



NEWETT
HOMES

PLANNING STATEMENT

Residential Development (Up to 50 Dwellings) with
Associated Access, Parking, Public Open Space,
Landscaping and Infrastructure

LAND NORTH-EAST OF SHEPLEY ROAD,
STOCKSMOOR

REVISION A | APRIL 2024

AUTHOR: BEN GIBSON MRTPI





CONTENTS.

EXECUTIVE SUMMARY.....	2
1. INTRODUCTION.....	4
2. SITE CONTEXT.....	5
3. PROPOSED DEVELOPMENT.....	7
4. PLANNING POLICY CONTEXT.....	12
5. PLANNING ASSESSMENT.....	17
6. CONCLUSION.....	32

APPENDICES.

Appendix A - Pre-Application Enquiry Response (ref. 2023/21443).



EXECUTIVE SUMMARY.

This Planning Statement supports a full planning application made by Newett Homes for residential development at Land North-East of Shepley Road, Stocksmoor. The development will comprise up to 50 dwellings with associated access, parking, Public Open Space, landscaping and infrastructure.

The application site is designated as safeguarded land within the Kirklees Local Plan and is intended to meet additional requirements for residential development that arise during and beyond the Plan Period.

Contrary to the requirements of paragraph 77 of the NPPF, Kirklees Council do not have a five-year supply of specific, deliverable sites. Consequently, the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered and planning permission should be granted unless 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.

This Planning Statement has demonstrated that the proposed development would achieve significant benefits across the social, economic and environmental dimensions of sustainable development, as follows:

Social:

- The proposed development would contribute towards meeting the identified shortfall in housing delivery in Kirklees through providing additional housing on a site intended for residential development to meet identified requirements.
- The proposed development would deliver the right type of housing to meet demands through providing a policy-compliant level of affordable housing and provide a mixture of homes that meet Nationally Described Space Standards and are reflective of identified requirements.
- The proposed development features a design-led approach and has been carefully considered to provide high-quality, well-designed and beautiful placemaking that responds sensitively to the sites setting.
- The proposed development features high-quality, accessible and useable Public Open Space to contribute towards the creation of healthy communities.

Economic:

- The proposed development would achieve a breadth of economic benefits during the construction and operation phases of the development. During the construction phase the development would support direct and indirect construction jobs on-site and in the wider supply chain over the build programme, and contribute gross value added (GVA) to the economy through spend within the construction sector. During the operational phase of the development, 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 Developer would provide monies to the local authority in the form of



S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.

Environmental:

- The development would make an effective use of land, delivering 35.46 dwellings per hectare which aligns with the requirements of Policy LP7 which requires a minimum 35 dwellings per hectare.
- The development provides a significant number of new trees within the site, which far outweighs the loss of 4 no. low quality/value, category C trees required to facilitate the development.
- The development provides a high-quality, well-designed and attractive soft landscaping scheme which retains existing habitats where possible and proposes various other habitats in order to secure a net gain in excess of 10% as required by the Environment Act.
- The proposed development would deliver sustainable design and construction through a fabric-first approach to building; the use of solar PV and air-source heat pumps as required by building regulations; the provision of EV-charging points; and the reduction of water consumption as much as practicable. These measures enable the development to achieve carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF.

The Planning Statement and supporting reports identifies that limited adverse impacts would arise from the proposed development. The local highway network would be impacted due to an increase in vehicle trips, but at only 26 and 24 two-way vehicle trips in the AM and PM peak hours, respectively, this equates to approximately one additional vehicle movement every two minutes during the peak hours; an impact that is considered to be indiscernible in practice. The Landscape and Visual Assessment identifies that there would be localised landscape and visual impacts but finds that the site and its immediate context has the ability in which to absorb change through the introduction of the proposed development and associated landscape proposals. As such, the proposals will be appropriate within the local landscape and settlement context, and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.

These limited, minor adverse impacts are not unacceptable impacts and accordingly, the benefits of the proposed development would significantly and demonstrably outweigh these. As confirmed by paragraph 11 of the NPPF, planning permission should therefore be granted without delay.

This Planning Statement and the plans and documents submitted in support of the scheme demonstrate that the site provides a fully policy compliant scheme whilst contributing towards making up an identified shortfall in housing numbers. The supporting reports demonstrate that there are no technical reasons or environmental impacts that would prevent the site from coming forward for development and that would justify the refusal of planning permission.



1. INTRODUCTION.

- 1.1. This Planning Statement has been prepared by Newett Homes (the “Applicant”) in support of a full planning application for residential development at Land North-East of Shepley Road, Stocksmoor (the “Application Site”).
- 1.2. The application seeks full planning permission for the following description of development:

“Residential Development (Up to 50 Dwellings) with Associated Access, Parking, Public Open Space, Landscaping and Infrastructure”.
- 1.3. The purpose of this Statement is to provide all the necessary information to assess the proposed development and determine the application within the context of relevant local and national planning policies, having regard to any other material considerations that hold relevance to the development of the application site.
- 1.4. The application is supported by a number of reports and drawings as detailed within the submitted covering letter. These documents are referred to throughout this report and should be read in conjunction with this Statement.
- 1.5. The remainder of this Statement takes the following structure:
 - Site Context – this section provides details of the application site, relevant planning history, and any policy designations and environmental constraints;
 - Proposed Development – this section details the proposed development;
 - Planning Policy Context – this sets out the planning policies and guidance documents relevant to the proposed development;
 - Planning Assessment – this assesses the proposed development against the relevant planning policies and other material considerations;
 - Conclusions – this section provides the concluding remarks of the Planning Statement.



2. SITE CONTEXT.

Application Site & Surrounding Area.

- 2.1. The site comprises approximately 2.5 hectares of greenfield land located north-east of Stocksmoor. The site is bound by a railway line to the north, woodland to the east, Shepley Road to the south, and existing residential properties to the south-east and west.
- 2.2. The site forms a T-shaped field, predominantly enclosed by drystone walls. The field is used for hay crops and grazing at respective times of the year. The topography of the site slopes down gently to the north and east; with a steeper incline to the east as it drops down to the woodland.
- 2.3. An existing point of access into the site is taken via Shepley Road. Shepley Road is a single carriageway, two-way residential road. There are existing pedestrian footways and streetlighting to the west, and to the east; there are no pedestrian footways or streetlighting.
- 2.4. An aerial view of the site is provided at Figure 1 below.



Figure 1 - Aerial Image of Application Site.

- 2.5. The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links via Rail and Bus within acceptable walking distances. There are no formal public rights of way within the site, however an existing network is available within the area, in particular, footpath no. KIR/136/10 which can be accessed from Fulstone Road, providing connections to additional footpaths beyond. The site is also located within a suitable catchment for cycling, providing accessible routes to Brockholes, Shepley and Kirkburton.

Relevant Planning History.

- 2.6. There is no relevant planning history relating to this site.



Site Constraints & Designations.

- 2.7. The site is identified as Safeguarded Land (site ref. SLS30) within the adopted Kirklees Local Plan 2019 and is recognised as a site for long term development. Newett Homes have made representations in support of the site during the Council's call for sites in 2019. The Green Belt is located to the north, east and south of the site's boundaries.
- 2.8. The site is located entirely in Flood Zone 1, where the risk of flooding from all sources is low.
- 2.9. The site is not within or adjacent to a conservation area and does not contain any listed buildings. A terrace of 3 dwellings which are grade II listed on Cross Lane, are located approximately 300m to the west of the site. These are physically separated from the site, and not considered to lay within the setting of the listed buildings.
- 2.10. Shepley Mill Wood ancient and semi-natural woodland (ASNW) lies immediately to the east of the site. The woodland is designated as a Strategic Green Infrastructure Network, where priority will be given to safeguarding and enhancing green infrastructure networks and green infrastructure assets. There are no trees located within the site, only to site boundaries.
- 2.11. The Upper & Lower Stones Wood Local Wildlife Site and Local Geological Site also lie adjacent to the eastern boundary. This area is also designated within the Biodiversity Opportunity Zones along with the eastern proportion of the site, where proposals should incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone as per Policy LP30. Land to the northern and eastern boundaries are also identified as Wildlife Habitat Network, where Policy LP30 requires proposals to establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist.
- 2.12. Existing over head cables are located on the site frontage.
- 2.13. The site is also designated within the Mineral Safeguarding area, as is most of Kirklees.



3. PROPOSED DEVELOPMENT.

3.1. Full planning permission is sought for a proposed residential development with associated access, parking, Public Open Space, landscaping and infrastructure.

3.2. In summary, the development proposals are for:

- 50 no. residential dwellings, including:
 - 40 (80%) open market dwellings;
 - 10 (20%) affordable dwellings;
- Access for vehicles and pedestrians via Shepley Rd;
- A network of roads including an internal access road with pedestrian footways, shared surfacing and private drives;
- Private off-street parking and garages;
- Landscaping, private amenity space and (0.92ha) Public Open Space including a Local Area of Play; and,
- Drainage infrastructure and other utility services.

3.3. The development hereby proposed is illustrated on the submitted planning layout drawing, and throughout the wider drawings pack.

3.4. The Proposed Development will provide a range of housetypes aimed at meeting the diverse needs of future residents. Proposed housetypes include 1- and 2-bed maisonettes, and 2, 3, 4 and 5 bedroom terraced, semi-detached and detached dwellings extending from 1 storey massoointtes to 2 and 2.5 storey dwellings in height. The proposed housing mix is as follows:

Type	Number	% of Mix
Open Market Dwellings		
2-bedroom	12	30%
3-bedroom	15	38%
4-bedroom	8	20%
5-bedroom	5	12%
<i>Sub-total</i>	<i>40</i>	<i>80%</i>
Affordable Dwellings		
1-bedroom (apartment)	2	20%



2-bedroom (apartment)	2	20%
2-bedroom	2	20%
3-bedroom	4	40%
<i>Sub-total</i>	<i>10</i>	<i>20%</i>

- 3.5. All dwellings meet or exceed Nationally Described Space Standards (NDSS).
- 3.6. Dwellings will be predominantly constructed of artificial stone, with a number of plots throughout the development being red brick to add visual interest to the streetscene. The proposed materials are in keeping with the local context, in particular, existing development located east of the site which sees a mixture of materials and styles of existing properties.
- 3.7. Each home will be provided with dedicated off-street parking and amenity space.
- 3.8. The site sees a high-quality scheme of hard and soft landscaping, including a variety of hard surfacing, street trees, hedgerows, grassed amenity areas and species-rich planting.
- 3.9. Access to the development would be taken from Shepley Road, with pedestrian footpaths provided on both sides of the access and footpath improvements along the site frontage, connecting into the wider area. From the access road, an area of public open space (including a Local Area of Play) is provided and residential development extends within the site, with tree lined access routes throughout the site. Due to levels, the land within the eastern part of the site will largely remain undeveloped save for the proposed drainage attenuation area and foul water pumping station, and habitat enhancements for Biodiversity Net Gain.

