm the property. Furthermore, the development would not appear overly cramped, or cause any undue harm to the character and appearance of the area. Whilst the scale of the dwelling is deemed acceptable, it is considered appropriate and necessary to attach a condition (should planning permission be granted) removing permitted development rights for any additions to ensure the site does not become overdeveloped.

The submitted plans and application form provide limited information regarding the proposed boundary treatments. Therefore, in the interest of visual amenity and to ensure that a satisfactory appearance of development is achieved upon completion, a condition will be imposed requiring details of the position, height, and materials of all boundary treatments to be submitted to and approved in writing by the Local Planning Authority.

Impact upon Listed Buildings

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'.

The objective of Chapter 20 of the NPPF is set out as being to conserve and enhance the historic environment. Heritage assets are an irreplaceable resource, and range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The site backs on to a Grade II Listed Building (1-3 Fernside Avenue). The details state the elevations are to be constructed in natural stone with ashlar surrounds with an artificial stone roof. Conditions requested by Conservation & Design for the previous application adjacent to the site 2023/91887 are considered relevant for the consideration of this application and are:

(i) that a sample walling panel should be prepared for inspection;
(i) that the roofing materials be natural stone slates (not artificial as requested) and

(ii) that the windows on the south-eastern elevation should be conditioned to be constructed in timber, but there can be a relaxation to the north-western elevation.

The Conservation and Design team have reiterated the previous comments given under 2023/91887 and have requested natural blue slate and natural stone coursed to match the barn in terms of texture, colour, finish, type of stone and method of coursing.

It is considered that requiring the use of natural stone slates and the submission of specific pointing details would be disproportionate in this instance, given that the proposed development would not directly adjoin a Listed Building. Similarly, the use of non-traditional window materials, such as grey uPVC or aluminium, would not be considered to result in a discordant appearance or cause harm to the character and appearance of the terrace. This is particularly relevant given the established variation in materials, finishes and architectural detailing within the surrounding built form.

It is acknowledged that the application site is situated to the rear of the Listed Buildings, approximately 15 metres away, and occupies a relatively discreet position set well back from the highway. The submitted sections demonstrate the height of the proposed dwelling would be well below the height of the listed buildings. As the development would be located away from and would not directly impact the principal elevation, it would have a more limited relationship with the elements of the building considered to be of greatest historic and architectural interest. Consequently, the introduction of a dwelling within this location would not result in a significant adverse impact on the historic character or significance of the site or the setting of the Listed Building.

In this context, it is considered that requiring the dwelling to be constructed entirely in natural coursed stone, with a natural blue slate roof, as requested by KC Conservation and Design, would be disproportionate to the level of heritage impact identified. While the proposed development would result in some degree of change within the setting of the Listed Building, any resulting harm is considered to be less than substantial and at the lower end of that spectrum. This limited level of harm would be outweighed by the public benefits arising from the provision of an additional dwelling within this established residential area.

It is therefore considered that the proposal would not cause detrimental harm with regard to visual amenity and the nearby Listed Buildings, and would accord with the aims of Policy LP24 and LP35 of the Kirklees Local Plan, Principles 2, 5, 12, 13, 14, and 15 of the Housebuilders Design Guide SPD,

and the aims of Chapter 14 and 20 of the National Planning Policy Framework.

3 – Impact on residential amenity:

Sections B and C of Policy LP24 state that alterations to existing buildings should: "…maintain appropriate distances between buildings' and '…minimise impact on residential amenity of future and neighbouring occupiers."

Further to this, the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

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 Housebuilders Design Guide SPD also provides advised separation distances for residential properties:

- 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.

The site is surrounded by residential properties to the front, sides and rear.

1-5 Fernside Avenue
In terms of the development's impact on the properties to the front, the front elevation of the proposed dwelling would face Nos. 1–5 Fernside Avenue. A minimum separation distance of approximately 11 metres would be maintained between the front elevation of the proposed bungalow and the rear elevation of No. 5, with greater separation distances achieved in relation to the other properties on this row. Given that the proposed openings would be positioned at single-storey level, they would not give rise to harmful overlooking or an unacceptable loss of privacy. Furthermore, fencing is proposed along the rear boundary of the closest neighbouring property

adjacent to No. 5, which would provide an additional degree of screening and further limit any potential overlooking.

