

# 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:	<b>2024/62/91242/E</b>
Site Address:	Land north east of, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW
Description:	Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure
Recommending Officer:	Liz Chippendale

#### **DECISION - REFUSE**

**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.**

Nicholas Hirst

***AUTHORISED OFFICER***

**Date:** 24/04/2025

#### **Officer report**

**Application:** 2024/62/91242/E

**Site:** Land north east of, Shepley Road, Stocksmoor, Huddersfield, HD4 6XW

**Proposal:** Erection of residential development (50 dwellings) with associated access, parking, public open space, landscaping and infrastructure

## **Site description**

The application site is approximately 2.5 hectares of greenfield land located to the east of Stocksmoor and is bound by a railway line to the north, woodland to the east, Shepley Road to the south with existing dwellings to the south-east and west. The east woodland, Lower Stone Wood, is designated Ancient Woodland.

Access to the site is currently via a field gate from Shepley Road. Shepley Road is a single carriageway two-way road that is subject to a 30mph speed limit.

In terms of existing built form and design, development in the area appears to vary, however, the predominant materials appear to be stone and brick, with the dwellings primarily being two-storey.

The site is allocated as safeguarded land within the Kirklees Local Plan.

## **Description of development**

Planning permission is sought for the erection of 50 dwellings with associated access, parking, public open space, landscaping and infrastructure. The housing mixture (affordable and market) proposed is as following:

- 1bed: 2
- 2bed: 16
- 3bed: 19
- 4bed: 8
- 5bed: 5

The proposal includes 10 units (20%) as affordable housing, as follows:

- 1bed: 2
- 2bed: 4
- 3bed: 4
- 4bed: 0
- 5bed: 0

The proposed units would be a mixture of semi-detached, detached, terraced and apartments.

The proposed dwellings are two storeys with the Osgodby house type, plots 18-21 at 2.5 storeys. The majority of the proposed dwellings would be constructed from stone with plots 9-12, 18-25, 29-31, 41-42 and 45-46 constructed from brick. Those proposed in brick are located to the northern section of the site.

The topography of the site slopes from west to east. There are areas of ground fill proposed, some of which requires the use of retaining walls details of which has not been submitted.

Rear gardens are to be enclosed by a 1.8m timber fence. Where the rear boundaries are adjacent to a highway or public open space, a 1.8m stone wall is proposed. The existing stone wall to the west of the proposed access would be retained and a corresponding stone wall proposed to the east of the access.

The site would be comprehensively landscaped through low level planting and tree planting. Areas of public open space are spread throughout the site but mainly to the north, east and southeast of the site with a proposed Local Area of Play to the east of the access. The submitted document identifies 9,447sqm of public open space, and a play area. A 15m stand-off distance from the Ancient Woodland is shown on the submitted plans, with dwellings being located well beyond the identified 15m line. The land between the Ancient Woodland is to be predominantly public open space.

Access to the site is proposed via a new priority junction on Shepley Road. A loop road formation would provide access to all dwellings with branching private drive provided for plots 4-7, plots 44-47, plots 36-37 and plots 48-50.

The proposed units would each have sufficient off-street parking on private driveways. A number of units also benefit from garages. There are 12 dedicated visitor parking spaces proposed.

A foul water pump station is proposed to the northeast of the site alongside an attenuation tank to the east located within the public open space areas.

### **History of negotiations/amendments received.**

Throughout the application process amendments have been received from the applicant following discussions and feedback from officers. The amended/additional information received is as follows:

- Off-site highways improvements details
- Request for submission of biodiversity metric data
- Request for Waste details
- Request for Landscape plan to include typologies.
- Request for amended site layout plan.

Following the initial comments from officers, subsequent meetings and site meetings have taken place to discuss potential improvements to the scheme, particularly, improvements to the off-site highway improvements.

In response to the advice from officers the applicant submitted a suite of amended and additional information for the proposed off-site highway improvement works. The submitted Transport Assessment Addendum (TAA) references the reduction of the number of dwellings from 50 to 49 in order to

address the issues relating to the development access. However, amended plans to reflect this proposed reduction and amended layout were not submitted formally to the Council, nor are any indicative plans included within the TAA.

### **Planning History (including enforcement history)**

2023/21443            Pre-application comments issued for a proposed residential development.

### **Public/Local Response**

#### Public representations

The application has been advertised by neighbour notification letter, site notice and press advert. This is in line with the council's adopted Statement of Community Involvement.

As a result of the above publicity, 307 representations have been received. A summary of the comments received is as follows:

#### *Principle of development*

- The scale of the development detrimentally changes the nature and character of the village.
- Open green spaces should be preserved.
- Allowing this development may open the gateway to allow further housebuilding in the area which would exacerbate problems.
- It is effectively taking a housing estate onto a village which in recent years has had substantial development already, doubling in size.
- Previous planning application 2009/93597 was refused as the development was a material change of use of agricultural grazing land to car parking and engineering operations. This is inappropriate development within the green belt.
- The proposal is inconsistent with the site's allocation as safeguarded land not yet brought forward for development nor currently allocated for housing.
- This is a 30% increase in the total number of houses in Stocksmoor which will completely change the character of the village.
- The development is on the fringes of the village and not integrated.
- The Governments objectives set out in the NPPF are to ensure that new developments are provided in sustainable locations, where the need to travel is minimised and the use of sustainable modes can be maximised. This is clearly not a sustainable location.
- There is an abundance of empty homes in and around town it would be better to make these habitable than destroy our precious countryside.
- There are plenty of brownfield sites in the area such as old mills that could be converted.

- The land is allocated as safeguarded land within the Kirklees local Plan and should not be used for development until the end of the plan period in 2031.
- Kirklees has a five-year land supply for housebuilding as required by the government.
- The open space is valued by the community.
- There is insufficient justification for changing the use of the land, which clearly has a productive agricultural use, being a good size, free draining and sheltered.
- The sustainability assessment used in Local Plan 1 for the allocation of the site is now out of date and should be updated ahead of any planning permissions.
- The report states that the LPA should produce a Local Plan Review and update by February 2024. This review is not evident and not available in a public forum.

### *Design*

- The proposed dwellings are characterless and like a cheap build with tiny gardens.
- The proposed density of the development is too high.
- The NPPF emphasises the need for well-designed places promoting healthy, safe communities. This development gives none and would have a detrimental impact on the rural villages of Stockmoor and Shepley.
- A dry-stone wall at the bottom of houses on Station Road which borders the field is proposed to be replaced by a fence. The wall is typical of the area and its removal will have a negative impact.
- Spoiling a beautiful area.
- The development would be a major infringement of the LVIA.
- Two and a half storey houses are not in keeping with the village and neither is the use of brick.
- Who will maintain the proposed play area?
- The dwellings would dominate and spoil the skyline behind the existing properties on Station Road.
- The materials are not in keeping with the area which is predominantly stone.
- The dwellings will obscure the open view of the countryside.
- Developers propose to use cheap, reconstituted building materials on unimaginative designs of uniform nature, wholly out of keeping and effectively a large housing estate.
- The home shortages are for smaller, affordable housing and bungalows, none of which are proposed.
- The new homes will be at the bottom of my garden. I will lose my privacy and outlook onto the peaceful field.
- A more tailored and sympathetic approach considering local vernacular design should be adopted.
- The development does not reflect the true character of Stockmoor. The proposal is basic, repetitive, cheap to build box-style houses with artificial stone and slate with very little variation or detail.

- The village has a distinct charm and historical significance and could be compromised by a large-scale modern housing development.
- Stockmoor is a small village with individual homes.
- Poor quality housing laid out on a housing estate grid system with no extra trees.

### *Amenity*

- Noise and air pollution
- The development will increase noise, create adverse impacts on health and quality of life for residents and visitors accessing the area for healthy activity.
- Adverse effects on the amenity of existing residents of the village.
- Station Road is mainly bungalows which would be overlooked and light and views blocked.
- Houses surrounding the site will have their peace destroyed by noise – construction machinery, builder radios and builder's banter.
- The new dwellings will cause overshadowing of rear gardens and windows will overlook causing a lack of privacy.
- The existing residents have a right to their uninterrupted view and quiet environment.
- The proposed 2.5 storey dwelling would tower over the existing bungalows.
- The new dwellings will block light into our home.

### *Highways*

- The development will significantly increase the traffic
- Increased traffic will create serious dangers for cyclists and pedestrians
- The addition of more traffic on the narrow Shepley Road, which is a single track with only one suitable passing place, will lead to chaos and safety hazards.
- The bend at the top of the road is on an adverse camber, blind as you approach from the bottom and extremely dangerous.
- The amount of heavy plant and delivery wagons accessing the site will make the road far more dangerous.
- The village has no amenities such as shops, doctors or schools and so travel by car at key times would increase traffic further.
- The bus and train service are limited and not as suggested by Newett as hourly. Buses are two hourly at best and trains often cancelled.
- Residential travel plan by Newett homes suggests that they could influence the purchasers to work from home; use home delivery for shopping and that minimal traffic would be leaving the site at key times is just fantasy.
- The village is getting busier as people use the village to avoid Penistone Road
- Shepley Road already is routinely blocked by conflicting traffic.
- Footpaths along Shepley Road are non-existent and is a risk to pedestrians.