Statement of Public Consultation.

- 3.10. This section of the Planning Statement outlines the approach Newett Homes have taken to pre-application consultation with the local planning authority, consultees, elected members, and the local community.

Local Plan Consultation

- 3.11. As set out previously, the site is allocated as safeguarded land for potential future development (SLS30) within Kirklees Council's Local Plan 2019. Kirklees Council conducted extensive consultation and community engagement on the Local Plan prior to its adoption. This included multiple rounds of consultation and events community events during Regulation 18 Phase and Regulation 19 Phase. Each round of consultation provided the opportunity for the local community to engage with the Local Plan process and provide feedback on specific site allocations – including SLS30. Kirklees



Council considered all feedback received during the Local Plan, which informed the decision to allocate the site as safeguarded land for potential future development.

Pre-Application Enquiry.

3.12. Newett Homes submitted a formal pre-application planning enquiry to Kirklees Council on 18 October 2023. The pre-application enquiry comprised the following documents:

- Pre-Application Form;
- Covering Letter;
- Draft Planning Layout; and
- Landscape and Visual Assessment Photo Viewpoints.

3.13. The pre-application planning enquiry was assigned reference no. 2023/21443 and a formal response to the enquiry was provided by the local planning authority on 18 March 2023.

3.14. The response includes detailed planning advice in relation to the principle of the proposed development and relevant technical considerations, following consultation with the following consultees:

- KC Ecology
- KC Policy
- KC Environmental Health
- KC Highways Development Management
- KC Strategic Housing
- KC Lead Local Flood Authority
- KC Trees
- KC Waste Management
- KC Public Health
- KC Highway Structures
- KC Education
- West Yorkshire Police Designing Out Crime Officer

3.15. In respect of the principle of development, the Council's pre-application enquiry response states:



“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 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.

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. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.

Therefore, the development of this site for housing could be justified as part of a future planning application, subject to the relevant planning considerations (including site constraints) being addressed”.

- 3.16. The pre-application enquiry response identifies key matters to overcome as highway safety and the layout of the development.
- 3.17. Following the receipt of the response, a meeting was held between Newett Homes and officers from planning and highways on 23 February 2023.
- 3.18. Planning officers also engaged with the three ward councillors for Kirkburton ward as part of the formal pre-application process. The members were notified of the pre-application and invited to provide early feedback on the proposed development. The councillors also raised issues including the principle of the development at the site, highways access and the structural stability of the railway line embankment.
- 3.19. Newett Homes has taken all feedback on board in developing the final plans ahead of submission and the relevant planning documents highlight the design response to the issues raised.



Public Consultation.

- 3.20. In order to reach a wider audience for the consultation, it was considered prudent to undertake postal public consultation. Consultation leaflets will be issued to residents and businesses within the immediate vicinity of the application site. Leaflets will also be issued to ward councillors for Kirkburton ward and the MP.
- 3.21. The leaflet provides the opportunity for the submission of comments and those consulted invited to provide feedback on the proposals via email or via the freepost tear-off slip.
- 3.22. A detailed Statement of Community Involvement will be produced following conclusion of the consultation process.



4. PLANNING POLICY CONTEXT.

Statutory Development Plan.

- 4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.
- 4.2. The statutory Development Plan for Kirklees comprises the Kirklees Local Plan (adopted February 2019). The Local Plan, which covers the period 2013 to 2031, contains the Strategy and Policies document, Allocations and Designations document and the Policies Map. The Strategy and Policies document sets out the Council's overarching development goals and the Allocations of Designations document sets out the allocations and designations included in the Local Plan.

Kirklees Local Plan 2019: Allocations and Designations.

- 4.3. The Application Site is designated as safeguarded land (ref. SLS30) within the Allocations and Designations document.
- 4.4. The intention of the safeguarded land designation is to identify sites which will potentially accommodate development beyond the end of the plan period to ensure that green belt boundaries will last beyond the end of the plan period.

Kirklees Local Plan 2019: Strategy and Policies.

- 4.5. Relevant policies contained in the Kirklees Strategy and Policies document are summarised below.
- 4.6. Policy LP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It confirms that the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 4.7. Policy LP3 relates to the location of development. Part 1 of the policy requires development to reflect a) the size and function of a settlement; b) place-shaping strengths, opportunities and challenges for growth; c) spatial priorities for urban renaissance and regeneration; and d) the need to provide for new homes and jobs. Part 2 of the policy confirms that Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way.
- 4.8. Policy LP6 designates sites as safeguarded land to meet long-term development needs. The supporting text to Policy LP6 states that safeguarded land is identified as land to be protected from



development during the Local Plan period but to be considered for development through a review of the Local Plan.

- 4.9. Policy LP7 seeks to ensure development makes an efficient and effective use of land. It sets out that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme.
- 4.10. Policy LP11 states that all housing proposals should be of high quality and design and contribute to creating mixed and balanced communities. With regards to affordable housing, Policy LP11 states that the proportion of affordable homes should be 20% of the total units on market housing sites, though acknowledges that the proportion may be less where viability evidence demonstrates that there are development costs which would prejudice the implementation of housing schemes.
- 4.11. Policy LP20 supports development proposals that can be served by alternative modes of transport such as public transport, cycling and walking, and that will be located close to local facilities.
- 4.12. Policy LP21 expects development proposals to show that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 4.13. Policy LP22 requires that development proposals show full details on the design and levels of parking provision. It also requires applicants to demonstrate how the design and amount of parking proposed is the most efficient use of land within the proposed development, as a part of encouraging sustainable transport.
- 4.14. Policy LP24 seeks to ensure proposals promote good design.
- 4.15. Policy LP27 states that development proposals must be supported by an appropriate Flood Risk Assessment in line with national planning policy.
- 4.16. Policy LP28 encourages the use of Sustainable Drainage Systems (SuDS) within new development.
- 4.17. Policy LP30 seeks to protect and enhance the biodiversity and geodiversity of Kirklees.
- 4.18. Policy LP32 states that development proposals should be designed to take account of, and seek to enhance, the landscape character in the area.
- 4.19. Policy LP33 sets out that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 4.20. Policy LP34 requires proposals to conserve and enhance waterbodies.
- 4.21. Policy LP52 seeks to protect and improve environmental quality and protect against adverse impacts relating to factors such as noise, vibration, light and dust.



- 4.22. Policy LP53 relates to contaminated and unstable land and requires the submission of a land contamination assessment.

Other Material Considerations.

National Planning Policy Framework (December 2023).

- 4.23. National policy is set out within the National Planning Policy Framework (NPPF) 2023 which forms a material consideration in planning decisions.
- 4.24. The Revised Framework was published in December 2023 and sets out the Government’s planning policies for England and how these are expected to be applied. Paragraph 3 confirms the Framework should be read as a whole.
- 4.25. The Framework contains policies to guide both plan making and individual planning decisions to ensure the planning system contributes towards the achievement of sustainable development. Paragraph 7 confirms that the prose of the planning system is to contribute towards the achievement of sustainable development, including the provision of homes.
- 4.26. Paragraph 8 recognises that achieving sustainable development requires the planning system to have three overarching objectives: an economic, social and environmental objective. These objectives are interdependent and need to be pursued in mutually supportive ways, to secure net gains across each of the different objectives. Notwithstanding this, there is no requirement to fulfil all three objectives to an equal extent and gains over one or two objectives can outweigh harm to the other objectives. The three objectives of the planning system are defined as follows:
- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.



4.27. Paragraph 9 states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.28. Paragraph 11 confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay. Paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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.

4.29. In the case of this development proposal, the sections of the NPPF that are most relevant are:

- Section 2: Achieving Sustainable Development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 6: Building a strong, competitive economy;
- Section 8: Promoting healthy and safe communities;
- Section 9: Promoting sustainable transport;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change; and,
- Section 15: Conserving and enhancing the natural environment.

Planning Practice Guidance (PPG).

4.30. The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF.

Kirklees Supplementary Planning Documents (SPD).



4.31. Kirklees Council have adopted a number of SPDs which seek to guide developments. The following SPDs are relevant to the proposed development:

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



5. PLANNING ASSESSMENT.

Principle of Development.

- 5.1. Nationally, there is an identified need for housing. Section 5 of the NPPF relates to delivering a sufficient supply of homes and recognises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed (paragraph 60).
- 5.2. In order to deliver a sufficient supply of homes, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years where an authority have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need.
- 5.3. A local authority is not required to identify and update annually a five-year housing land supply if their adopted plan is less than five years old and that the adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.
- 5.4. Kirklees Councils' Authority Monitoring Report (December 2023) identifies the current housing land supply position to be 3.96 years.
- 5.5. The Kirklees Local Plan was adopted on 27 February 2019, and turned 5-years old on 27 February 2024, therefore the Council are required to demonstrate at least a five-year supply of specific, deliverable sites, as per paragraph 77 of the NPPF.
- 5.6. In the absence of a five-year housing land supply, the application of the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered.
- 5.7. Paragraph 33 of the NPPF requires local plans to be assessed on whether they need updating at least once every five years and should be updated as necessary. Reviews should take into account changing circumstances affecting the area, such as the under-delivery of housing to maintain a five-year housing land supply.
- 5.8. As the Kirklees Local Plan has passed its 5th year since adoption, the Council has confirmed the intention to undertake a review of the Local Plan, publishing a report to Cabinet seeking endorsement and recommendation to Full Council to commence a full update of the Local Plan. However, such a review is not expected to reach adoption until 2027/28, therefore the presumption in favour of sustainable development is further triggered on this basis.
- 5.9. Paragraph 11(d) of the NPPF states that:



“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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”.*

5.10. In respect of Paragraph 11(d)(i), the eastern boundary of the site abuts ancient woodland, an irreplaceable habitat which requires application of paragraph 11(d)(i). However, owing to the distance between ancient woodland and the developable area of the site, as well as site topography, there would be no adverse impacts to ancient woodland; this is discussed later within the Report.