Given the single-storey nature and modest scale of the proposed development, it would also not result in any unacceptable overshadowing or overbearing impact upon these neighbouring properties.

109 & 111 Bank End Lane

Single storey properties located to the side /southwest.

No windows are proposed within the south-west facing elevation, and the rear amenity space would benefit from the existing screening provided by the established hedges and trees, which would be retained as part of the development. Furthermore, a separation distance of approximately 12.5 metres would be maintained between the rear elevation of the proposed garage and the rear elevation of No. 111. This separation, together with the single-storey nature of the development, would ensure that the proposal would not result in an unacceptable overbearing impact or harmful loss of light to the neighbouring property.

6, 7 & 8 Rockley Close

Two storey semi-detached properties located to the rear.

Windows are proposed within the rear elevation of the dwelling, which would face the existing boundary treatments and would maintain a separation distance of approximately 15.5 metres from No. 7. The existing boundary treatments would provide a degree of screening between the proposed dwelling and the neighbouring property.

The proposed dwelling would be located to the south-west of No. 5 and would be set a minimum of 3.2 metres from the shared boundary with No. 6, which represents the closest neighbouring property. Having regard to the single-storey nature of the proposed dwelling, together with the orientation and separation distances between the properties, it is considered that the development would not result in any significant adverse impacts in terms of overshadowing, loss of light or an overbearing relationship.

<u>Impact on Residential Amenity of Future Occupiers</u>

Consideration must also be given to the amenity of future residents of the proposed dwelling. Taking into account Principle 16 of the Kirklees Housebuilders Design Guide SPD which sets out that:

'All new homes should aim to be accessible and adaptable homes to meet the changing needs of occupants over time in accordance with Building Regulations' and that 'All new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity and living environments for future occupiers in accordance with Policy LP24'.

National described space standards require the gross internal floor area for a 3 bedroom, single storey dwelling to be a minimum of 74 square metres.

The submitted plans confirm that the dwelling would have an internal floor space of approximately 127m². It is therefore considered that the proposal would adequately meet basic lifestyle needs and provide a high standard of amenity for future occupiers. It is also noted that each of the habitable rooms would benefit from a sufficient amount of natural light. Furthermore, off road parking is proposed south west of the dwelling and an area of private outdoor amenity space is also proposed north west of the application site. For these reasons, it is considered that the proposal would provide an acceptable standard of living for future occupants and would accord with LP24(b) of the Kirklees Local Plan, Principles 6 and 16 of the Council's Housebuilders Design Guide SPD, and the National Planning Policy Framework.

4 – Impact on highway safety:

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 15 of the NPPF 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 Principles 12 and 19 of the Housebuilders design guide which seek to ensure acceptable levels of off street parking, adequate waste storage facilities are provided, are also considered to be of relevance.

KC Highways Development Management has been consulted on the proposal and has raised no objection.

Officers note that planning permission was granted in 2023 for the demolition of the existing builders' store/depot and the erection of two terraced dwellings (Application No. 2023/91887). The approved scheme provided two dwellings with a total of four parking spaces.

The current proposal seeks permission for a single dwelling with two associated parking spaces and would therefore generate a lower parking demand and fewer vehicle movements than the previously approved scheme.

A further application (No. 2026/91664) has also been submitted and approved for the site adjacent to No. 5 Fernside Avenue, involving the demolition of the existing builders' store/depot and erection of a dwelling. If both schemes are implemented, they would collectively provide two new dwellings, broadly equivalent to the number of dwellings approved under application 2023/91887.

The proposal would therefore not result in an intensification of the site's use when compared with the previously approved development, and, having regard to the comments of KC Highways Development Management, is considered acceptable in highway safety and parking terms.