- Existing the village via the junction with Shepley Road and Station Road will lead to congestion.
- School children gather at the junction with Station Road for the school bus, an excess of traffic may place the children in danger.
- 100 homes will realistically result in over 100 cars, additional visitor cars and deliveries.
- There has been a number of accidents at the crossroads at Cross Lane/Fulstone Road in the last couple of months.
- Stocksmoor Roads are already bad enough that I dare not use a mobility scooter and so my life is restricted.
- Alternative routes in and out of the villahe are also single track into Fulstone and beyond Birks Road and Dam Hill are narrow, busy roads with pedestrians.
- Ever increasing traffic which includes very large agricultural machinery is becoming more dangerous and difficult.
- I am not aware of one person in Stocksmoor who uses public transport to commute. It is non existent and unreliable.
- The nearest shop and GP is in Shepley which means using the already treacherous Stones Wood Lane.
- School children will need to be driven to schools at peak times.
- The bend where the entrance is proposed is dangerous already.
- The traffic assessment is completely incorrect, you cannot walk to any local amenities from Stocksmoor.
- Most houses in Stocksmoor have 2 or 3 cars, there is no reason to assume that this development will be any different.
- The planning report assumes that people will drive a long way round to avoid Stones Wood Lane and use Penistone Road. If this was the case they would have to drive through Thunderbridge or up Dam Hill which is often blocked at the tight junction. Neither being a suitable alternative.
- The figures for visibility do not take into account that traffic travelling from Shepley is travelling up a steep hill and will not see the entrance to the site until near the top on a sharp bend.
- At 30mph, a stopping length of 23m is not enough with the restricted view despite the claim of 38m visibility.
- Trip rates were taken on 12<sup>th</sup> to 18<sup>th</sup> April which is part of the school holiday period, therefore deflating the number of trips.
- Many will use Stone Wood Lane to commute to Sheffied, Wakefield and Leeds towards the M1 via Shepley which will Stone Wood Lane extremely congested.
- There would be a major disruption and danger during the construction phase due to the hundreds of traffic movements necessary for building materials and the workforce.
- Regularly witness frustrated drivers using the existing busy roads as a rat-run.
- Until you reach the A629 or A635, all the roads entering or existing the village are narrow and to be driven cautiously.
- The cross roads at Fulstone Road/Wells House has seen a number of accidents in the last 6 months and a fatality in 2001.

- This route is used regularly by cyclists and walkers and there are considerable implications for road safety.
- Farm traffic with trailers use the road
- At weekend there are already extra parked cars in the village for visiting walkers.
- A lot of villagers are of retirement age and will feel intimidated and unwilling to drive their cars in case they meet huge waggon for the site on the narrow roads.
- Overhanging trees on the route are not maintained, leading to large branches falling during wet, windy or snowy weather and cover the road.
- There are proposals for further development at Storthes Hall campus which would also aggravate the route further.
- Entering and existing properties adjacent to the site is already hazardous and nerve-wracking.
- Speeding is evident in the village and a higher level of traffic is likely to make this more severe.
- The assumption that user will use Penistone Road as an alternative is flawed and a dangerous assumption/recommendation.
- The travel plan is generic and unrealistic.
- The development will increase traffic through Thunderbridge
- There is not enough parking proposed. People will park on neighbouring roads. Garages are counted as a parking space but people rarely park in garages.
- A previous application which proposed change of use of the site for car parking was refused as inappropriate development.

### *Other*

- Shepley already has two ongoing new developments that are not yet completed or fully sold. It raises the question whether there is truly a demand for more houses in these quiet villages.
- Many facilities in the Shepley and Stocksmoor area do not have the necessary capacity to support an extra 50 households, meaning people have to travel further for goods and services.
- Foul sewerage into existing drains which are old and probably inadequate
- The existing drains on Shepley Road and Station Road cannot cope with torrential rain already.
- Development of boggy areas will impact on the current run off of water down the field to the stream leaving water pooling and causing possible flooding to existing and new development.
- The site is within 250m of a former quarry therefore, proposed change will require intrusive investigations.
- There is no assessment of the impact on dental and GP surgeries in the area.
- There are many other areas within Huddersfield that would benefit from housing development, especially the town centre.

- The developer wrote in May 2024 asking for comments on the proposed development. Where are these comments and have they been made available to Kirklees Council.
- The Council declared a climate emergency, including a 63% reduction in carbon emission by 2025 and 100% by 2050. How can such a development, dependent on cars contribute towards this target.
- The safety of equestrian pursuits in and around the village will be put at risk.
- Shepley Road is not gritted or cleared of snow in bad weather. Cars from the new development will park along Shepley Road and into the village when this happens making access to existing properties difficult.
- The local woods and surrounding land is part of the transpennine trail, it attracts walkers, cyclists and horse riders.
- Surface water is to be discharged into stony wood beck. The river is flooded on regular occasions after severe downpours.
- The argument that the development will create jobs will not benefit the village.
- The village already has drainage issues and frequent power outages.
- There are several underground watercourses in the vicinity of the site, excess water and heavy prolonged rainfall has always been an issue.
- The area is not adequately serviced by all utilities, water pressure varies across the village with poor internet connection.
- The houses are not to provide for first time buyers or those in need, they are houses that will be sold at process beyond the ability of most locals to buy.
- There has been an increase in fly-tipping and litter at the lowest point of Stone Wood Lane which may increase with extra traffic.
- The impact of building such a development would cause years of inconvenience, would stop vulnerable people accessing their GP and force mile long detours to take children to school and impact on residents mental wellbeing.
- If the development goes ahead will there be a compensation for home owners for the inevitable drop in the value of their homes.
- Can the existing sewage system cope with the additional homes.
- Public consultation was undertaken after submission of the planning application on 30.04.24. This demonstrates a distinct lack of regard for the local community or desire to take any action based on feedback. Flyers were received on 10.05.2024 leaving no opportunity for consideration of local knowledge.
- The development suggests that Stockmoor would benefit from a park, there are woods and fields to play in and a park at Norton Terrace. Incidentally, this has been neglected and could do so with updating.
- There are no social benefits as very few homes are affordable.
- The development could cause pollution from run off and impact on rivers and the water system.
- The surface water run will probably end up on the railway.
- Can the local broadband/phone network accommodate for the extra houses.

- Yorkshire Water are aware of the flooding of the main sewer pipe which runs through a nature reserve. During periods of heavy rain, the pipe overflows distributing raw sewage over the footpath.
- Electricity in Stocksmoor is controlled by a small substation which regularly fails in cold winters. Another 50 homes would require an entirely new sub station in order to meet the requirements.
- The development will have a negative impact on local businesses, particularly in relation to the availability of commercial property required for business expansion.

### *Ecology*

- An increased number of cars and people would disrupt local wildlife populations, such as the deer.
- The proposed development will mar the landscape and disturb the wildlife.
- The Biodiversity study by Newett dated 26.02.2024 does not hold much weight as at the time of the study most mammals would have been hibernating or less active and flora fauna at dormant stage.
- Fencing of gardens would stop free movement of wildlife
- There is no survey of badgers, bats or great crested newts.
- Adverse effect on BNG and a lack of evidence that required BNG can be achieved.
- Barn owls are seen on the site numbers of which are already in decline.
- Local schools do not have capacity for more children.
- The light pollution will impact on the local wildlife.
- Although the field is farmed, we often see hare, deer, badgers, weasels, bats, owls and nesting pheasants in the field.
- The houses and gardens are too close to the woodland.
- There are many unusual birds breeding in the woods and using the field such as grey wagtails, night jays, willow tits, small owls, tawny owls, kestrels and barn owls.
- Where is the environmental impact assessment
- The beck in the woods is very special due to the unique stone casts on the riverbed.

Amendments to the off-site improvements were submitted on 04.04.2025 to address initial comments from KC Highways DM Officers. A decision was made on the suitability of the proposed improvements to overcome the concerns raised. As officers did not accept that the proposed additional off-site highway works would overcome the initial concerns, a decision was made not to publicly readvertise the details and work towards issuing a decision.

### Local Ward Councillors

All ward Councillors have been notified of this application. The following responses have been received.

Cllr John Taylor – Cllr Taylor requested for the application be delegated to the Strategic Planning Committee should officers be minded to approve the application based on the following concerns:

- This village has no facilities and the local facilities are in the neighbouring village of Shepley which has the shops, doctors, dentist etc as well as access to the A629 which is the major highway route south to the motorway network. This means that this application would see the majority of users seeking to use Stone Wood Lane to connect to Shepley. This is a single track for the majority of it's length with very few passing places, the road is shared with other users, walkers, cyclists and horse riders with no pavements or footways. This road is not gritted and at the bottom of the wood there is often water gathering and in winter this road is notorious for black ice and difficult to navigate safely. Any intensification of the use of the road could not be accommodated and as Highways themselves have concluded there is no way in which this could be addressed. This reason alone should be sufficient to refuse this proposal. The developer's suggestion that drivers would take the much longer route via Thunderbridge and Shelley to reach Shepley flies in the face of common sense and of course Dam Hill is in itself a narrow road with cars parked making it again a single track effectively, so not a great route for increased traffic.
- A secondary consideration is the actual location of the proposed access which is right at the top of the hill coming out of Stones Wood, on a blind bend. As a regular user of this road I know that often cars coming from Shepley Rd towards Shepley cannot see the cars coming up the hill and so to also have traffic trying to enter or exit this site at precisely this point would create a road safety risk. It is also worth noting that the residents of Sun Side park their cars on the grass verge here which also would need to be accommodated, again making this a dangerous corner. It is worth also mentioning that there is no pavements or footpaths here, so pedestrians are also using this space and these villages and adjoining woods are well used by walkers (myself included).
- The third point I feel that should be considered sufficient to refuse this application is of course the impact that this development is likely to have on an ancient woodland, which needs to be protected and the impact of increased surface water run off which is likely to exacerbate the already issues we have with water on Stones Wood Lane and the likely contamination of the brook.

Cllr Bill Armer – Submitted no comments due to his seat on the Strategic Planning Committee.

Parish Council

Kirkburton Parish Council – Object on the grounds of highways; environmental impact; sewer capacity; inappropriate development and residential amenity.

## **Consultation responses**

### *Statutory Consultees*

KC Highways Development Management– Objection. Officers are unable to support the proposals due to the detrimental impact of development traffic on the local highway network (namely Stone Wood Lane), which will adversely impact the safe and efficient movement of traffic (by all modes), and be particularly detrimental to active travel users. There are also concerns relating to the proposed access and site layout which are not acceptable.

The Lead Local Flooding Authority – No objection subject to condition for submission of further details.

### *Non-statutory Consultees*

KC Environmental Health – No objection to the proposed development subject to conditions requiring land contamination information; compliance with the submitted Noise impact assessment; submission of a construction environmental management plan (CEMP) and submission of details for electric vehicle charging.