5.11. Consequently, paragraph 11(d)(ii) is engaged, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Scheme Benefits.

Delivering a Sufficient Supply of Homes.

5.12. As previously stated, Kirklees Council do not have a five-year supply of specific deliverable housing sites. The Council are therefore not meeting the requirement of National policy to deliver a sufficient supply of homes. This impacts the Council’s ability to meet their Spatial Development Strategy, as set out in the Local Plan, which identifies the Council will achieve sustainable housing growth through the delivery of a minimum of 31,140 new homes across the plan period, or 1,730 new homes per annum.

5.13. In response to this, Kirklees Council have published an Interim Housing Position Statement to Boost Supply (October 2023). This document sets out the Council’s approach to decision-making in order to boost the supply of housing in a sustainable manner and ensure unplanned housing development avoids conflict with key planning policies.

5.14. The document states:

“The council will seek to ensure that acceptable housing developments are supported through the development plan process and that unacceptable proposals will continue to be rejected. It is therefore important to manage the release of additional housing land to help boost supply and to ensure that development only takes place in sustainable locations and can be delivered in a timely manner. As such the council will apply the decision-making principles as set out in boxes 1, 2 and 3”.

Principles 1, 2 and 3 are summarised below:

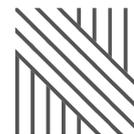


- **Principle 1 - Presumption in Favour of Sustainable Development:** The Council will apply the presumption as required by the NPPF. In reaching a decision about new housing developments, the housing land supply position will need to be balanced against other factors in the Development Plan and/or the NPPF which could result in the refusal of planning permission.
- **Principle 2 - Safeguarded Land:** The Council will afford substantial weight 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.
- **Principle 3 - High Quality Design:** The Council will expect housing developments to be designed to a high-quality and be socially inclusive to help deliver quality places.

5.15. As detailed previously, the Site is designated as safeguarded land within the Kirklees Local Plan (site ref. SLS30). Principle 2 therefore applies, and the Council will afford substantial weight to the provision of housing at the Site.

5.16. The development of up to 50 new homes will make a valuable contribution towards the Council's housing land supply. The development provides a mix of housing types and sizes, which meet identified requirements within the Kirklees Affordable Housing & Housing Mix Supplementary Planning Document (SPD). The table below details how the proposed housing types and mix correspond with locally identified requirements for 'Kirklees Rural East':

	Identified Requirement	Proposed Mix
Open Market		
1 & 2 bed	30 – 60%	30%
3 bed	25 – 45%	38%
4+ bed	5 – 25%	32%
Affordable		
1 & 2 bed	60+%	60%
3 bed	20 – 39%	40%
4+ bed	0 – 19%	0%



- 5.17. As evidenced in the table above, the proposed development broadly meets locally identified requirements as per the Affordable Housing & Housing Mix SPD.
- 5.18. The proposed development would also deliver a policy-compliant level of affordable housing, including 3 no. first-homes, 2 intermediate tenure, and 5 affordable rented properties.
- 5.19. Overall, the proposed development would make a valuable contribution towards meeting the identified shortfall in housing land in Kirklees. The development would provide a mix of dwellings of varying types and sizes, including open market and affordable homes, all constructed to Nationally Described Space Standards, to meet the diverse needs of the Districts' population.
- 5.20. As per principle 2, substantial weight will be afforded to this consideration, providing the proposed development would reflect the presumption in favour of sustainable development and achieve high-quality design. In respect of principle 3, the design of the scheme is discussed within the Scheme Benefits section of the report, and the wider Planning Statement undertakes a balancing exercise of the benefits and adverse impacts of the scheme, demonstrating that the benefits significantly and demonstrably outweigh any adverse impacts.

Making Effective Use of Land.

- 5.21. Section 11 of the NPPF seeks to promote an effective use of land to meet the need for homes, whilst safeguarding the environment and ensuring safe and healthy living conditions. Policy LP7 of the local plan reflects this priority of the NPPF and requires development proposals to make an efficient and effective use of land and buildings. Policy LP7 expects a net development density of at least 35 dwellings per hectare.
- 5.22. The developable site area has been calculated at 1.41 hectares, therefore the provision of 50 dwellings at the site results in a density of 35.46 dwellings per hectare (DPH). This density aligns with the requirements of Policy LP7 and would therefore make an effective use of land as required by Section 11 of the NPPF.

Achieving Well-designed and Beautiful Places & Promoting Healthy and Safe Communities.

- 5.23. Section 12 of the NPPF states that the creation of high-quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Section 8 requires planning policies and decisions to achieve healthy, inclusive and safe places and beautiful buildings. The importance of good design is enshrined in local policy, with policy LP24 setting out design requirements for development proposals.
- 5.24. The application is supported by a Design & Access Statement which details how the development relates to the site and its wider context, and how the design has evolved. This document should be in conjunction with the Planning Statement.



- 5.25. Qualities of successful placemaking and good design are seen throughout the layout of the site which sees a safe and secure, efficient and legible layout which features active frontages throughout; safe, useable and accessible public open space, a strong and extensive landscaping scheme; and the creation of a network of new footpaths to maximise connectivity within the site and wider area.
- 5.26. A high-quality entrance is provided to the site. A number of large trees are positioned along the site entrance with Shepley Road, and the existing dry-stone walling is retained as much as practicable to create a pleasant and inviting entrance to the site.
- 5.27. Close to the site entrance, a Local Area of Play (LAP) is proposed, offering a convenient location for future residents of the site, and residents of Stocksmoor.
- 5.28. Within the site, the access extends and forms a loop road. The main access road features 2 no. 2 metre footways before ramping up to a shared surface; a space which pedestrians and vehicles can share in harmony. The highway is lined with trees to create tree-lined streets in accordance with Paragraph 136 of the NPPF. All street trees will be conveyed to a Management Company, ensuring their future retention.
- 5.29. A high-quality and attractive streetscene is secured via the use of a variety of housetypes, including apartments, semi-detached and detached properties, between 2 and 2.5 storeys in height. Each housetype is high-quality and features attractive architectural detailing throughout. All dwellings are constructed of either brick or artificial stone. Additionally, all dwellings feature dedicated off-street parking and private amenity space or accessible public open space. The proposed housetypes are considered to help create a development that is attractive, has a strong sense of place and responds positively towards local vernacular.
- 5.30. Each home is designed to Nationally Described Space Standards (NDSS) to ensure all dwellings feature reasonable indoor amenity space. All homes feature adequate and useable garden space and enjoys easy access to Public Open Space including a Local Area of Play. All dwellings have been designed to allow sufficient separation distances between proposed dwellings and existing neighbouring uses to ensure no adverse amenity issues arise.
- 5.31. Each home features a sufficient amount of off-street parking provision, as informed by the Highway Design Guide SPD which requires 2 parking spaces for 2 & 3 bedroom homes, and 3 spaces for 4+ bedroom homes, in accordance with policy LP22.
- 5.32. To ensure a safe community, the layout has been informed by Secure by Design principles. The development has been designed so dwellings back onto any existing neighbouring residential development to create secure site boundaries. Within the site, the development has been designed to create blocks, again, to create secure site boundaries. Boundary treatments comprise either 1.8m



high timber fencing or stone walling to ensure rear gardens are secure. Care has been taken to ensure rear garden gates are visible from the streetscene. Active frontages have been integrated throughout the development to ensure the streetscene is overlooked, particularly around the areas of Public Open Space and the Local Area of Play.

5.33. A high-quality, well-designed, and attractive soft landscaping scheme is proposed. The submitted landscape masterplan includes the retention of areas of existing bramble and bracken on-site, and the following proposed species:

- Turf to front and rear gardens;
- Resilient grass seed to grass verges;
- A variety of trees including larger trees in POS areas, street trees, fruit trees and feature trees;
- Native woodland scrub mix;
- Shade tolerant grassland;
- Ornamental/native shrubs;
- Species rich meadow grassland;
- Recreational grassland;
- Hedgerows;
- Mixed native scrub mix;
- Wildflower meadow; and,
- Spring flowering bulbs.

5.34. The above soft landscaping elements work to create a high-quality development that will contribute towards the creation of biodiversity net gain on-site for habitat and hedgerow units.

5.35. Overall, the proposed development is well-designed, high quality and will create an attractive environment, reflective of the wider settlement of Stockmoor. On this basis, the development would contribute towards the creation of well-designed and beautiful places and deliver healthy and safe communicates as required by the NPPF and meet the requirements of policy LP24.

Planning for Climate Change.

5.36. National policy places great importance on delivering sustainable development to mitigate climate change. As such, 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.

Building a Strong, Competitive Economy.

- 5.37. Section 6 of the NPPF relates to building a strong, competitive economy. Paragraph 81 confirms that ‘significant weight should be placed on the need to support economic growth and productivity’. Paragraph 8 of the Framework confirms that net gains across the economic objective of the planning system should be pursued in order to contribute towards achieving sustainable development.
- 5.38. The development would achieve socio-economic benefits during both the construction and operational phases of the development.
- 5.39. During the construction phase, the development would support both direct construction jobs on-site, 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.
- 5.40. 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 Developer would provide monies to the local authority in the form of S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.
- 5.41. These socio-economic benefits weigh in favour of the development and would contribute towards achieving sustainable development.

Conserving and Enhancing the Natural Environment.

- 5.42. Paragraph 8 of the NPPF confirms that securing net gains across the environmental objective of the planning system is central to achieving sustainable development. Section 15 of the NPPF requires planning decisions to contribute to and enhance the natural environment.
- 5.43. A suite of local policies seeks to protect and enhance the natural environment. Policy LP30 seeks to protect and enhance the biodiversity and geodiversity of Kirklees. Policy LP33 requires proposals to avoid unacceptable losses of trees. Policy LP34 requires proposals to conserve and enhance waterbodies.

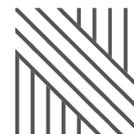


Trees

- 5.44. Policy LP33 sets out that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.
- 5.45. There are no trees within the site, but many individual trees and groups are located to the site boundaries. An Arboricultural Assessment has been prepared in support of the application.
- 5.46. The Arboricultural Assessment identifies that the only trees requiring removal are 4 no. category C trees, 3 of which are located on the site access and require removal to facilitate access into the site. The fourth tree is located to the north-western corner. All other trees to site boundaries will be retained.
- 5.47. Given that only 4 no. low quality/value trees are proposed to be removed to facilitate the development, it is not considered that there are any unacceptable arboricultural impacts. This is particularly so when the proposed tree planting is considered, which will significantly increase the amount of tree planting on the site. It is therefore considered the development complies with Policy LP33.