It is therefore considered that in terms of access and highway safety / parking the proposed would comply with Policies LP21 and LP22 of the Kirklees Local Plan, principle 12 and 19 of the Council's Housebuilders design guide and chapter 15 of the National Planning Policy Framework.

5 – Other matters:

Ecology

Chapter 19 of the National Planning Policy Framework are 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.

A 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 for minor sites granted pursuant to an application submitted after 02 April 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.

The applicant has stated the application falls under the 'self build' exemption category within the application forms. Therefore, in light of the submitted detail it is considered the application is exempt from a BNG uplift.

KC Ecology has been consulted on the development and notes that the site is enclosed on all sides by residential buildings and roads and forms part of an

existing garden. Given the nature and location of the site, it is considered unlikely that protected or priority species or habitats are present. KC Ecology has raised no objection to the proposed development. However, in line with the information regarding biodiversity enhancements set out within the exemption statement, a Biodiversity Enhancement Management Plan could be secured by condition. Given the limited scale of the proposal and the findings of KC Ecology, a more proportionate approach would be to secure the installation of a bat box by condition upon the grant of planning permission. This would provide an appropriate biodiversity enhancement having regard to the site's characteristics and the low likelihood of protected or priority species being present.

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.

The site entrance is about 360m from a bus stop with a frequent service, and a similar distance from the edge of Almondbury Local Centre, where there is a large convenience store, a pharmacy, cafes and other services. The location will therefore not force future occupants to be heavily dependent on the use of a private car. Considering the modest nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. A Climate Change statement has been submitted with this application.

Trees

There are no trees within or on the boundaries of the site that are covered by a tree preservation order. There are a few mature trees within the site near to the south-western boundary but since these are not very close to the new build, the development is therefore not considered to be in conflict with Policy LP33 which states that trees of significant value should be retained.

Drainage

The site has not been identified as being at risk of flooding. The application form states that a soakaway will be used for surface water disposal. This is one of the more sustainable options within drainage hierarchy principle and would uphold the aims of NPPF Chapter 5 and Policy LP28 in reducing the causes and impacts of flooding. They are not always practical for small sites in urban areas, but given the size and topography of the site there appears to be no reason why they would not work here. Approval under Building Regulations will be required and so this regime of control will not be duplicated here.

Land contamination

A small part of the site is recorded as potentially contaminated. This appears to be associated with the use of the electricity substation, which is just outside the site, and therefore may have been a plotting error. Environmental Health were consulted on application 2017/94072, which included the potentially contaminated land within its boundary, and raised no concerns. It is considered that in the event of an approval, any potential contamination issues could be addressed by a precautionary condition. This would be in accordance with Policy LP53 of the Local Plan and Chapter 19 of the NPPF.

6 – Representations:

None received

7 – 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 that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **APPROVE**

Decision Authorisation - Delegated Powers

Application Number: 2026/91663

Officer Recommendation: APPROVE

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 to accord with Policies LP01, LP02, LP07, LP11, LP21, LP22, LP24, LP30, LP35, LP51 & LP53 of the Kirklees Local Plan and Policies within Chapters 5, 6, 12, 14, 15, 19 & 20 of the National Planning Policy Framework

2. Prior to any works being undertaken to the superstructure of the building, a scheme which details the facing and roofing materials of construction shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until it has been completed in accordance with the scheme approved by this condition which shall thereafter be retained for the lifetime of the development.
   Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with the aims of Policies LP24 and LP35 of the Kirklees Local Plan, Principle 13 of the Housebuilders' Design Guide SPD and Chapters 14 & 20 of the National Planning Policy Framework.

3. Prior to the development being brought into use, the approved vehicle parking areas shall be surfaced and drained 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 (ISBN 9781409804864) as amended or superseded; and thereafter retained throughout the lifetime of the

development. The areas used for the parking and turning of vehicles shall thereafter be retained and kept free of all obstructions to their use for the parking and turning of vehicles.
Reason: To achieve a satisfactory layout in the interests of highway safety, to minimise the contribution to flood risk arising from increased water run-off, and to accord with the aims of Policies LP21 and LP22 of the Kirklees Local Plan, Principle 12 of the Housebuilders' Design Guide SPD and Chapter 15 of the National Planning Policy Framework.