Yorkshire Water – No objection

KC Landscape –. Requirement for the submission of measured areas and typologies to be submitted for review prior to a decision in order to calculate a monetary contribution if required.

KC Public Health – The development does not meet the criteria for submission of a rapid health impact assessment as it is not within an indicated ward (Kirkburton).

KC Trees –. No objection subject to the submission of an arboricultural method statement.

KC Waste strategy – amendments required to bin collection and storage areas on a plots 13 to 16 and 19, 20 and 30.

KC Highways structures – No objection subject to conditions relating to submission of details of design for proposed retaining walls and location and cross-sectional information of any new attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading.

Natural England – the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Network Rail – No objection to the proposed development, subject to conditions.

The Woodland Trust – The Trust objects to this planning application on the basis of deterioration of Shepley Mill Wood<sup>1</sup>, designated as an Ancient Semi Natural Woodland on Natural England's Ancient Woodland Inventory (AWI).

### **Land allocation and relevant planning 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).

#### Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

The site is allocated as safeguarded land (ref: SLS30) in the Kirklees Local Plan

The relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP6 – Safeguarded land
- LP7 – Efficient and effective use of land and buildings
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP43 – Waste management hierarchy
- LP49 – Educational and health care needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space

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<sup>1</sup> Shepley Mill Wood is further east of the site, with the site's boundary being to Lower Stone Wood, although these woodlands form a continuous block so may colloquially be named interchangeably.

### *Supplementary Planning Documents (SPD)*

- Housebuilders Design Guide SPD (2021)
- Highway Design Guide SPD (2019)
- Open Space SPD (2021)
- Affordable Housing and Housing Mix SPD (2023)

### *Kirklees council guidance documents*

- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund
- Kirklees Interim Housing Position Statement to Boost Supply (2023)

### National Planning Policy Framework (NPPF)

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20<sup>th</sup> December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6<sup>th</sup> 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 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- 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

### Other Guidance

- DCLG: Technical Housing Standards – Nationally Described Space Standard (2015, updated 2016)
- MHCLG: National Design Guide (2021)

### Climate change

The Council approved Climate Emergency measures at its meeting of full Council on the 16<sup>th</sup> of January 2019, and the West Yorkshire Combined

Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

On the 12th of 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **Assessment**

1. Principle of development
1. Urban design
2. Impacts on residential amenity
3. Highway safety
4. Other matters
5. Planning obligations
6. Representations
7. Conclusion

### **1. Principle of Development**

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. The starting point in assessing any planning application is therefore to ascertain whether or not a proposal accords with the relevant policies within the development plan, in this case, the Kirklees Local Plan. If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate the planning permission should be granted.

#### *Land allocation and quantum of development*

The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2022 Housing Delivery Test (HDT) measurement which was published on 19/12/2023 demonstrated that Kirklees had achieved a 67% measurement against the required level of housing delivery over a rolling 3-year period (the "pass" threshold is 75%).

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 paragraph 11 which triggers a presumption in favour of sustainable development. This means that, for decision making:

*“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (NPPF Footnote 8), granting permission unless:*

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (NPPF Footnote 7); or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

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, however this has to be balanced against any adverse impacts of granting permission for a proposal.

In this instance, the site is designated as safeguarded land, where Local Plan Policy LP6 states that the status of safeguarded land will only change through a review of the Local Plan. This is currently in progress.

In the absence of a five-year housing land supply, the most relevant policies to this application are deemed out of date. As the Local Plan safeguarded land policy (LP6) relates to the supply of land for development, including for housing, this policy is considered to be out of date. As such, safeguarded sites provide potential development opportunities that could be facilitated through their early release for housing where development constraints can be overcome.

This position has been reflected in the document Kirklees Interim Housing Position Statement to Boost Supply (February 2024), which confirms that *‘Substantial weight will be given to the presumption in favour of sustainable development for housing development on land identified as safeguarded land in the Kirklees Local Plan, where constraints to development can be overcome.’* The document does continue, by saying:

*Planning permission will be expected to be granted if proposals constitute sustainable development and accord with other relevant policies set out in:*

- the National Planning Policy Framework*
- the Kirklees Development Plan*
- Kirklees Supplementary Planning Documents and other planning guidance.*

*The council will continue to consider planning applications on their individual merits.*

Accordingly, in these circumstances, substantial weight should be given to the presumption in favour of sustainable development (applying the ‘tilted balance’) unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits. However, careful consideration must be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies. These will be considered, where relevant, throughout this assessment.

#### *The quantum of development*

Both the Local Plan and National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations have indicative capacity figures based on this net density figure. Policy LP11 of the Local Plan requires consideration of housing mixture. These requirements are built upon within the Council’s Affordable Housing and Housing Mix SPD (March 2023).

Safeguarded land allocation SLS30 has a gross area of 2.51ha, which, at 30dph, would equate to 88 dwellings. However, through engagement with the applicant, a developable area of 1.7ha has been identified, including removing the east woodland. At 1.7ha, 35dph would equate to 59 dwellings.

The proposal is for a lower amount, at 50 units. The proposal demonstrates a capacity of 29 dwellings per hectare, which is below the policy requirements. Nevertheless, in this case, to secure an acceptable internal layout for highway matters and to secure a buffer of public open space to the ancient woodland to the east, the proposed reduced density of 50 units is, on balance, considered acceptable. Accordingly, the density proposed is considered to adhere to policy LP7.

Policy LP11 requires proposals of more than 10 units to include a mixture of unit sizes, as is elaborated upon within the council’s Affordable Housing and Housing Mix SPD. The SPD sets out expectations for developments’ housing mixture, for both market and affordable units, in terms of unit size. For market housing, the SPD expectations for Kirklees Rural East are shown in comparison to the proposed development below:

	<b>SPD Expected Mixture for Market Units (Kirklees Rural East)</b>	<b>Proposed Mixture</b>
<b>1 and 2beds</b>	30 – 60%	30%
<b>3beds</b>	25 – 45%	38%
<b>4beds +</b>	5 – 25%	32%

The proposed housing mix is broadly in keeping with the expected mixture for market units and is therefore considered in compliance with Policy LP11.

Affordable housing provision shall be considered in section 6 of this report.

In summary, the proposal considered to represent an effective and efficient use of the allocated site (albeit safeguarded land), in accordance with relevant planning policy. The proposal would aid in the delivery of housing to meet the council's targets at a time of need. Therefore, the principle of development is therefore found to be acceptable. Consideration must then be given to the proposal's local impacts, considered below.

### *Sustainable development*

As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions

The site is within the urban envelope, albeit on the edge of the settlement, within a location considered sustainable for residential development. It is accessible, lying within an existing established settlement and close to various local amenities and facilities. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.

In terms of the construction, the applicant has stated:

*...various steps have been taken to ensure the development helps to contribute towards a reduction in the causes of climate change. Every home is designed via a fabric-first approach and will feature renewable technology such as solar PV or air source heat pumps as required by Building Regulations. In addition, every home will seek to reduce water consumption as much as practicable and each home will benefit from electric vehicle charging points as standard. Where homes do not have a garage, a shed will be provided to actively encourage cycling as a sustainable means of transport. Through these measures, the development will as a minimum, achieve the appropriate carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF.*

Other sustainability measures include:

- During the construction phase, the development would support both direct construction jobs onsite, and indirect jobs in the wider supply chain over the build programme. During the construction phase the

development would contribute gross value added (GVA) to the economy through spend within the construction sector.

- During the operational phase, the development would increase the labour force and by association increase local expenditure and the demand for local services; thereby improving their vitality and viability.

The above details are welcome, although are noted to be aspirational. A condition requiring the submission of definitive details is therefore recommended, to ensure reasonable inclusion of the identified measures (having due regard to the separate requirements of Building Regulations).

Regarding the social infrastructure currently provided and available in Stocksmoor (and nearby settlements including Shepley and Shelley) (which is relevant to the sustainability of the proposed development), it is noted that local GP provision is limited, and this has been raised as a concern in many representations made by residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and ageing population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.

Considering climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists) and other measures have been proposed or would be secured by condition (referenced where relevant within this assessment). A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.

## **2. Urban Design**

Policy LP24 states that good design should be at the core of all proposals, through ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape. This is supported by The National Planning Policy Framework (NPPF) which sets out that, amongst other things, decisions should ensure that developments are sympathetic to local character, while not preventing or discouraging appropriate innovation or change (para.130 of the NPPF).

There is development to the west of the site and a small number of individual dwellings to the south east. The site is on the edge of the urban environment, although, further to the north, east and west does transition into an open rural environment. The site slopes from west to east. The layout of the

development has largely been determined by the natural features of the site, regarding respecting and working with the topography and existing woodland. The south of the proposed development extends from the existing urban form leading to the east which is less densely developed with the sloping of the site from plot 27 and transition to open green space and retained ancient woodland. As such, the impact of the development from south and south west along Cross Lane and Stocksmoor Road is reduced due to visibility.

The layout of the development has largely been determined by the natural features of the site, specifically its topography and existing tree planting. The access road has been designed as much as possible to follow the contours of the land and, along with avoiding unduly steep sections, largely dictated by the shape of the land. Despite this, the proposed layout reflects a typical modern residential estate with a main estate road, with several branching private drives, that dwellings would front onto. Dwellings are well sites within their plots, giving suitable separation to the highway and appropriate side to side spacing. Some portions of the site have a higher concentration of front parking spaces; however, these are not unduly common and are suitably broken up by front landscaping.

Regarding views from the public realm, plot one is located closest to Shepey Road, along the proposed access road. The proposed dwelling would face towards the access road, with a side elevation facing towards Shepley Road. The plot design has a sufficient number of windows proposed within this facing elevation to add an active frontage and interest on approach to the development. The proposed development is also set back from Shepley Road, to soften the impact, with small area of public open space with tree planting between the dwelling and Shepley Road. On the other side of the new access is public open space. Overall, the proposed layout would suitably blend into the establish urban grain.