Ecology & Biodiversity Net Gain

- 5.48. Policy LP30 seeks to protect and enhance the biodiversity and geodiversity of Kirklees. Policy LP34 requires proposals to conserve and enhance waterbodies.
- 5.49. An Ecological Impact Assessment (EclA) has been prepared in support of the application to consider potential impacts arising to ecology and biodiversity net gain.
- 5.50. The EclA identifies that the site is not designated as a statutory site and that none are present nearby with the potential to be affected. Within the site, the UKHab Survey 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. The stream was considered important at a local level. The Site is considered important at a local level for breeding birds, badger, reptiles and bats.
- 5.51. In order to mitigate any losses of on-site habitats, it is proposed that scrub is retained on-site where possible, and 78 trees, 552m of hedgerow and 0.5652 ha of vegetated gardens will be provided to create additional habitat for nesting birds and bats. Additionally, integrated bat boxes and nest boxes will both be installed on 10% of the 50 plots. Subject to these measures, the EclA confirms that no significant cumulative effects were identified, and it is concluded that the development proposals would be compliant with national and local planning policies and relevant legislation.
- 5.52. A Biodiversity Net Gain (BNG) assessment was also undertaken which identified the baseline value of the Site to be 6.27 Area Habitat Units and 0.30 Watercourse Units with no Hedgerow Units. The



post-development value of the Site was calculated to be 6.97 Area Habitat Units resulting in a +11.10% net gain. A gain of 0.91 Hedgerow Units would be achieved on-Site. The proposed watercourse enhancements were not sufficient to deliver the necessary gains and therefore, 0.03 watercourse units will be required. This shall be secured by a planning condition for the preparation and submission of a biodiversity gain plan.

- 5.53. Overall, the EclA demonstrates that the development is acceptable with regard to ecology and biodiversity net gain, in accordance with Policies LP30 and LP34.

Scheme Benefits: Summary.

- 5.54. As per Paragraph 11 of the NPPF, the presumption in favour of sustainable development applies to the development of the Application Site. Accordingly, planning permission should be granted unless 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.

- 5.55. This section of the Planning Statement has presented the benefits of the proposed development. It has been clearly demonstrated that the development would achieve gains across the social, economic and environmental dimensions of sustainable development; significant weight should be afforded to this consideration.

- 5.56. The following section details the impacts of the development, which are to be weighed against the significant benefits that have been identified. It should be noted that it is rare for any development to avoid having any adverse impact, and any adverse impacts should be weighed appropriately and balanced against the wider material planning considerations. Planning permission should only be refused where the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

Development Impacts.

Highways & Parking.

- 5.57. Policy LP21 expects development proposals to show that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.
- 5.58. Paragraph 115 of the NPPF states that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 5.59. The Application is supported by a Transport Assessment and Travel Plan which should be read in conjunction with this report.



Site Access.

- 5.60. Access to the site is taken via Shepley Road located to the south-west of the site. Shepley Road is a single carriageway two-way residential road subject to a 30mph speed limit, running in a north-west – south-east alignment. To the north-west, Shepley Road meets the Station Road, Fulstone Road and Cross Lane crossroads. To the south-east, the gradient of Shepley Road drops and approximately 30m east of the site access, the speed changes to National Speed Limit.
- 5.61. The proposed site access is positioned at a bend in Shepley Road; therefore, due care has been taken to ensure adequate visibility splays are achieved. By using Automatic Traffic Count speed surveys, visibility splays based upon 85th percentile recorded speeds were used to inform the access design. To achieve a safe and suitable access onto Shepley Road, the mainline of Shepley Road has been realigned into the site to the north-east in order to ensure that the visibility splay to the south and forward visibility for a north-westbound driver to a vehicle waiting to turn right into the site is provided wholly within the new highway and doesn't require maintenance of the existing verge. The inside of the bend will be block paved to ensure that the visibility is always maintained. The proposed site access design is shown at Figure 7 of the Transport Assessment.
- 5.62. The proposed site access features 2 no. 2m footways leading north-west and south-east along Shepley Road. The footway leading north-west meets an existing footway. There are no existing footways to the south-east and as a result the proposed footway extends south-east towards a limited number of residential properties, as far as practicable within the adopted highway; this is a betterment for existing neighbouring residents.

Accessibility.

- 5.63. Whilst Stocksmoor is a rural settlement, it is considered to be a sustainable location for access by non-car modes by virtue of the walking, cycling and public transport accessibility.
- 5.64. A number of local amenities can be accessed by within a reasonable walking distance of 2km including Stocksmoor Rail Station and Clothiers Arms (400m), the Woodman Inn (1.1km), Woodview Beauty Salon (1.9km) and the Rising Sun (2km).
- 5.65. The site is well located for journeys via bicycle as it is located on a National Cycle Network (NCN) Route. NCN Route 627 can be used to travel north to Kirkburton where the route terminates, or south west through Shepley to Millhouse Green, where the route connects to NCN Route 62, around 2km west of Penistone. Shepley is located 1.5km to the east of the site, and so entire range of services, facilities and amenities are accessible within a reasonable cycling distance of 5km.
- 5.66. Despite the rural nature of Stocksmoor, it is relatively well equipped for public transport needs. There is a bus stop located within 150m of the proposed site access which is served by the number



341, providing hourly services from Stocksmoor to Huddersfield Bus Station. Stocksmoor Rail Station is located within 400m of the site which provides hourly services to Sheffield and Huddersfield.

- 5.67. Overall, despite the rural nature of the site, is it well serviced by sustainable transport modes to maximise sustainable travel.

Trip Generation.

- 5.68. The Transport Assessment finds the development of 50 dwellings has the potential to generate 26 and 24 two-way vehicle trips in the AM and PM peak hours, respectively. On average, this equates to approximately one additional vehicle movement every two minutes during the peak hours; an impact that is considered to be indiscernible in practice.
- 5.69. Of these trips, it is expected that the majority of trips will be distributed along Birks Lane / Station Road (82.6%). The remainder of trips are expected to be distributed along Stocks Moor Road (10.5%), Fulstone Road (3.1%), and Shepley Road / Stone Wood Lane (3.8%).
- 5.70. During pre-application discussions, the Highways Officer raised concerns with the potential for additional traffic along Shepley Road / Stone Wood Lane due to its nature as a single-track road with limited formal passing places.
- 5.71. With 3.8% of the additional trips expected to go via Stone Wood Lane, this equates to less than 1 vehicle in both the AM and PM peak hours which is indiscernible and is not going to have any material impact upon the highway network.
- 5.72. The Highways Officer asserted that Stone Wood Lane would see high levels of use on the basis that it is the most direct route to Shepley, which benefits from various facilities, services and amenities, including a primary school.
- 5.73. Using the Shepley Primary School as the end-location, it is approximately 1.2 miles, or a 4-minute drive, from Stocksmoor (starting at the centre point of the Shepley Road / Fulstone Road / Cross Lane crossroad junction) via Stone Wood Lane. Figure 2 illustrates this.

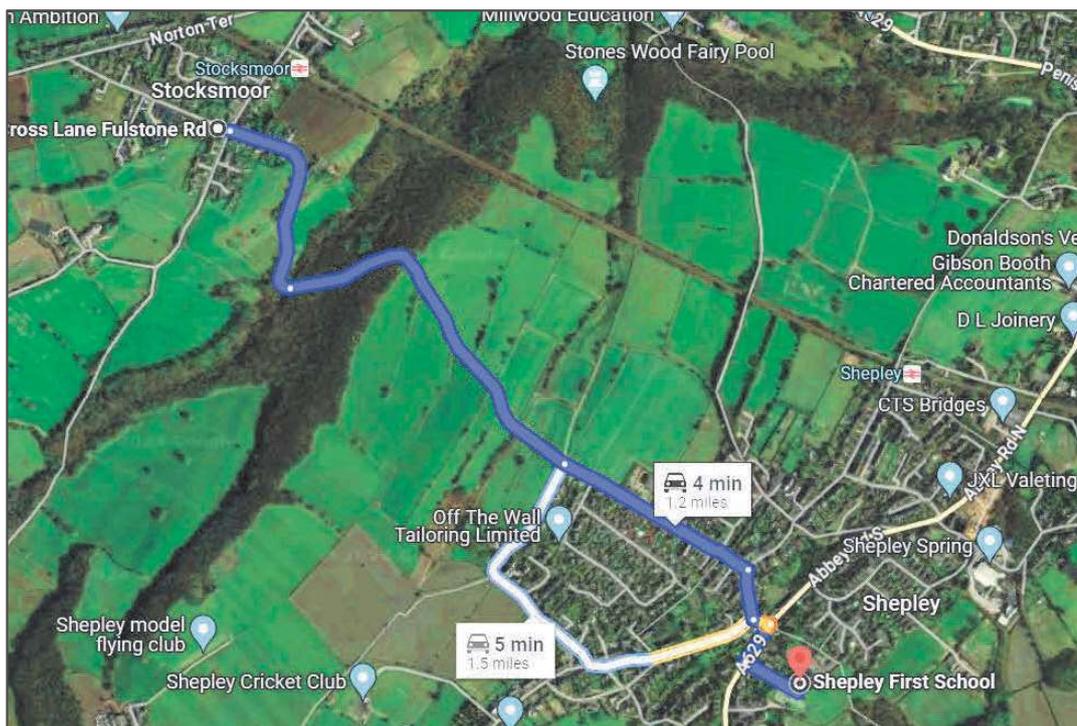


Figure 2 - Stocks Moor to Shepley via Stone Wood Lane.