4. The areas indicated to be used on the proposed site plan for the storage and collection of wastes shall be laid out with a hard surface and made available for use before the dwelling to which they relate is first occupied, and shall thereafter be retained as such, free from obstructions to the storage and collection of wastes.
Reason: To ensure that satisfactory facilities are provided and retained within the site for the separation, storage and disposal of wastes in a way that does not compromise highway safety and efficiency or visual amenity, in accordance with the aims of Policies LP21 and LP24(d) of the Kirklees Local Plan and Principle 19 of the Housebuilders' Design Guide SPD.

5. A minimum of one house sparrow nesting feature (Schwegler 1SP sparrow terrace, or similar) shall be installed on the rear elevation of the new development at eaves level, and not directly above a door or window, before any part of the new development is first brought into use. The feature shall be retained thereafter.
Reason: To ensure that biodiversity net gain is delivered in accordance with the aims of Policy LP30 of the Kirklees Local Plan, Principle 9 of the Housebuilders' Design Guide SPD, and Chapter 19 of the National Planning Policy Framework.

6. 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 (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified

in the approved Remediation Strategy a Validation Report shall be submitted to the local planning authority. 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 ensure that the development does not lead to pollution of the environment or harm to human health, and to accord with the aims of Policy LP53 of the Local Plan and Chapter 19 of the National Planning Policy Framework.

7. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification, no development falling within Classes A, B or E of Part 1, Schedule 2 of the General Permitted Development Order shall be undertaken within the land edged in red on the approved location plan without full planning permission having been first obtained from the Local Planning Authority.
Reason: So as to retain adequate planning control over the site in the interests of preventing inappropriate extensions or outbuildings leading to a loss of visual or residential amenity arising from overdevelopment or overbearing impact, or negative impact upon the setting of the Listed Buildings, 1-3 Fernside Avenue, and to accord with the aims of Policies LP24 and 35 of the Kirklees Local Plan and Chapter 20 of the National Planning Policy Framework.

8. Notwithstanding the submitted details, the solar panels hereby approved to the front / south east facing elevation shall be all black, with no silver linings and shall have a non-reflective coating. The panels shall retained as such thereafter.
Reason: In the interests of visual amenity, to ensure that the development conserves the setting of the Listed Buildings 1-3 Fernside Avenue and to accord with policies LP24 and LP35 of the Kirklees Local Plan and policies within Chapters 14 & 20 of the National Planning Policy Framework.

NOTE: Bats and the places they use for shelter or protection (i.e. roosts) are protected under the Habitats Regulations 2017 (as amended). They receive further legal protection under the Wildlife and Countryside Act 1981 (as amended). Section 43 of the Habitats Regulations makes it an offence to: deliberately capture, injure, or kill a bat; deliberately disturb bats; or damage or destroy a bat roost. Where a licence is required to derogate from the

Habitats Regulations, a grant of planning permission does not constitute consent to proceed with the works insofar as they affect the species in question. The licence must be applied for separately from Natural England, be granted and all licence conditions be complied with for the works to proceed lawfully.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	2026 130-1 LOC	P1	29/06/2026
Existing Plans, Site Sections & Elevations	2026-130-1/101	P1	29/06/2026
Proposed Site Plan & Section	2026130-1/102	P4	26/08/2026
Proposed Bungalow & Garage	2026130-1/103	P4	26/08/2026
Heritage Impact Assessment dated 17 June 2026	2025/130-1 HIA	-	29/06/2026
Planning Cover Letter dated 15 June 2026	2026/130-1 PCL	-	29/06/2026
Biodiversity Net Gain Exemption Statement dated 17 June 2026	2026/130-1 – BNG	-	29/06/2026
Climate Change Statement	-	-	29/06/2026
Application Form	-	-	29/06/2026

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 2024 and otherwise actively engaged with the applicant in dealing with the application. Amended plans have been received showing the dwelling with an artificial stone roof.

Low coal