In terms of architectural detailing, the proposed dwellings largely have a contemporary vernacular form, which would not appear out of keeping in the varied architecture elsewhere within the settlement. However, officers advised the applicant of concerns over the proposed dwelling's fenestration layout and details. For several plot types, including (but not limited to) the Maltby, Weatherby, and Marsden, the first-floor window placement is shown immediately under the gutter line, with no separating coursing which is typical in the area (although not wholly without precedent). Also, the use of a single first-floor windows on the rear elevations of the Wetherby and Ripponden house types are also out of keeping with other proposed dwellings, as is the small scale of the front windows within the Osgodby. For the avoidance of doubt, the Collingham's arrangement is broadly in-line with expectation although the inclusion of heads and cills to the rear windows would be expected. Overall, the fenestration details and arrangement within the development is inconsistent both to the wider area and within the development itself, resulting in a disharmonious design that would not reflect

local character. Of note, the design of the windows for the Wetherby, Ripponden and Osgodby should be the same design as those within the other house types proposed. These house types are proposed for the affordable units and should therefore be indistinguishable from the market homes.

Notwithstanding the above, officers consider that these matters could be overcome through a suitably worded condition requiring revision of window details to the identified plots.

The proposed materials of construction are a mixture of stone and brick built dwellings, with stone being most prominent, particularly when viewed from Shepley Road. Each of these materials are evident in the area. Stone, specifically natural stone, appears most prominent but is not dominant, with red and buff brick being common. As there is a mixture of materials within the vicinity of the site, the proposed materials would be considered in keeping with the surrounding built form and could be acceptable, although, the applicant has not specified whether a natural or artificial stone is proposed. The use of natural stone would be the initial expectation of officers, particularly on the most prominent units within the development, although a suitably high-quality artificial material may be considered if suitably justified by the applicant (without prejudice to any future assessment). Nevertheless, officers are satisfied that this matter could be controlled and assessed via a condition: if minded to approve, a condition is recommended for the submission of the material details for approval.

The proposed boundary treatments raise no immediate concerns. The use of 1.8m high fencing to rear gardens, not adjacent to the public realm, is typical for modern developments and appropriate in this case. The use of stone treatments on boundaries which are adjacent to a highway or public open space is welcomed, offering a more attractive aesthetic design. Conversely, typical elevations of the boundary treatment have not been provided to allow for a detailed assessment of the stone boundary appearance. A condition is recommended for submission of full details.

Network rail advises that, due to the nature of the proposed development, there could be an increased risk of trespassing on the railway. As such, a condition has been requested for the erection of a 1.8m high trespass proof fence adjacent to the boundary with network rail. This is considered reasonable and not unusual adjacent to potentially dangerous infrastructure. At 1.8m, it would not appear unduly dominant. Officers agree with the recommendation for such a condition, for details of the fence to be submitted and approved.

The proposed site layout requires the use of retaining walls in some areas. The height of the walls appears to not be significant, however, full details of the structure, materials and extent of the retaining walls would require further assessment. As such, a condition is recommended to secure full details of the design (including materials) and height of any retaining works.

In terms of landscaping and planting, the proposal includes a Landscape Masterplan showing low level planting and trees throughout the site. New trees are proposed adjacent to the highway throughout the layout (but not within it), anticipated to create an attractive green environment. In addition, the proposal includes a notable circa 9,000sqm of public open space, per their Public Open Space (POS) typologies plan. While officers do not necessarily accept every parcel of open space offered as qualifying to be POS, to be considered further in section 6 of this assessment, there is undeniably a sizable provision of open space, including on the frontage, and the buffer zones to the Ancient Woodland and railway.

Network Rail consider that it imperative that planting and landscaping schemes near the railway boundary do not impact on operational railway safety. They advise that, where trees and shrubs are to be planted adjacent to boundary, they should be position at a minimum distance greater than their height at maturity from the boundary.

The submitted landscaping details are an indicative landscaping masterplan. A condition for a fully detailed landscaping strategy, to include management and maintenance details is therefore recommended (giving due regard to Network Rail's operational concerns). The S106 would also include a clause to secure the perpetual management and maintenance arrangements of any non-curtilage open space.

There are no heritage assets in the vicinity of the site that would be materially impacted upon by the proposal. The Grade 2 listed 15, 19, and 21 Cross Lane and the Thunderbridge Conservation Areas are well removed with notably intervening topography and built features, preventing any material interrelationship.

In summary, the proposed works would notably change the character and appearance of the site and wider area. Nonetheless, the proposed development is deemed to be designed with a suitable layout in order to soften the transition to the rural environment and woodland to the east. There are details with regards to the design of the dwelling units and the proposed landscape scheme which would require further approval subject to suitably worded pre-commencement conditions. However, subject to this detail been acceptable, the proposal is considered to comply with the aims and objectives of Policies LP2 and LP24 of the KLP, and Chapter 12 of the NPPF.

### **3. Impacts on residential amenity**

A core planning principle set out in the NPPF is that development should result in a good standard of amenity for all existing and future occupiers of land and buildings. Policy LP 24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that they provide high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.

The closest residential units to the application site are 2, 4 and 5 Sun Side to the southeast of the proposed access; 3 – 7 Shepley Road to the west of the proposed access; 12 Shepley Road adjacent to the proposed access and 1 and 2 – 14 Station Road along the west boundary of the application site.

All separation distances between the new dwellings and existing dwellings adjacent to the site, including those listed above, meet or exceed the minimum separation distances outlined in the council's Housebuilders Design Guide SPD. This is giving due regard to the site's topography. It is noted that no. 7 Shepley Road (A bungalow) would have windows facing the rear elevation and windows of plot 1 at a minimum distance of circa 16m. However, the windows in question for no. 7 are understood to either be secondary or serve a non-habitable room, and therefore the 16m separation distance raises no concerns.

Concerns have been raised by local residents of the impact of the proposed dwellings on their view from and use of the garden. In planning, there is established to be no right to a view. The consideration is whether the development would materially prejudice their standard of amenity. The gardens in question would have a minimum separation distance of 45m between habitable rooms and a minimum separation distance of 31.6m to the new site boundary. Although the proposed dwelling will be at a slightly higher level, due to the significant separation distance, there is would be no considered impact. Furthermore, residential dwellings backing onto each other is not unusual or unreasonable.

Weighing the above, there is considered to be no material impact on the level of residential amenity afforded to the third-party properties listed above with regards to overbearing, overlooking, or overshadowing.

A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.

In summary, subject to the recommended conditions, officers are satisfied that the development would not materially prejudice the amenity of existing neighbouring dwellings. Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.

The sizes of the proposed residential units are a material planning consideration. While scale is a reserved matter, layout is a consideration with the applicant providing building footprints and a schedule of accommodation for assessment. Thus, proposed floor spaces are known and accessible. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions have been required to be NDSS-compliant.

All units meet or exceed the NDSS standards. All would have well-proportioned habitable rooms that are served by good sized windows that provide a clear outlook and level of natural light. The council does not hold policies relating to garden sizes: nonetheless, officers are satisfied that garden sizes are commensurate in scale to their respective host dwellings and overall, the proposed dwellings would offer a suitable standard of amenity for occupiers. The proposed plots 13-16 which are to be one level apartments, would have access to a shared garden to the rear.

Regarding the internal relationship between the new dwellings, overall, the separation distances within the site between the new dwellings are appropriate, raising no issue regarding overbearing, overshadowing, or overlooking between future residents. The exemption relates to plots 4 and 6, which have front elevations facing each other at a distance of circa 13.7m. This distance raises no issues of overbearing or overshadowing. In terms of privacy, it should be noted that these two units are at the end of a private drive and, where they face, would be plot 6's garage (albeit with a window above). Their rear elevations have clear outlooks with suitable distances to their other respective neighbours to the rear. Furthermore, each has a dwelling commensurate in scale to their dwellings. As a result, notwithstanding the front-to-front distance, officers are satisfied that neither occupier (who'd purchase the property aware of the arrangement) would be insufficient from a materially unacceptable standard of amenity.

Public Open Space in excess of circa 9000sqm, consisting of amenity green space, natural / semi-natural green space, and a Local Area of Play (LAP) (details of the LEAP and its implementation recommended to be secured by condition) would be provided on site and would contribute to the amenity of future residents, as well as those in the area. This is a sizable provision, although it does not account for all required typologies (excluding allotments, parks and recreation). To offset the shortfall an off-site contribution would be required, to be spent in the local area. While not on-site, the support to local facilities would indirectly support new and neighbouring residents. This is considered further in section 6 of this report.

The proposed dwellings adjacent the northern boundary would be near to the railway line. The application is supported by a Noise Impact Assessment (by ENS Ref: NIA-10692-23-10857-v2) which considers the impacts of this. The data within the report is based upon a typical standard double-glazed window in conjunction with 2 no. standard trickle vents with calculations showing that the use would meet with the internal requirements of BS8233. The measured daytime levels also show the external amenity areas would meet with the required requirements of BS8233. As such, no further mitigation measures would be required to ensure that the future residents, adequate levels of residential amenity.

To conclude, the proposed development is considered not to be detrimental to the amenity of neighbouring residents. Furthermore, the proposal would secure an acceptable standard of amenity for future residents. Subject to the proposed conditions, the proposal is deemed to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

#### **4. Highway Safety**

The NPPF states that all new development should be assessed in terms of their impact on the existing transport infrastructure, impacts on the safety of users and the impact of encouraging sustainable transport modes. Kirklees Local Plan policy LP21 sets out the matters against which new development will be assessed in terms of highway safety.

Access to the site is currently via a field gate from Shepley Road. Shepley Road is a single carriageway two-way road that is subject to a 30mph speed limit. Immediately to the south of the southern frontage, the speed limit on Shepley Road changes to the National Speed Limit of 60mph and the road name changes to Stone Wood Lane, which leads to Shepley Village.

Access to the site is proposed via a new priority junction on Shepley Road. This access has been designed taking into consideration some of the concerns raised by Kirklees Highways DM officers at pre-application stage. The principles of the site access arrangements are considered appropriate. However, there are a number of concerns that would be required to be addressed for the arrangements to be accepted.