5.74. Via Penistone Road, the same trip is approximately 2.5 miles, or a 7-minute drive, as illustrated in Figure 3.

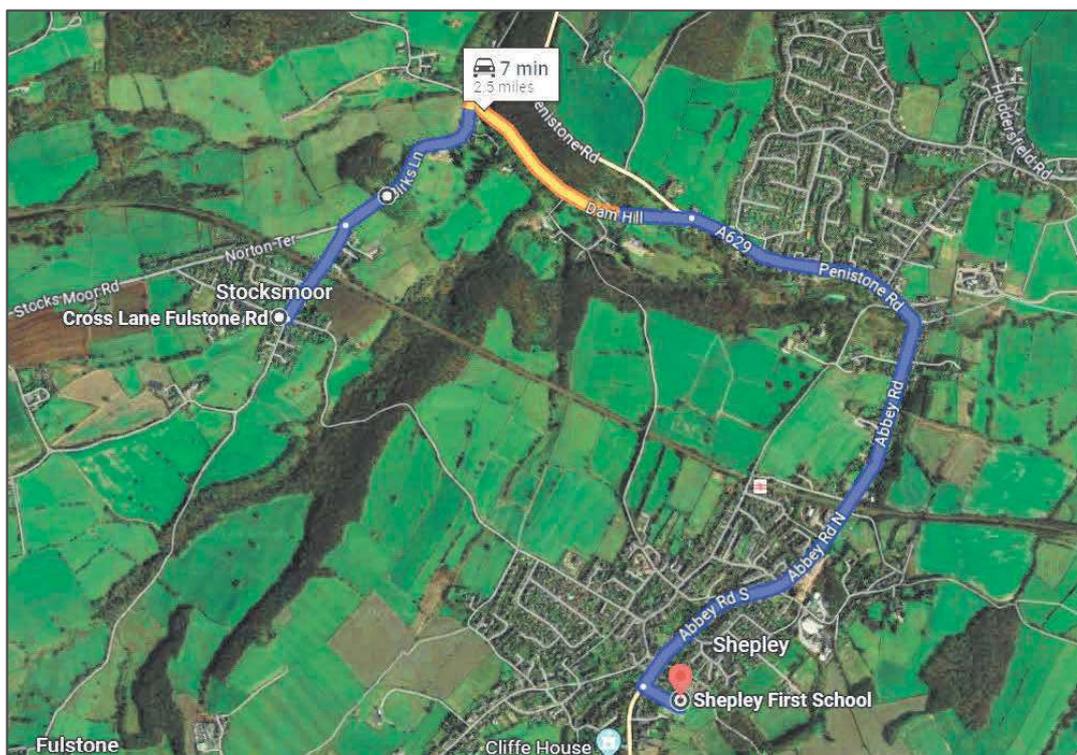


Figure 3 - Stocks Moor to Shepley via Penistone Road.



- 5.75. Whilst the journey via Stone Wood Lane is 'on paper' shorter and most direct, this fails to take into account the nature of Stone Wood Lane as a windy single-track road. On such roads there is a possibility drivers may encounter a vehicle travelling the opposite direction, leading to delays given the limited number of passing places.
- 5.76. On the contrary, Penistone Road is a single-carriageway two-way road where road conditions are better, and traffic subsequently flows more effectively; confirmed by the fact the route is only 3-minutes slower despite being double the length. On this basis it is considered the trip via Penistone Road is preferable and the trip distribution is valid.
- 5.77. Overall, the submitted Transport Assessment demonstrates that a safe and suitable access can be provided to the proposed development site, that it is well-served by sustainable transport options, and that the development will not have any noticeable impact upon the local highway network. The proposals would therefore accord with policy LP21 and meet the requirements of the NPPF.

Landscape and Visual Impacts.

- 5.78. Policy LP32 requires proposals to take into account and seek to enhance landscape character. A Landscape and Visual Appraisal (LVA) has been prepared in support of the application to assess potential landscape effects arising from the development.
- 5.79. The LVA identifies that the assessed landscape effects resulting from the proposed development on the site and its immediate context are Moderate / Major Adverse at year 1 reducing to Moderate Adverse by year 15. This judgement is typical for greenfield settlement edge sites.
- 5.80. The LVA identifies that the proposed development would result in Negligible – Negligible / Minor Adverse effects on landscape character areas at year 1 and year 15.
- 5.81. In respect of views enjoyed by residents located immediately adjacent the development site, for this limited number of receptors comprising residents of approximately 15 properties and road users along a circa 60-metre stretch of road, the effects on completion are assessed as Moderate / Major Adverse, and Major Adverse for residents of properties No 5 and 7 Shepley Road who have direct open views across the site from property windows. By year 15 as proposed green infrastructure planting approaches maturity assessed effects will reduce to Moderate / Major Adverse for all properties except No.7 Shepley Road for which effects on views from side windows of the property will remain Major Adverse.
- 5.82. Away from the site boundaries for the limited number of receptors identified with views towards the proposed development, at increasing distance from the site, and with intervening settlement and / or landform, trees and woodland restricting views, identified visual effects range from Minor Adverse to Negligible at year 1 and year 15, with assessed effects reducing slightly by year 15 as



green infrastructure planting approaches maturity and further assimilates the proposed development and the Stockmoor settlement edge within the wooded wider landscape context.

- 5.83. In conclusion, the LVA assesses that the site and its immediate context has the ability in which to absorb change through the introduction of the proposed development and associated landscape proposals. The proposals will be appropriate within the local landscape and settlement context, and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm in accordance with Policy LP32.

Flood Risk & Drainage.

- 5.84. Policy LP27 states that development proposals must be supported by an appropriate Flood Risk Assessment in line with national planning policy.
- 5.85. A Flood Risk Assessment & Drainage Strategy has been prepared in support of the application. This report identifies that the site is in an area identified as having a low probability of flooding on the EA Flood Map and is located in Flood Zone 1.
- 5.86. In terms of drainage, the primary option for surface water disposal is to discharge surface water into a watercourse to the east of the site, as surface water disposal through infiltration has been shown not to be safe by the submitted preliminary geoenvironmental investigation.
- 5.87. There is not a suitable public sewer in the vicinity of the site which could be utilised to dispose of the surface water as YW has stated that the sewers do not have capacity. As such, 827m³ of attenuation will be required as surface water will be restricted to 6.2 l/s.
- 5.88. Foul Water from the site will discharge into Shepley Road at a point to the south of the site.
- 5.89. Overall, the site is considered to be safe from flooding and can suitably be drained in accordance with Policy LP27.

Noise Impacts.

- 5.90. Policy LP52 seeks to protect and improve environmental quality. In-part, this is achieved by protecting new development against adverse noise impacts.
- 5.91. A Noise Impact Assessment has been prepared in support of the application which considers noise impacts arising from the adjacent railway line and road noises. The report finds that ambient noise levels across the site are relatively low and that the site is able to be developed using standard double glazing and trickle vents. Accordingly, there would be no unacceptable noise impacts and the proposed development would comply with Policy LP52.



Ground Conditions.

- 5.92. Policy LP53 relates to contaminated and unstable land and requires the submission of a land contamination assessment.
- 5.93. A Preliminary Geoenvironmental Investigation Report supports the application. This report identifies that whilst the site is considered suitable for its current and proposed use, the proposed change in use will require intrusive investigation. This would include:
- Machine-excavated trial pits to determine near surface ground conditions including depth to bedrock, groundwater and stability
 - Geotechnical soils analysis to enable foundation recommendations
 - Chemical testing on topsoil samples to assess its suitability for re-use.
 - Window sample boreholes to assess in-situ density of any granular soils and allow installation of gas monitoring wells. Rotary probeholes may be required if bedrock is found to be very shallow (within 1.5m of ground level).
 - Gas monitoring and risk assessment.

Section 7 of the report provides an appropriate ground investigation strategy, the implementation of which can be secured by planning condition to ensure full compliance with Policy LP53.

Construction Impacts.

- 5.94. During the construction phase of the development, there will be inevitable impacts arising from construction activities taking place at the site. This would include impacts arising from things such as construction traffic and the use of plant and machinery.
- 5.95. Newett Homes are a responsible housebuilder that are committed to minimising impacts of the delivery of their sites. Our site managers have won awards for excellence in construction.
- 5.96. As part of the development, a Construction Environmental Management Plan will be submitted, prior to the commencement of development, outlining how Newett Homes will construct the site whilst adhering to best-practice and guidance to minimise impacts arising during this phase of the development.



6. CONCLUSION.

- 6.1. This Planning Statement has been prepared by Newett Homes in support of a full planning application made by Newett Homes for residential development at Land North-East of Shepley Road, Stocksmoor. The development will comprise up to 50 dwellings with associated access, parking, Public Open Space, landscaping and infrastructure.
- 6.2. This report considers the proposal against the content of the Development Plan and other material considerations, including the Government's National Planning Policy Framework.
- 6.3. The application site is designated as safeguarded land within the Kirklees Local Plan and is intended to meet additional requirements for residential development that arise during and beyond the Plan Period.
- 6.4. Contrary to the requirements of paragraph 77 of the NPPF, Kirklees Council do not have a five-year supply of specific, deliverable sites. Consequently, the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered and planning permission should be granted unless 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.
- 6.5. This Planning Statement has demonstrated that the proposed development would achieve significant benefits across the social, economic and environmental dimensions of sustainable development.
- 6.6. Whilst there would impacts arising from the development relating to highways and landscape and visual effects, it has been demonstrated that these are not unacceptable adverse impacts. The Transport Assessment concludes that the additional trips associated with the development would be indiscernible in practice. The Landscape and Visual Assessment identifies that there would be localised landscape and visual impacts but finds that the site and its immediate context has the ability in which to absorb change through the introduction of the proposed development and associated landscape proposals. As such, the proposals will be appropriate within the local landscape and settlement context, and it is judged that the effects, as a result of the proposed development, will not give rise to any unacceptable landscape and visual harm.
- 6.7. Given the impacts of the scheme have been identified to be acceptable, the benefits of the development would significantly and demonstrably outweigh the adverse impacts. Accordingly, paragraph 11 of the NPPF confirms the planning application shall be approved without delay.
- 6.8. Overall, this Planning Statement and the plans and documents submitted in support of the scheme have demonstrated that the site provides a fully policy compliant scheme whilst contributing towards making up an identified shortfall in housing numbers. The supporting reports have

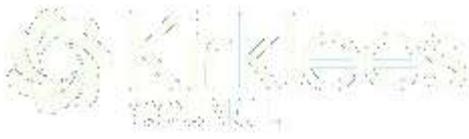


demonstrated there are no technical reasons or environmental impacts that would prevent the site from coming forward for development and that would justify the refusal of planning permission.



APPENDIX A

Appendix A - Pre-Application Enquiry Response (ref. 2023/21443).