Following the initial comments generated by Kirklees Highways DM officers, a number of meetings and site visits have taken place with the applicant to discuss how outstanding issues could be addressed. This included the scope for mitigation measures that may be possible on Stone Wood Lane, to mitigate the impact of the development traffic. Following this feedback, the applicant submitted additional and amended information which includes proposed improvements to Stone Wood Lane. This is considered, where relevant, in the following assessment.

### *Road safety and highway operational matters*

Highways DM Officers raised concerns at both pre-application stage and within the initial consultation response (dated 14/10/2025), relating to the additional traffic that would be generated along Stone Wood Lane, which is the most direct route leading to Shepley to the east. This route would be attractive to future residents due to the amenities available in Shepley and for onward journeys to the south.

The main concerns related to Stone Wood Lane are due to the physical constraints. The road is a single width track for long sections, has restricted visibility, lacks adequate passing places and has no pedestrian provision. The road also forms part of the National Cycle Network, route 627, and includes a number of connections to public rights of way. Therefore, officers consider that additional development traffic utilising the route would be detrimental to the safe and efficient movement of traffic (by all modes) on this route, and particularly for active travel users.

The applicant was advised that Stone Wood Lane would not be considered suitable for any further intensification in use from the development without improvement, which did not appear to be deliverable within the highway boundary.

Further information has been submitted within the revised TAA, regarding the anticipated traffic impact of the development, including revised estimates of development traffic that may use Stone Wood Lane. Based on the submitted information, it is estimated that up to an additional 17 two-way vehicle trips in the weekday AM peak hour and 19 two-way vehicle trips in the weekday PM peak hour periods may be generated on Stone Wood Lane.

Highways DM officers do not accept some of the trip generation assumptions that have been used to derive the estimated trip generation figures. The figures are based on the assumption that no primary school children living in the development would attend schools to the east and travel to school via Stone Wood Lane.

However, the level of peak hour vehicle trips that has been identified in the TAA, including those that may use Stone Wood Lane, is considered to be acceptable.

It is noted that there are currently circa 163 dwellings in Stocksmoor and its immediate locality. Therefore, an additional 50 dwellings that are proposed at the development site would represent an increase in dwellings in Stocksmoor of +30%. Therefore, based on a worst-case assumption that all traffic using Stone Wood Lane is local to Stocksmoor (which is unlikely to be the case as there is likely to be some proportion of through traffic) traffic levels are unlikely to increase above 30% of current levels.

Based on the maximum two-way peak hour flow observed on Stone Wood Lane in the most recent survey data (see paragraph 2.17 of the latest TAA report), of 77 two-way vehicles that occurred between 17:00-18:00 on Monday 16th December 2024, a 30% increase in these flows would equate to 23 two-way vehicle trips. This is broadly similar to the additional 19 two-way development trips that the TAA estimates may be generated in the weekday PM peak period on Stone Wood Lane, which would represent an increase of 25% (e.g. based on an increase of 19 two-way trips from a baseline of 77 two-way vehicle).

In summary, it is accepted that the development may increase vehicle trips on Stone Wood Lane by approximately 19 two-way trips during peak hour periods.

Notwithstanding the above, the information in the TAA (para. 2.17) identifies that a 'virtual 7-day period' peak hour flow of 55 two-way vehicles on Stone Wood Lane is not accepted as being valid for assessment purposes. This is due to an average over 7 days being irrelevant for undertaking a robust traffic assessment, and as the data does not reflect the previous traffic count data utilised in the original Transport Assessment. The maximum hourly two-way vehicle flow from the previous survey date was 90 two-way vehicles, which occurred on Friday 12/04/2025, and the average weekday AM and PM two-way peak hour vehicle flows were 69 and 70 vehicles respectively.

Therefore, utilising the development traffic increases that have been identified in the updated TAA, traffic is expected to increase on Stone Wood Lane by up to 27% with the average weekday PM peak hour two-way flow increasing to 89 two-way vehicles.

Passing places are usually required on a single-track road at a maximum spacing of 60m and require adequate inter-visibility between them. Following feedback from Kirklees Highways DM and tree officers, the applicant submitted a package of measures that seek to improve the existing passing places on Stone Wood Lane and also to improve forward visibility, with the proposals included in the amended TAA report.

Kirklees Highways DM officers consider that the proposed passing places are likely to be the most that could be achieved within the constraints of the highway boundary, along the most constrained/narrow section of Stone Wood Lane. However, whilst these works would provide some improvement over the current arrangements, officers do not consider that the proposals are

adequate to mitigate the impact of additional development traffic, with the passing bay provision still falling well short of the required provision.

The proposed passing bay improvements are in locations that passing already takes place, which includes gate entrances, on verge areas, and in other naturally created passing places (e.g. not hard paved carriageway areas). Therefore, whilst the proposals would create better quality carriageway surface at the passing places, no entirely new passing places would be created. The proposals presented by the applicant would not increase the number/frequency of passing place locations.

The proposals would increase the size of some of the passing places, as well providing an improved carriageway surface. However, some of the passing places would only accommodate 1 vehicle, so may not be effective. Also, some of the passing places are only 4.2m wide, so would be inadequate to enable two cars to pass.

Whilst there is some proposed vegetation clearance, there are still a number of sections along the route where there would be inadequate inter-visibility between passing places, which cannot be improved due to the horizontal and vertical alignment of the highway, as well as vegetation and other features that are outside the highway boundary that cannot be readily altered.

Although improvements are proposed, there will still be a number of sections of Stone Wood Lane where the spacing of passing places is beyond the recommended maximum distance of 60m which includes the following sections:

- A 140m+ length between ch.700 - 560, which also has restricted forward visibility due to bends and a steep gradient;
- A 60m+ length between ch.520 - 460, which also has restricted visibility due to a bend and the vertical alignment of the carriageway;
- A 100m+ length between ch.440 - 340, which also has restricted forward visibility due to bends;
- A 70m length between ch.300 - 230, which also has restricted forward visibility due to bends;
- A 100m+ length between ch.120 - 20;
- For a 500m section of Stone Wood Lane between ch.20 to 520, the carriageway width is generally between 2.6 - 3.5m wide (except at passing places), which is below the width where a car/van can safely pass a pedestrian or cyclists.

Whilst it is appreciated that the applicant has attempted to offer improvements to Stone Wood Lane to mitigate the impact of additional development traffic route, the potential improvements are significantly limited by existing highway constraints and are not considered to materially improve the current situation or adequately mitigate the development's traffic impact. Therefore, the development would exacerbate existing issues along this route and represent an unacceptable impact on highway safety.

### *Site Access*

The proposed access is a new priority junction on Shepley Road.

The principle of the site access arrangements is considered appropriate. Although initial concerns were raised, these have since been substantially addressed via the information contained within the Transport Assessment Addendum. While the site access proposals have not been subject to a Stage 1 Road Safety process, officers are satisfied that a suitable access arrangement is achievable, and any additional changes and the required stage 1 safety audit may be controlled via a suitably worded condition.

### *Site layout*

The proposed internal road layout has been reviewed by K.C. Highways. Initial concerns were raised regarding the layout, including issues that make the highway layout unsuitable for adoption. These issues have not been addressed formally via amended / submitted plans. However, following discussions and meetings with the applicant, where officers were presented with potential amendments to the layout, officers are satisfied that the highway layout issues could be satisfactorily addressed.

It is noted that the TTA suggested that by reducing the units from 50 to 49 would enable the required changes to the site layout to address the outstanding issues. However, officers consider that a reduction in units may not be strictly necessary to address the issues. Other potential options to address the site layout issues could include alterations to plot layout and/or swapping plot sizes, rather than reducing plot numbers. Fundamentally however, the revised proposals that were informally presented would have gone a long way to address the outstanding issues raised. As such, Highways DM Officers do not object to the principle of the proposed site layout, and any changes and further detail required (including potential changes arising from the required stage 1 Road Safety Audit process) could be addressed via suitably worded pre-commencement planning conditions.

### *Vehicle Parking*

The Transport Assessment confirms that car parking is provided in full accordance with the Council's Highway Design Guide SPD. Therefore, the off-street parking proposals are acceptable. The proposed 12 no. visitor parking spaces, provided in laybys, are welcomed by officers and are generally acceptable. However, some additional visitor parking has been requested on entry to the site adjacent to the play area, but not provided.

The 'secured by design' plan confirms that all dwellings that do not benefit from garages that can be used for cycle parking, would be provided with a secure cycle shed in the rear garden which are accessible by external routes. This provision is acceptable and final details are recommended to be secured via condition.

The site layout plan includes electric vehicle charging points noted within the plan key. However, the charging points are not included within the plan. A condition would be applied to secure full details.

#### *Accessibility and Travel plan*

The supporting Transport Assessment includes a high-level review of the accessibility of the site by non-car modes. However, the review is very basic and does not assess in any detail how residents would access key local and closest services, including schools, which are located within Shepley.

The most direct and convenient route to the nearest facilities in Shepley are within walking distance (1.1km) of the site. However, to access the facilities, pedestrians and cyclists would be required to use Stone Wood Lane which is currently unattractive due to a number of constraints.

The Transport Assessment suggests that the site is served by bus service that operates on an hourly basis which is incorrect. The bus service is generally every two hours (to/from Huddersfield). Officers note that the site is within close proximity to Stocksmoor Railway Station and so the site is reasonably well served by public transport.

The Transport Assessment Addendum commits to a travel plan monitoring fee of £10,000 (£2,000 per annum for five years). A commitment is also made for the supply of a bus and train MCard scheme for future residents, with more challenging targets as part of the Travel Plan. The commitments made by the applicant are considered acceptable and could be secured via condition and a S106 agreement.

#### *Highway impacts conclusion*

In conclusion, officers are unable to support the proposals on the following highway grounds:

*The detrimental impact of development traffic on the local highway network, namely Stone Wood Lane, would adversely impact the safe and efficient movement of traffic by all modes, and be particularly detrimental to active travel users. Mitigation measures have been proposed to Stoney Wood Lane which are considered to be insufficient to mitigate the harm of additional vehicle movements generated by the proposal. The proposal would therefore result in unacceptable impacts on highway safety and the amenity of active travel users utilising the route, contrary to Kirklees Local Plan Policy LP21(a, b, e), LP23, and LP24(dii) and paragraph 116 of the National Planning Policy Framework.*

The harm of the above shortfall in the proposal is considered to amount to an unacceptable impact on highway safety, and the effective operation of the highway network. The additional traffic, without the necessary mitigation,

would also increase the perception of danger and make the route less desirable for active travel users (i.e., walking, cycling), disincentivising alternative methods of travel for existing and new users. The proposal is therefore contrary to Kirklees Local Plan Policy LP21(a, b, e), LP23, and LP24(dii) and paragraph 116 of the National Planning Policy Framework.

## **5. Other matters**

### Impact on the Ancient Woodland and Ecology

Policy LP30 of the KLP states that the Council would seek to protect and enhance the biodiversity of Kirklees. Development proposals are therefore required to result in no significant loss or harm to biodiversity and to provide net biodiversity gains where opportunities exist.

The application site is immediately adjacent to Lepton Great Wood, a registered ancient woodland. Ancient woodland is an area wooded continuously since at least 1600 AD and is irreplaceable habitat. They are valuable natural assets important for:

- wildlife
- soils
- carbon capture and storage
- contributing to the seed bank and genetic diversity
- recreation, health and wellbeing
- cultural, historical and landscape value

The NPPF states that “development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists” (paragraph 180(c)).

For non-statutory, local designations, the site is adjacent to an ancient woodland (Lower Stone Wood) that is also designated as a Local Wildlife Site and Wildlife Habitat Network (which also includes the railway) within the Kirklees Local Plan. Regarding Local Wildlife Sites, policy LP30 states:

*Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, would not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.*

Wildlife Habitat Networks connect designated sites of biodiversity and geological importance and notable habitat links within the district, such as woodlands, watercourses, natural and semi-natural areas. The identification of the Wildlife Habitat Network is intended to protect and strengthen ecological links within the district. When considering a Wildlife Habitat Network, Local Plan policy LP30 states development would be required to:

*(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;*

*(iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and*

Considering the test of the NPPF, due regard must be given to whether the proposal would result in the 'loss or deterioration of the ancient woodland'. Substantial concerns have been raised through local representations and the Woodland Trust over the impact on the ancient woodland, with parties claiming that the development would indeed result in a loss and/or deterioration.

It is considered that the proposal would not result in a direct loss of the ancient woodland. The applicant's EclA states:

*... development is located 30 m (in the case of the new foul water pump station), or 50m (in the case of all residential properties), from the woodland.*

No trees within the ancient woodland would be removed as part of the application. Considering this, and the above detailed separation distances, direct harm would not be caused.

Indirect harm associated with closer human habitation would also be limited, as there is intended to be no access into the woodland as part of the proposal. The applicant continues:

*The Site design does not include informal access to the adjacent woodland. This combined with hedge and tree planting along the eastern boundary of residential properties, and the natural topography of the eastern area of the Site, which steeply slopes eastwards, will discourage access from the development to the woodland, and instead encourage access via existing public footpaths from Stone Wood Lane.*

Officers are satisfied that there would be no direct or indirect loss or material harm to the woodland, including as its function as a Local Wildlife Site and

Wildlife Habitat Network. This is subject to the imposition of the following conditions:

- an Arboricultural Method Statement, to give specific details of tree protection during development.
- Detailed landscaping details, to include planting and/or other measures to restrict human movement into the woodland from the site (without prejudicing animal movements), and management and maintenance details.
- A Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity), building upon the indicative details provided within section 4.0 of the EclA (where relevant), to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species, without and without the woodland.

The Woodland Trust has objected to the proposal, raising the following concerns:

- *Intensification of human activity close to the woodland resulting in increased disturbance to breeding birds and other sensitive fauna, vegetation damage, removal of deadwood, predation and disturbance from domestic pets, trampling, litter or fire damage.*
- *Reduction of semi-natural habitat near to the ancient woodland.*
- *Noise, light and dust pollution, with impacts arising during construction and occupation.*
- *Adverse hydrological impacts occurring where the introduction of hardstanding areas and water run-offs affect the quality and quantity of surface and ground water. This can result in the introduction of harmful pollutants into the woodland, affecting the hydrological condition of the woodland and triggering change to soil characteristics and floral composition.*

To mitigate their concerns, the Woodland Trust has advocated for a buffer zone of at least 30m, along with pre-commencement planting and fencing equipped to manage dust and screening.

As noted above, no new buildings are proposed with 30m, with dwellings being 50m away. Therefore, the principal consideration is where to locate the '*planting and/or other measures to restrict human movement into the woodland from the site*', to limit activities near to the ancient woodland. As public open space, use can be expected, but usage would not be high given the scale of development proposed (even accounting for other local resident usage).

Notwithstanding the Wood Trust's comments, officers do not consider a 30m buffer between the woodland and public open space / human habitation to be reasonable or necessary in this case, based on the details held at this time.

This includes the assessments provided by the applicant, the proposed conditions, and the comments put forward by the Woodland Trust. A 15m separation distance accords with national guidance as a typical minimum. Officers are of the view that, subject to suitable details on the strength of the planting / boundary and planting arrangements, conclude that a 15m buffer boundary would be sufficient. The other concerns raised by the Woodland Trust, which form material planning considerations, would be addressed via the conditions for CEMP: Biodiversity, net gain condition, lighting strategy, and drainage strategy.

In regards to trees within the site that are outside of the ancient woodland, the proposal is supported by an Arboricultural impact assessment. The design of the site is considered to be well thought out with regards to the onsite tree population. The proposed removal of three mature trees to facilitate the access is on balance, acceptable due to their category C classification. The loss of the trees can be mitigated through new planting, which the indicative details showing an appropriate re-planting strategy (to be confirmed via the technical landscaping details which may be secured via condition.

### *Ecology*

Considering the ecological value of the site, the application is supported by an Ecological Impact Assessment (EclA) which provides a comprehensive ecological assessment of the site. The assessment identified two modified grassland fields with an area of bramble scrub to the south and bracken and a stream in the northeastern corner of the site which is considered important at a local level. The site is also considered important at a local level for various local species. As such a recommendation is made for the retained habitats to be appropriately protected during the works and native tree and shrub planting to be incorporated into soft landscaping proposals and for enhancement of existing grassland habitat at the site to take place where possible.

From the suite of protected species surveys undertaken at the site to support the application, the proposed development is predicted to have no significant impacts on any ecological receptors, subject to suitable mitigation measures, which can be delivered through appropriately-worded planning conditions. Notwithstanding this, the report advises that a protected species survey be undertaken prior to works commencing, in case of a change in circumstances, the provision of which is recommended to be secured via condition.

A number of other enhancements measures can also be incorporated into the scheme in order to ensure that provisions for protected species are realised, post development. A condition for an Ecological Design Strategy, to detail ecological improvement delivery is recommended.

A stream is sited within the east corner of the site, which has potential to be impacted upon during construction works. A Pollution Prevention Plan is proposed to be implemented to ensure no significant negative impacts on the stream habitat during construction. This may be secured via condition.

Invasive species were found within, and adjacent to, the site. To ensure they are removed or their spread is prevented, an invasive species protocol is recommended to be secured via condition.

### *Ecological net gain*

The provision of a Biodiversity Net Gain (BNG) of 10% is a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) (hereafter the Act). This is subject to 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.

The applicant has not put forward a case that the development is exempt from the 10% provision, nor do officers consider any exemption applicable. In accordance with national guidance, the application is supported by an assessment confirming the pre-development biodiversity value of the on-site habitat, on the date of application, using the Statutory Metric. The submitted details are acceptable, and deemed sufficient for the purposes of this application to form the basis of a net gain assessment, to be secured via the statutory condition. While the details do include a scheme which demonstrates 10% net gain on site may be feasible, until a formal proposal is provided this is considered to be indicative. Given the scale and nature of the proposal, it is not considered necessary that a detailed design of the 10% be formally secured at this time, and may be addressed via the statutory condition.

In accordance with The Act, due regard must be given to whether the proposed net gain (including enhanced areas of existing habitat) amounts to a significant enhancement. Significant enhancements are areas of habitat enhancement which contribute significantly to the proposed development's BNG, relative to the biodiversity value before development. The Act requires that the maintenance of these significant enhancements must be secured with a legal agreement, for a minimum of 30 years.

Given the proposal includes existing habitats of medium distinctiveness and, based on the indicative details, a distinctiveness change, the works proposed are considered significant from an ecological perspective officers therefore recommend that these provisions be included within the S106 agreement to ensure compliance with The Act.

### *Ecology, summary*

The proposal would not result in the loss or result in a material deterioration of the adjacent Ancient Woodland, subject to the given conditions. Furthermore, there would be no harmful impact on local species and, through the provision of a 10% net gain (via condition), most of which is expected to be delivered on site, the habitat would be enhanced. This ensures that the Ancient Woodland's function as a Local Wildlife Site and Wildlife Habitat Network would be maintained and/or enhanced. As such the proposal is considered to comply with the objectives of LP30 of the Kirklees Local Plan.

### Drainage and flood risk

The application is supported by a Flood Risk Assessment that includes a surface water drainage strategy. This has been reviewed by K.C. Lead Local Flood Authority (LLFA).

The application site is located within flood zone 1 and therefore, the risk of flooding is low. The application is supported by

Considering surface water arrangements, the applicant has followed the drainage hierarchy in reaching their proposed discharge point. Based on the submitted details, officer's accept that infiltration into the underlying soil is not feasible due to the steeply sloping ground to the east of the development and the risk of re-emergence of flows that could de-stabilise the slope. Officers, therefore, accept the proposals within the submitted FRA to discharge attenuated surface water flows to a local un-named watercourse to the east of the site.