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield

Enquiries to:

Kirklees Direct
Tel: 01484 414746

Thorp Arch Grange
Walton Road
Thorp Arch
Wetherby
LS23 7BA

Date: 18-Mar-2024
Our Ref:

Dear

RE: Pre-application advice request for residential development at land northeast of Shepley Road, Stockmoor, Huddersfield, HD4 6XW

Thank you for your request for pre-application advice regarding the above proposal.

1.Summary of your proposal

The enquiry seeks advice from the Local Planning Authority for a proposed residential development on land northeast of Shepley Road, Stockmoor. The enquiry is supported by a location plan, covering letter, site plan and photographs taken within the site and from various surrounding viewpoints.

The indicative site layout illustrates 49 dwellings which include 8x 1-beds, 16x 2-beds, 15x 3-beds, 7x 4-beds and 3x 5-beds. The units would all be two-storey in height. A single access is proposed from the southwest of the site onto Shepley Road.

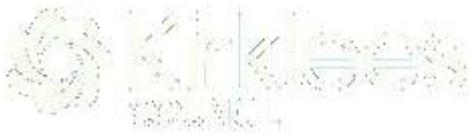
2.The site

The site subject to this pre-application enquiry is allocated as safeguarded land (ref: SLS30) in the Kirklees Local Plan. The allocated site covers 2.51 hectares and has an indicative housing capacity of 87 units.

With regard to the surrounding area, residential development adjoins the site to the southeast, southwest and west. To the north is Stockmoor railway station and the land directly to the east is green belt.

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 not within a Conservation Area, nor is it within close proximity to any Listed Buildings. It is however, as mentioned, on the green belt edge.



3. Relevant Planning History

At the application site:

None.

Surrounding properties:

2023/93658 – Demolition of existing detached bungalow and detached garage and erection of two detached dwellings – Pending consideration (10 Shepley Road).

4. Land Allocation and Relevant Planning Policies

Planning policy

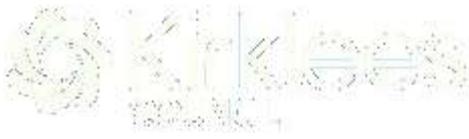
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan

As set out above, the site is safeguarded in the Kirklees Local Plan.

The relevant policies are as follows:

- 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

Local Plan submission documents can be views on the following website:

<http://www.kirklees.gov.uk/beta/planning-policy/local-plan.aspx>

The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council.

Supplementary Planning Documents:

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

Other relevant local and regional guidance and documents include:

- 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)

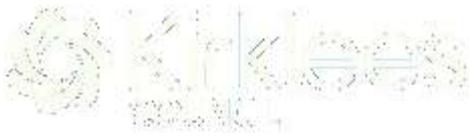
These documents may be found online.

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 19/12/2023, and the Planning Practice Guidance Suite (PPGS), first launched 06/03/2014, 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

The National Planning Policy Framework (NPPF) can be viewed at: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing.service.gov.uk)

Other Guidance

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

5. Consultations undertaken

- KC Ecology
- KC Policy
- KC Environmental Health
- KC Highways Development Management
- KC Strategic Housing
- KC Lead Local Flood Authority
- KC Trees
- KC Waste Management
- KC Public Health
- KC Highway Structures
- KC Education
- West Yorkshire Police Designing Out Crime Officer

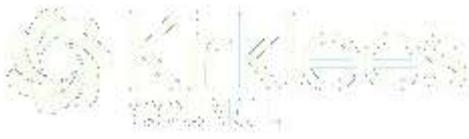
External consultees

Kirklees LPA do not consult external groups as part of the pre-application service. Based on the details held at this time, the following bodies would be consulted at full application stage:

- Yorkshire Water
- West Yorkshire Combined Authority
- The Environment Agency
- West Yorkshire Archaeology
- Network Rail

Ward members

Local ward members were notified of the pre-application. The site falls within Kirkburton Ward where the members are:



- Councillor Bill Armer
- Councillor Richard Smith
- Councillor John Taylor

Ward Councillors have raised significant concerns/objections to the development proposed. Their main concerns included the principle of development, highway safety (given the access proposed and poor visibility) and the impact the development would have on the structural stability of the embankment which supports the railway line.

6. Relevant matters for consideration

Principle of development

Sustainable development and climate change

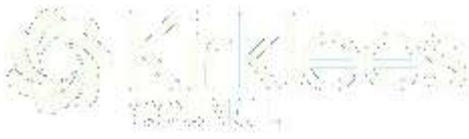
The planning system establishes a presumption in favour of sustainable development. At application stage you would need to submit supporting information to demonstrate that the proposed development would achieve net gains in respect of all three sustainable development objectives (economic, social and environmental).

Chapters 2, 9, 14 and 15 of the NPPF are particularly relevant to your proposals in relation to climate change, as are Local Plan Policies LP1, LP20, LP21, LP24, LP26, LP27 and LP28, and the vision and strategic objectives set out in chapter 4 of the Local Plan. The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and you may also be aware of the West Yorkshire Combined Authority's pledge for the Leeds City Region to reach net zero carbon emissions by 2038.

Measures would be necessary to encourage the use of sustainable modes of transport. A development which was entirely reliant on users travelling by private car is unlikely to be considered sustainable. At application stage, adequate provision for pedestrians and cyclists should be demonstrated. Cycle storage, electric vehicle charging points, and other measures would be required. Drainage and flood risk minimisation measures would need to account for climate change. These points would be elaborated on where relevant within this response.

Site allocation and housing delivery

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.

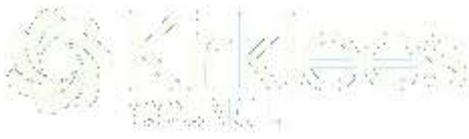
In this instance, the site is designated as safeguarded land, where Local Plan Policy LP6 states that the status of safeguarded land will only change through a review of the Local Plan. This is currently in progress.

In the absence of a five-year housing land supply, the most relevant policies 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.

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. In all circumstances, careful consideration should be given to the relevant planning considerations, Development Plan policies and appropriate national planning policies.

Therefore, the development of this site for housing could be justified as part of a future planning application, subject to the relevant planning considerations (including site constraints) being addressed. Those site constraints (which informed the site's allocation as safeguarded land) include:

- Culverted watercourse along north and eastern boundary, potential works required to upgrade capacity.
- Potentially contaminated land therefore phase 1 and 2 contamination reports required.
- Travel plan required.
- Potential impact on Upper and Lower Stones Wood Local Wildlife Site.



Quantum and density

Should the principle of development be supported by officers, development should be proposed at an appropriate density. Principle 4 of the Housebuilders Design Guide SPD reflects policy LP7 of the Kirklees Local Plan in that *“Net development density is expected to achieve at least 35 dwellings per hectare, though higher densities are supported in areas in or adjacent to town centres which are well served by public transport and to secure more sustainable forms of development. Densities lower than 35 are only permitted in line with Local Plan Policy LP7. The location of the site is important in terms of the requirement for car parking provision, on-site open space provision and the type of housing required in the locality”*.

The site's developable space would need to be shown on a plan at application stage, as officers have noted that the entire site would not be capable of being built upon, due to its topography.

Based on the plans submitted, the site's developable area appears to be approximately 1.7ha, so at 35 dph, 59 dwellings should be proposed to accord with the above policy. In this instance, you have shown 49 units which would fall short of that figure at a density of 29 dph. Officers consider that an amendment to the site layout, to provide a loop, may help increase the number of units marginally. The inclusion of short terraces may also help this.

However, this is not to say that a slight shortfall in density would not be accepted on this site, if there are good reasons for it. One such justification could relate to the site's rural edge, as Principle 8 of the Housebuilders Design Guide SPD outlines that the *“the transition from urban to open land should be carefully considered where development is located on the edge of the urban area. Proposals should demonstrate how the new development makes a positive contribution to the character and function of the landscape through sensitive siting and good design. For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings”*. It would, however, be for you to make a convincing case for under-delivery, if you intend to propose fewer units than the required targets.

Housing mix and affordable housing

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. Comments on affordable housing expectations will be provided later in this letter. However, for market housing, the SPD expectations for Kirklees Rural East are:



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

The current enquiry proposes 8x 1-beds, 16x 2-beds, 15x 3-beds, 7x 4-beds and 3x 5-beds. Of these, the market dwellings would include 4x 1-beds (10%), 12x 2-beds (31%), 13x 3-beds (33%), 7x 4-beds (18%) and 3x 5-beds (8%). The indicative plans would therefore comply with the aforementioned housing mix and would be greatly welcomed at the planning stage, subject to the principle of development and all other material planning considerations being acceptable.

Please note, that where the dwelling mix does not reflect the figures set out in Table 1 below, applicants will need to provide justification. This could include more up-to-date evidence of local housing need, and consideration of the provision of specialist housing, taking into account viability evidence and the compatibility of the development with its surrounding.

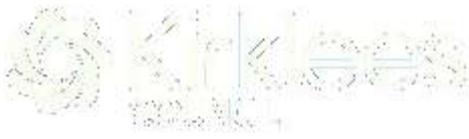
Design matters

The following Principles within the Housebuilders' Design Guide SPD (HDG) are highlighted as being particularly relevant for the purposes of this indicative development:

Principle 2 – New residential development proposals will be expected to respect and enhance the local character of the area by: Taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 5 – Buildings should be aligned and set-back to form a coherent building line and designed to front on to the street, including corner plots, to help create active frontages. The layout of the development should enable important views to be maintained to provide a sense of places and visual connections to surrounding areas and seek to enable interesting townscape and landscape features to be viewed at the end of streets, working with site topography.

Principle 8 – The transition from urban to open land should be carefully considered where development is located on the edge of the urban area. For all sites in elevated areas, the



appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.

Principle 13 – Applicants should show how different materials which are prevalent in the vicinity of the site have been taken into account in the proposal. Consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

Principle 14 – The design of windows and doors is expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Innovation for energy efficiency is encouraged, particularly for maximising solar gain to allow for passive solar construction.

Principle 15 – The design of the roofline should relate well to the site context, including topography, views, heights of buildings and the roof types. Consideration should be given to the pitch of roofs, the inclusion of dormer windows, provision of green/blue roofs, the role of roofs in providing outdoor space and ensuring that the design of roofs does not allow for easy climbing access to upper floor windows.