It is proposed to discharge to this watercourse, via gravity. Attenuation is to be provided via a subterranean attenuation tank, with the capacity and other features designed such that there is no external flooding for the 1 in 30-year event, and all flows are retained on site for up to the 1 in 100-year event plus climate change. The discharge is to be restricted to the greenfield equivariant rate of 6.2l/s.

These arrangements have been reviewed by the LLFA and are supported, subject to full technical details being provided via condition.

The LLFA have requested that the following conditions be imposed:

- a scheme detailing foul, surface water and land drainage at an agreed discharge rate of 6.2 l/s to a watercourse and attenuation details
- Overland Flow Routing arrangements during the effects of 1 in 100-year storm events

Officers consider this request reasonable and necessary, to ensure appropriate management of flood risk and surface water drainage, and recommend that these conditions be included.

Due to the close proximity of the site to the railway network, Network Rail have advised that it is imperative the drainage associated with the development does not impact on or cause damage to railway assets. There are no concerns this is the case; however, the matter will be considered further the detailed design stage.

The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are also recommended to be secured via a condition.

Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan.

### Lighting

Due to the close proximity of the site to the railway, where lighting is to be erected adjacent to the operational railway, the potential for train drivers to be dazzled must be eliminated. In addition, the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. A condition is recommended, if minded to approve, to secure the detail of any external lighting.

### Air Quality

The development is not in a location, nor of a large enough scale, to require an Air Quality Impact Assessment.

Notwithstanding the above, in accordance with government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and local policy contained within Policies LP24(d) and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. A condition for the provision, and long-term retention, of Electric Vehicle Charging points is recommended. Furthermore, the CEMP previously recommended shall include dust management during construction.

Subject to conditions requiring this provision, the proposal is considered to comply with Policies LP24(d) and LP51 of the Local Plan.

### Contaminated land and Coal Mining Risk

In accordance with Policy LP53, as a major residential development consideration of ground contamination is required. Furthermore, council records indicate the site as being potentially contaminated due to its proximity to a historic landfill. The application is supported by Phase 1 (desktop) which have been reviewed and accepted by K.C. Environmental Health.

The report identifies the need for future on-site investigations (a phase 2 report), which K.C. Environmental Health concur with. Officers recommend this be secured via condition, alongside any sequential remediation and validation submissions.

The site is within the low-risk coal zone and the standard note provided by the Mining Remediation authority shall be placed on the decision notice, if minded to approve.

Subject to the above conditions, the proposal is considered to comply with LP53.

#### Crime prevention

The Council's Designing Out Crime Officer has been formally consulted as part of this application. The officer has raised no objection to the proposed development, however, has requested that a condition requiring security measures for the site be attached to any approval.

#### Public Health

Local Plan Policy LP47 requires proposals for development which are likely to have a significant impact on the health and well-being of the local population or particular groups within it, a Health Impact Assessment may be required.

The application does not meet the criteria for submission of a rapid health impact assessment as the site is not within an indicated ward.

#### Network Rail

Due to the proximity of the proposed development to the operational railway boundary, it is imperative that the works are agreed prior to construction to ensure that the development can be undertaken safely and without impact to operational railway safety.

A pre-commencement condition requiring the submission and approval of a construction methodology is recommended to be added to a permission. An advisory note will also be added directing the developer to the guidance on Network Rails requirements.

### **6. Planning Obligations**

Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) necessary to make the development acceptable in planning terms, (ii) directly related to the development and (iii) fairly and reasonably related in scale and kind to the development.

Following the deadline for the submission of further details (pursuant to highway matters) being missed, the applicant was advised by officers of the LPA's intention to refuse the application within the agreed Extension of Time. Therefore, final negotiations on aspects of the Section 106 agreement were not resolved, as noted below.

### Affordable Housing

Policy LP11 of the Local Plan and the council's Affordable Housing and Housing Mix SPD requires major developments (of 10+ dwellings) to contribute 20% of total units as affordable housing.

For this site, a 20% contribution of 50 units would be 10 units. In terms of tenure, a mixture of 55% affordable rent, 25% first homes, and 20% other intermediate is expected. Guidance on expected plot sizes is set out in the council's Affordable Housing and Housing Mix SPD, as follows:

<i>Kirklees Rural East</i>	<b>Market Housing</b>	<b>Affordable Rent</b>	<b>Affordable Intermediate</b>
<b>1 and 2 bed</b>	30-60%	60+%	40-79%
<b>3 bed</b>	25-45%	20-39%	40-59%
<b>4+ bed</b>	5-25%	0-19%	0-19%

The applicant's proposed mix of the affordable units is:

- 1bed: 2
- 2bed: 4
- 3bed: 4
- 4bed: 0
- 5bed: 0

No details of proposed tenure are held. Officers advised that the proposed affordable units should be 5 x affordable or social rent and 5 intermediate dwellings. Of the 5 intermediate dwellings, 3 units should be First Homes and the remaining 2 can be any other form of intermediate housing.

This detail is yet to be confirmed by the applicant at the time of writing. It is not considered that this matter would be prohibitive to resolve, subject to ongoing negotiations with the applicant.

### Public Open Space

The application submission does not include and agreed measured typologies or details of the proposed LAP. The submitted document includes areas of land proposed as Public Open Space, or specific topographies, which officers dispute. This includes small verges in front of gardens and around the road.

Public open space must serve a clear function; any and all green space does not necessarily be accepted as public open

As such officers are unable to assess the proposal against LP61 New Open Space, which would include a calculation to determine if an off-site contribution would be required. However, it is evident that not all of the council's public open space typologies, per the Open Space SPD, would be delivered on site, and therefore an off-site contribution is expected.

It is not considered that this matter would be prohibitive to resolve, subject to ongoing negotiations with the applicant.

### Education

K.C. Education has reviewed the capacity at nearby schools likely to accommodate future occupiers. A contribution of £25,681.00 towards education provision has been identified by K.C. Education and agreed with the applicant.

The provision of this contribution is considered to comply with the aims of Policy LP49 of the Local Plan.

### Sustainable travel

The site is within walking distance of numerous bus stops that connect the development to the wider area, including Huddersfield Town Centre that in turn connects to the greater region. The bus service is generally every two hours (to/from Huddersfield). Officers note that the site is within close proximity to Stockmoor Railway Station and so the site is reasonably well served by public transport.

The Transport Assessment Addendum commits to a travel plan monitoring fee of £10,000 (£2,000 per annum for five years). A commitment is also made for the supply of a bus and train MCard scheme for future residents, value to be agreed. The commitments made by the applicant are considered acceptable, with the financial components of these to be secured via the S106 agreement.

Beyond this, it is noted that Network Rail have requested a contribution be secured towards improving Stockmoor Railway Station. The station is circa 400m away and, per Network Rail, can be expected to receive additional traffic by virtue of the proposal, warranting a contribution. Based on the information provided by Network Rail, the LPA do not consider such a contribution as necessary to make the development acceptable in planning terms. However, it is noted that, per the above, a bus and train Mcard scheme has been requested.

### Management and maintenance

Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on the site. This

includes the retention and management of front garden trees, arrangements for the management and maintenance of drainage infrastructure (prior to adoption by a statutory undertaker) and Public Open Space on site in perpetuity, and any significant on-site Ecological Net Gain features for a minimum of 30 years.

## **7. Representations**

As a result of the publicity, 307 representations were received. The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

- Allowing this development may open the gateway to allow further housebuilding in the area which would exacerbate problems.

**Response** – Each planning application is assessed on its own merits. An assessment of the impact of such developments is considered by officers including the cumulative impact that multiple development may have on an area.

- There are an abundance of empty homes in and around town it would be better to make these habitable than destroy our precious countryside.

**Response** – Although the use of vacant buildings and brownfield sites are encouraged within the Local and National planning policy, the policy does not prioritise one over the other.

- There is insufficient justification for changing the use of the land, which clearly has a productive agricultural use, being a good size, free draining and sheltered.

**Response** – An assessment of the loss of agricultural land is considered as part of the assessment of the principle of the development for residential use.

### Design

- A drystone wall at the bottom of houses on Station Road which borders the field is proposed to be replaced by a fence. The wall is typical of the area and its removal will have a negative impact.

**Response** – A condition would be added to an approval for submission of details of all boundary treatments to be approved by the LPA prior to occupation. The retention of stone walling, particularly adjacent to the highway and public open space would be encouraged.

- Who will maintain the proposed play area

**Response** – The maintenance of the public open spaces and local area of play would be identified as part of a S106 agreement.

- The home shortages are for smaller, affordable housing and bungalows, none of which are proposed.

**Response** – The proposal offers a mixture of tenure and size within the development which meets the requirements of the area. Although bungalows are not offered as part of the development, this was considered acceptable by Strategic housing officers.

- The new homes will be at the bottom of my garden. I will lose my privacy and outlook onto the peaceful field.

**Response** – The impact of the development on the existing dwellings is assessed in the above report. The right to a view is not a material planning consideration.

- Poor quality housing laid out on a housing estate grid system with no extra trees

**Response** – The proposal contains the planting of trees within the street scene and public open spaces. A condition would be added to a permission for the submission of a landscape scheme and further details of the type of trees proposed.

#### Amenity

- The development will increase noise, create adverse impacts on health and quality of life for residents and visitors accessing the area for healthy activity

**Response** – The application is supported by a noise impact assessment and a permission would be subject to further investigative works with regards to land contamination. A permission would be subject to a construction environmental management plan which would mitigate the impact of the development throughout the construction period for nearby residents and visitors.

#### Highways

- The amount of heavy plant and delivery wagons accessing the site will make the road far more dangerous.

**Response** – A permission would be subject to the approval of a construction management plan which would likely restrict the times and number of trips to the site by heavy plant and larger vehicles in order to minimise any impact.

- Residential travel plan by Newett homes suggests that they could influence the purchasers to work from home; use home delivery for shopping and that minimal traffic would be leaving the site at key times is just fantasy.

**Response** – Officers are aware that the behaviour of future residents could be influenced by the developer but would be unable to be controlled.

- School children gather at the junction with Station Road for the school bus, an excess of traffic may place the children in danger.

**Response** – The impact of the proposed development on other highway users such as pedestrians, cyclists and horse riders has been assessed within the highway comments.