Alongside the above, Local Plan Policy LP24 (design) states that good design should be at the core of all proposals and should be considered at the outset of the development process. Proposals should promote good design by ensuring high levels of sustainability, to a degree proportionate to the proposal, through design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive.

In this case, the site is identified as being within a sensitive location, as it borders the green belt. As such development would need to be sympathetic to the surrounding landscape. It is considered that the site offers an opportunity to provide an exemplar housing development, tailored to the particular green belt edge location.

The fundamental planning requirement, defined by the NPPF, is that the proposed development must deliver a well-designed place which complements the qualities of the local area. In this instance that means responding to the site's constraints, providing a high quality design and the provision for accessible green space and biodiversity on site. The primary objective at this design stage should be to ensure that the residential development functions well and would demonstrably add to the overall quality of this part of Stocksmoor. The currently-proposed layout has thus been considered in the context of the above and the requirements of the chapter 12 of the NPPF, Local Plan policies LP7, LP24, LP30 and LP31, and the Kirklees Housebuilders Design Guidance SPD.

As set out within the pre-application meeting, concerns were raised regarding the proposed layout, given the number of turning heads proposed. Therefore, in order for the street layout to be better connected, a loop road should be provided with the number of turning heads/private drives reduced or ideally eliminated.

Alongside the above, the different house types should also be well-mixed within the site, rather than having a row of detached dwellings to the northwestern edge.



No elevations or floor plans have been submitted as part of this pre-application advice, however, the proposed site plan sets out that the dwellings would all be two-storey in height. Buildings of this size and scale are likely to be considered acceptable and would be in keeping with existing built form.

Notwithstanding the above, the provision of a small number of bungalows within the site would be greatly welcomed.

In terms of roof form, gable pitches are the predominant roof type within the vicinity and are likely to be supported from a visual perspective. However, a mix to include some hipped roof forms may be considered acceptable, especially to the corner plots.

With regard to elevational treatment, front gables could potentially be supported at the application stage as they can help provide variety amongst the dwellings, however, these should be mixed among the properties throughout the site.

Materials, while not specified, should include a mixture of natural stone and buff brick to complement the existing dwellings. Stone heads and cills would also be appropriate for these elevations and officers would wish to see any new windows being set back into the reveal by 100mm. Full details of the materials proposed would be required at the application stage.

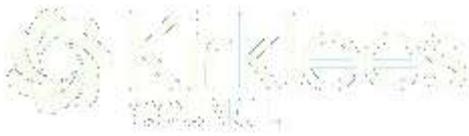
Fenestration should vary between house types in order to break up any repetition, especially to the dwellings in which would be visible from longer distance views.

With regards to parking, side parking is welcomed and this would accord with Local Plan Policy LP22 (parking) criterion (f) *“new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off-street parking in accordance with current guidance”*. However, it is appreciated that in some cases front parking would be necessary.

Details of boundary treatments should be submitted at application stage. Please note that tall timber fencing is unlikely to be acceptable around new private gardens at this edge-of-green-belt location. More sensitive and visually appropriate boundary treatments should be proposed.

The information set out in the council’s Housebuilders Design Guide SPD should be used to ensure the potential housing development is high quality, socially inclusive and built to high environmental standards. It can be viewed on the council’s website here <https://www.kirklees.gov.uk/beta/planning-policy/pdf/housebuilders-design-guide-spd.pdf>

In conclusion regarding design matters, officers acknowledge that an acceptable scheme could be proposed at this site, however, amendments would be required to the submitted site layout. Careful consideration will need to be given to how the site can be developed in



a way that enhances the surrounding landscape, by providing the appropriate response to the countryside edge and a positive response to Policies LP24, LP30 and LP31 of the Kirklees Local Plan and chapter 12 of the NPPF.

Impact on residential amenity

Local Plan policies LP11 and LP24 require all proposals for housing to be of a high quality and design, providing a high standard of amenity for future and neighbouring occupants. Local Plan Policy LP52 is also relevant.

The following principles within the Housebuilder Design Guide SPD are also of particular importance:

Principle 6 – Residential layouts must ensure privacy and avoid negative impacts on light. For two storey houses typical minimum separation distances are advised as:

- *21 metres between facing windows of habitable rooms at the backs of dwellings;*
- *12 metres between windows of habitable rooms that face onto windows of a non-habitable room;*
- *10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and*
- *for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.*

It is to be noted that these are typically minimum distances and that longer distances between buildings may be necessary to fit in with local character, or to adequately protect the amenities of existing and future occupiers of dwellings.

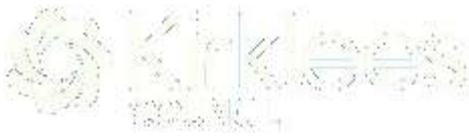
Principle 17 – All new houses should have adequate access to private outdoor amenity space that is functional and proportionate to the size of the dwelling and the character and context of the site.

In this instance, the site is adjacent to existing residential properties and therefore appropriate separation distances should be achieved in line with Principle 6 highlighted above, within the site and to surrounding existing properties.

The third party dwellings located the closest to the application site include 2-3, 4 and 5 Sunnyside, 3, 5 and 7 Shepley Road and 6-17 Station Road.

2-3, 4 and 5 Sunnyside

These properties are situated to the southeast of the application site and would be adjacent to the site access and proposed area of public open space. Separation distances of at least 37m would be retained from these neighbours to plot 1 and 15m from the northern



elevation of 5 Sunnyside to what appears to be the side elevation of plot 8. 5 Sunnyside appears to benefit from a multitude of habitable windows within its northern elevation and therefore it is advised that these neighbours amenity should be protected as part of any forthcoming planning application.

3, 5 and 7 Shepley Road

These dwellings would have a side to rear and rear to side relationship with plots 1-2 and plot 10. Separation distances in excess of 12m are proposed to accord with the Housebuilders SPD, however, you should ensure that no undue overbearing, overshadowing or overlooking is proposed as part of any future planning application.

6-17 Station Road

Plots 10-15 would be located the closest to these dwellings, however, given the substantial gardens which 6-17 Station Road benefit from, separation distances in excess of 40m are proposed.

With regard to internal separation distances, these also appear to be SPD-compliant and would help protect the amenity of the future occupiers.

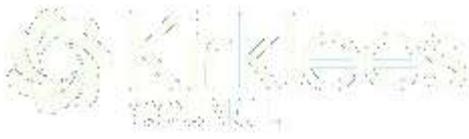
Each dwelling is also expected to comply with the Nationally Described Space Standards.

Noise disturbance and construction management

KC Environmental Health have been formally consulted, to consider whether the proposed development may be adversely affected by existing noise sources and also whether noise from the proposed development may have an adverse impact on nearby noise sensitive receptors.

In this case, the proposed development is near to an existing train line and station, noise from which is likely to have an adverse impact on future occupiers of the site. The council would therefore expect a noise impact assessment to be provided with any future application. The assessment should determine the existing noise climate, taking all likely noise sources into consideration, and then detail how this would affect the proposed development. It should also detail any noise mitigation measures that would be required so that satisfactory sound levels would be achieved both indoors and at any outdoor amenity areas at the development. If windows need to be kept closed to achieve satisfactory indoor sound levels, then the mitigation measures will also need to include specific details of the alternative ventilation that would be provided as a substitute to opening windows.

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



Further to the above, officers have also considered the potential impacts on amenity of any construction activities that would be necessary for the development.

Because of the scale of the development and the proximity of residential properties to part of the site boundary, there is significant potential for loss of amenity to the occupiers of nearby properties from noise, vibration, dust and artificial light during the construction phase of the development. The council would therefore expect a Construction Environmental Management Plan (CEMP) to be submitted with a future application. A suitable plan would describe in detail the actions that would be taken to minimise adverse impacts on occupiers of nearby properties by using best practice and effectively controlling:

- Noise and vibration arising from all construction related activities. This should also include suitable restrictions on the hours of working on the site including times of deliveries which should not be outside the hours of:
 - 07.30 to 18.30 hours Mondays to Fridays
 - 08.00 to 13.00 hours, Saturdays
 - With no noisy activities on Sundays or Public Holidays
- Dust arising from all construction related activities. The Institute of Air Quality Management document “*Guidance on the assessment of dust from demolition and construction*” Version 1.1 2014 provides detailed information regarding dust control.
- Artificial lighting used in connection with all construction related activities and security of the construction site.
- A communications plan detailing the responsible person, their contact details and how this will be communicated to residents and the Local Planning Authority must be included.

In the absence of a satisfactory CEMP being submitted with the application, should approval of planning permission be recommended, officers would recommend a condition requiring this information to be provided before any construction activities commence.

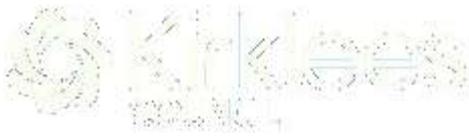
Impact on highway safety

The assessment of this proposal will have regard to the principles set out within the Highway Design Guide SPD, especially:

Key Design Driver 20 – As an initial point of reference, 2- and 3-bedroom houses should have at least 2 parking spaces, 4-plus bedroom houses at least three parking spaces.

Key Design Driver 27 – Careful consideration be given to the location of bin storage facilities having regard to the need to provide easy level access from the storage area to the collection point.

Alongside this, the following principles of the Housebuilders Design Guide SPD are also relevant:



Principle 12 – Any parking provision should not dominate street frontages... and should be accommodated at the side of buildings or to their rear.

Principle 19 – Provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

KC Highway Development Management have reviewed the information submitted and have provided the following comments:

“Development Overview:

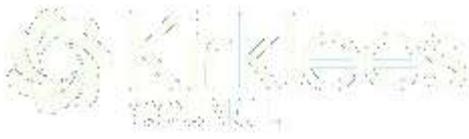
The site is approximately 2.5 hectares of greenfield land located to the northeast of Stocksmoor; and is bound by a railway line to the north, woodland to the east, Shepley Road to the south, and existing residential properties to the south-east and west. The site is designated as Safeguarded Land within the adopted Kirklees Local Plan (Ref. SLS30).

Access to the site is currently via a field gate on to Shepley Road, which is a single carriageway two-way road that is subject to a 30mph speed limit along the site frontage and to the west leads to the main residential area of Stocksmoor. Immediately to the south of the south frontage, the speed limit on Shepley Road changes to National Speed Limit (NSL = 60mph in this location) and the road name changes to Stone Wood Lane, which leads to Shepley circa 1km to the east.