- Regularly witness frustrated drivers using the existing busy roads as a rat-run.

**Response** – The comment is noted by officers.

- The cross roads at Fulstone Road/Wells House has seen a number of accidents in the last 6 months and a fatality in 2001.

**Response** – Highway Safety officers have assessed accident data as part of their assessment of the proposed development.

- A lot of villagers are of retirement age and will feel intimidated and unwilling to drive their cars in case they meet huge waggons for the site on the narrow roads.

**Response** - A permission would be subject to the approval of a construction management plan which would likely restrict the times and number of trips to the site by heavy plant and larger vehicles in order to minimise any impact.

- Overhanging trees on the route are not maintained, leading to large branches falling during wet, windy or snowy weather and cover the road.

**Response** – The road network is lined by privately owned land which is not within the ownership of the applicant or the council. Any dangerous trees/branches should be reported to the council who could take action against the land owner.

- There are proposals for further development at Storthes Hall campus which would also aggravate the route further.

**Response** – Each application is assessed on its own merits. However, the cumulative impact of a number of new developments within close proximity would be a material planning consideration.

Other

- Shepley already has two ongoing new developments that are not yet completed or fully sold. It raises the question whether there is truly a demand for more houses in these quiet villages.

**Response** – A question of demand for housing in the immediate vicinity is not a material planning consideration. As set out within the report and the Local Plan, there is a well document shortfall of housing at a local and national level.

- Foul sewerage into existing drains which are old and probably inadequate

**Response** – This is speculation. Neither the LLFA or Yorkshire Water have objected to the proposal.

- Shepley Road is not gritted or cleared of snow in bad weather. Cars from the new development will park along Shepley Road and into the village when this happens making access to existing properties difficult.

**Response** – The gritting of the road network during bad weather periods is not a material planning consideration. The site would propose adequate levels of car parking for residents. A planning permission would be unable to restrict the parking of cars on the wider highway network.

- Surface water is to be discharged into stony wood beck. The river is flooded on regular occasions after severe downpours.

**Response** – A surface water drainage strategy would be conditioned as part of a planning permission which would assess the proposed route of water form the site.

- The argument that the development will create jobs will not benefit the village.

**Response** – Throughout the period of construction of a development, jobs would be created. Although, officers are unable to control where the work force would locate from.

- The area is not adequately services by all utilities, water pressure varies across the village with poor internet connection.

**Response** – This is not a material planning consideration and would be the responsibility of the developer to ensure that adequate services are provided.

- The houses are not to provide for first time buyers or those in need, they are houses that will be sold at process beyond the ability of most locals to buy.

**Response** - The development proposes 20% affordable units, which equates to 10 dwellings. Officers advised that the proposed affordable units should be

5 x affordable or social rent and 5 intermediate dwellings. Of the 5 intermediate dwellings, 3 units should be First Homes and the remaining 2 can be any other form of intermediate housing. Officers are unable to influence the market price of dwellings.

- There has been an increase in fly-tipping and litter at the lowest point of Stone Wood Lane which may increase with extra traffic.

**Response** – Fly tipping should be reported to the council who can prosecute if necessary. The proposed development would create more presence at the site which may deter fly tipping.

- If the development goes ahead will there be a compensation for home owners for the inevitable drop in the value of their homes.

**Response** – This is not a material planning consideration.

- Public consultation was undertaken after submission of the planning application on 30.04.24. This demonstrates a distinct lack of regard for the local community or desire to take any action based on feedback. Flyers were received on 10.05.2024 leaving no opportunity for consideration of local knowledge.

**Response** – The application is supported by a statement of community involvement.

- The development suggests that Stockmoor would benefit from a park, there are woods and fields to play in and a park at Norton Terrace. Incidentally, this has been neglected and could so with updating.

**Response** – The details of the proposed local area of play would be confirmed via planning condition.

- The development will have a negative impact on local businesses, particularly in relation to the availability of commercial property required for business expansion.

**Response** – Officers are unsure how this comment relates to the proposed residential development.

## **8. Conclusion**

In this case, whilst the proposal would result in the creation of 50 dwellings at a time when the Council is unable to provide a 5-year supply of housing, the proposed scheme would result in an unacceptable impact on highway safety, specifically on the local highway network (namely Stone Wood Lane), which will adversely impact the safe and efficient movement of traffic (by all modes), and be particularly detrimental to active travel users.

A deadline for the submission of a comprehensive package to address these concerns was agreed with the applicant, alongside an extension of time were agreed. The submission of the required details was not met, and the details that were provided and determined on, were unacceptable.

No section 106 agreement has been entered into, and therefore must form a reason for refusal, although, as of the time of writing, no prohibitive reasons why an acceptable agreement could not be entered into by the applicant and LPA is recognised.

In accordance with paragraph 7 of the NPPF, due to the council's lack of a five-year housing land supply and failure of the Housing Delivery Test, the tilted balance is active for the assessment of this proposal. This application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out within this report, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development, giving due regard to the delivery of housing at a time of need, and when assessed against policies in the NPPF and other material consideration.

**Recommendation:** Refuse

**Report Dated:** 23/04/2025

**Application Number:** 2024/91242

**Decision Authorisation:** Delegated Powers

**Officer Recommendation:** Refuse

### Reason(s) for Refusal

1. The detrimental impact of development traffic on the local highway network, namely Stone Wood Lane, would adversely impact the safe and efficient movement of traffic by all modes, and be particularly detrimental to active travel users. Mitigation measures have been proposed to Stoney Wood Lane which are considered to be insufficient to mitigate the harm of additional vehicle movements generated by the proposal. The proposal would therefore result in unacceptable impacts on highway safety and the amenity of active travel users utilising the route, contrary to Kirklees Local Plan Policy LP21(a, b, e), LP23, and LP24(dii) and paragraph 116 of the National Planning Policy Framework.

2. There is insufficient information supporting the application relating to requirements to support local infrastructure, to off-set the impacts of additional housing provision. A Section 106 agreement is required to ensure contributions towards the provision of affordable housing, education, on and off-site public open space, and the ongoing management and maintenance of on-site facilities including the public open space, drainage infrastructure (until adoption), and on-site significant ecological habitats. In the absence of an agreed Section 106 agreement, the proposed development therefore fails to achieve the requirements of policies LP4, LP11, LP28, LP30(i), LP49, and LP63 of the Kirklees Local Plan.

Plans and specifications schedule:

Plan Type	Reference	Version	Date received
House Type Pack dated April 2024	Z159.007	-	01.05.2024
Covering letter dated 29.04.2024	-	-	01.05.2024
Landscape masterplan	H24-0004_001A	1A	01.05.2024
Flood Risk Assessment and Drainage Strategy by AMA dated April 2024	20547-FRADS-001	-	11.06.2024
Ecological Impact Assessment and Biodiversity Net Gain Assessment by SLR dated 24.04.2024	424.065101.00001	2	21.05.2024
Arboricultural Assessment by FPCR dated April 2024	-	-	01.05.2024
POS Plan	Z159-010	-	01.05.2024
Indicative cross sections	Z159.009	-	10.05.2024

Secure by design layout	Z159.008	-	01.05.2024
Indicative Streetscene	Z159.007	A	15.07.2024
Materials Plan	Z159.004	-	01.05.2024
Boundary Treatment Plan	Z159.004	-	01.05.2024
Planning Layout	Z159.100	G	01.05.2024
Site Location Plan	Z159.001	-	01.05.2024
Travel Plan by AMA dated April 2024	20547-002	-	01.05.2024
Transport Assessment by AMA dated April 2024	20547-001	-	01.05.2024
Topographical survey 4 of 4	2161	-	01.05.2024
Topographical survey 3 of 4	2161	-	01.05.2024
Topographical Survey 2 of 4	2161	-	01.05.2024
Topographical Survey 1 of 4	2161	-	01.05.2024
Statutory Biodiversity Metric Condition Assessment	240424_424.065101.00001	-	10.05.2024
Biodiversity Metric	240424_424.065101.00001	-	10.05.2024
Landscape and Visual Appraisal by FPCR dated April 2024	-	B	10.05.2024
Noise Impact Assessment by ENS dated 05.04.2024	NIA-10692-23-10857-v2	2	10.05.2024
Preliminary Geoenvironmental Survey by Lithos dated April 2024	4594/1A	-	10.05.2024
Planning Statement	-	A	10.05.2024
Rapid Health Impact Assessment	-	-	10.05.2024
Proposed indicative engineering levels	Z159	-	10.05.2024
Design and Access Statement	Z159_003	-	10.05.2024
Statement of Community Involvement	-	-	11.10.2024
Draft street scene Station Road	-	-	22.10.2024
Transport Assessment Addendum by TPS dated 24.04.2025	P2835_20250404	-	04.04.2025
Highway improvements Sheet 2	24071-LE-00-ZZ-DR-D-0111-P3	P3	04.04.2025
Highway improvements sheet 1	24071-LE-00-ZZ-DR-D-0110-P3	P3	04.04.2025
Existing road widths sheet 2	24071-LE-00-ZZ-DR-D-0101-P2	P2	04.04.2025
Existing road widths sheet 1	24071-LE-00-ZZ-DR-D-0100-P2	P2	04.04.2025

Vehicle Tracking	24071-LE-00-ZZ-DR-D-0006-P3	P3	04.04.2025
Proposed CL Long Sections	24071-LE-00-ZZ-DR-D-0005-P3	P3	04.04.2025
Proposed contour plan	24071-LE-00-ZZ-DR-D-0004-P4	P4	04.04.2025
Feasibility layout sheet 1	24071-LE-00-ZZ-DR-D-0001-P4	P4	04.04.2025

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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Officers have engaged with the applicant via the Local Planning Authority's pre-application service and during the course of the application. Despite this, concerns, per the reasons for refusal, remain. A deadline for the submission of a comprehensive scheme to address the reasons for refusal (specifically reason 1), was provided, however, was not met by the applicant. Given the deadline was passed, and in accordance with the agreed Extension of Time, officers resolved to determine the application.