Site Access and Road Safety:

Access to the site is proposed via a new priority junction on Shepley Road. Whilst the principle of this form of access could be acceptable, there a number of concerns with the proposed access arrangements and its location, which are summarised as follows:

- The proposed site access is located on a bend in Shepley Road, which has restricted forward visibility, particularly in the north-westbound direction. This could result in rear shunt and turning type collisions at the proposed site access.*
- The speed limit on Shepley Road changes to the national speed limit (60mph) to the south of the bend and the proposed site access. Whilst northbound speeds are unlikely to be close to the NSL limit on approach to the site access, it appears that adequate junction visibility would not be achieved. This would need to be checked using topographical survey data for both the horizontal and vertical planes, and based on up to date speed survey data (scope of speed survey to be agreed with HDM).*
- There is a significant uphill gradient on approach to the bend and proposed site access from the south, which in combination with the NSL is likely to result in drivers continuing to apply their accelerator on approach to the site access, thereby increasing the risk of a collision with turning traffic at the proposed site access.*



- *Within the vicinity of the site access, Shepley Road is not sufficiently wide to allow two vehicles to pass.*

In light of the above, the proposed site access arrangements are not currently acceptable, and significant alterations and improvements to Shepley Road would appear necessary. This is likely to include significant realignment of the bend to improve forward visibility and carriageway widths. Alternatively, the Councils Road Safety Team have suggested that a mini-roundabout junction could be considered (which would need to be located well within the site to achieve adequate approach alignments / gradients).

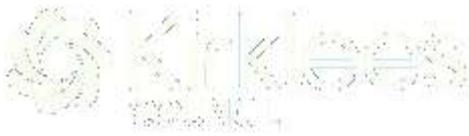
To enable improved site access arrangements to be considered, the following information will be required:

- *Up to date speed survey data on Shepley Road, with the scope of survey(s) agreed in advance with HDM;*
- *General arrangement drawing(s) based on topographical survey data. Levels and long section information should also be provided;*
- *Visibility splay drawings, checked both horizontally and vertically. To include all visibility requirements, including junction and forward visibility;*
- *Swept path analysis (SPA), including turning traffic at the site access, and passing traffic on Shepley Road. It is noted that whilst Shepley Road is signed as being unsuitable for heavy vehicles, some larger vehicles (e.g. farm vehicles) will use the road, and these larger vehicles need to be checked with the SPA.*

Should an acceptable site access arrangement be possible, this would then need to be subject to a Stage 1 Road Safety Audit (RSA) and Designers Response, which should also assess the proposed S38 site layout. The required RSA can be provided during the course of the applications determination period, once in-principle arrangements have been agreed. An RSA Brief must be agreed in advance with HDM, and should include any departures from standard that may be proposed.

The development will generate a significant level of additional traffic along Stone Wood Lane, which leads to Shepley circa 1km to the east, with this route being attractive to development users due to the amenities available in Shepley (school, shops, medical facilities etc) and for onward journeys to the south. However, this road has a number of physical constraints, which include it being single track width for long sections, having restricted forward visibility, lack of adequate passing places, and no pedestrian provision etc. The road also forms part of National Cycle Network (NCN) Route 627 (Kirkburton to Millhouse Green).

In light of the above, it is considered that Stone Wood Lane is unsuitable for any further intensification in use from the development; and it does not appear possible to deliver any significant improvements to the road within the highway boundary to address the existing deficiencies (e.g. additional passing places are likely to require third party land acquisition). As such, HDM cannot support the proposed residential development at this site.



Site Layout/Servicing/Waste Collection:

The internal road layout shall be built to adoptable standards, as set out in the Kirklees 'Highway Design Guide SPD' and 'Highways Guidance Note – Section 38 Agreements for Highway Adoptions' March 2019 (version 1). Reference should also be made to the Councils latest 'Waste Management Design Guide for New Developments' (See Link: <https://www.kirklees.gov.uk/beta/planning-applications/guidance-and-advice-notes.aspx> and other S38 design guidance documents and standard details that provide detailed requirements relating to the highway and development layout (See Link: <https://www.kirklees.gov.uk/beta/regeneration-and-development/highways-guidance-and-standards.aspx>).

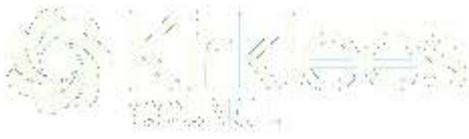
Should the proposals depart in any way from the Council standards and guidance, a 'comply or justify' approach must be taken, with any departures clearly identified and justified in the information provided in support the proposals.

Sufficient details must be provided with the planning submission to check that the proposed highways are suitable for adoption, and should clearly show the extent of proposed adoption and any areas that are to remain private (e.g. landscaping areas, private drives, footpaths and PoS etc).

Any retaining features affecting the highway will require formal technical approval by the Council as the Highway Authority. We would recommend providing details of all proposed retaining features and underground storage facilities (including pipes) to my colleague Farhad Khatibi (Team Leader) in the structures section at the earliest opportunity, who will be able to advise of the necessary requirements in more detail.

Whilst a full technical review of the site layout has not been undertaken, the following points are noted and should be addressed in any revised design:

- The street layout should be better connected (e.g. loop roads or inter-connected streets), and the number of turning heads reduced or ideally eliminated; as they create unnecessary reversing for refuse collection vehicles, are inefficient in terms of land take, and are often blocked by parked cars.*
- Street trees should be provided.*
- Visitor parking should be provided in laybys (min. 2.0m wide where there are adjacent to footways or 2.4m wide in shared surface streets, and must be 6m long + tapers). These should be provided for both shared surface streets and traditional estate roads, and should be evenly spread across the site, and located in areas that may otherwise be blocked by parked vehicles (e.g. bends, junctions and turning heads etc).*
- Junction spacing is not currently in accordance with guidance.*
- The turning heads do not appear to be sufficient to accommodate the Kirklees Design Refuse vehicle.*



- *Turning heads for light vans are required for shared private drives.*
- *Bends should have a minimum centreline radius of 20m, and should be wide enough to allow a car to pass the design refuse vehicle (6.1m width typically required for 20m CLR).*
- *All junction visibility splays and forward visibility envelopes must be clearly demonstrated, and contained with the highway boundary.*

Parking:

Car parking should be provided for the development in accordance with the Councils Highway Design Guide SPD. Reference should also be taken from the Councils Housebuilder SPD, which provides recommendations for the location of parking spaces to ensure high quality design. If integral garages are to be considered as contributing towards the parking provision, they must provide internal dimensions of 3m x 6m (and ideally longer if also accommodating cycle parking).

All dwellings must include at least 1 no. electric vehicle charging point (more are desirable). Inclusive and secure cycle parking is required for all dwellings, which must be accessible via external routes within each plot. Details of the cycle parking provision (including specification) should be confirmed in the submission. For further details of appropriate inclusive cycle parking, see DfT document LTN 1/20.

Visitor car parking should be provided at a ratio of 1:4 dwellings; and should be provided in laybys (see previous comments relating to minimum sizes).

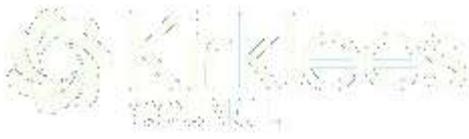
Full details of the parking provision should be confirmed in the supporting Transport Statement / Assessment.

Accessibility:

A review of the sites accessibility by non-car modes should be provided in the Transport Statement / Assessment. Where necessary, this should include improvements to ensure that the development is accessible for all users, including safe and convenient links to nearby public transport facilities.

Kirklees Council typically require Travel Plans for residential developments with 50+ dwellings. However, given that 49 dwellings are proposed, and the lack of amenities with easy walking distance of the site, it is considered that a Travel Plan is required for this development (unless the dwelling numbers were to significantly reduce).

Kirklees Council will require a Travel Plan monitoring fee to be secured as part of the S106 agreement. For a development of this scale (classed as a 'small major' residential development) the fee is £10,000 (£2,000 per year for 5 years).



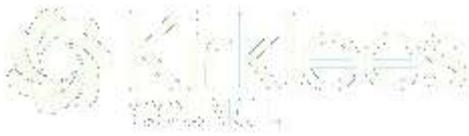
The provision of Residential Metro cards (or a Sustainable Transport Fund) is expected for this development. This is typically based on the cost of the residential MCard scheme (Bus and Rail Zone 2-5 is appropriate for this site), which currently costs £795.74 per dwelling. The supporting Travel Plan should confirm whether the Residential MCard scheme is to be introduced, or if alternative Travel Plan measures are proposed using a Sustainable Transport Fund approach. Local bus stop improvements should also be considered (e.g. real-time display at the nearest bus stop)."

Waste storage and collection

The below comments are based on the initial plans submitted with the pre-application enquiry which have been reviewed by KC Waste Strategy, in relation to LP43 of the Kirklees Local Plan.

Their comments are as follows:

- *Layout drawings for this development site will need to show bin storage and presentation points for all dwellings to demonstrate sufficient space and efficient collection arrangements – these must not cause obstruction to the highway, driveways or be blocked in by cars.*
- *Each dwelling will require space to store 3x 240ltr wheeled bins (1x residual, 1x recycling and, as the properties have gardens, space to accommodate a garden waste bin) to ensure future waste segregation requirements such as food waste can be met. As the proposed dwellings have private gardens, opportunities to encourage composting should be sought to better meet the Council's 'clean and green' objectives for waste reduction.*
- *Bin storage to the rear of properties is preferable but must be easily accessible for residents. This appears to be achievable with the property mix and layout proposed.*
- *Bin storage in rear gardens with gated access should be shown to be secure and the route between the rear gardens and the front access road must not require residents to pull bins up/down gradients of more than 1:12.*
- *The WCA will not take a Refuse Collection Vehicle into a private drive. The layout plan should show the location of Bin Collection Points (BCP's) for presentation of wheeliebins adjacent to the adopted highway for use on collection days for Plots 5, 10, 11, 16-20, 38-40 and 40-43.*
- *A Bin Collection Point must be located no more than 25m from the curtilage of the property in accordance with Building Regulations 2010 Part H section 1.8. and in guidance BS5906:2005. The following plots are close or in excess of this threshold, 10, 20, 40 and 41.*
- *Consideration must be given to the process of waste collection for properties that are occupied before the whole site is complete. Temporary measures may be required to allow waste to be stored/presented at an accessible location adjacent to the nearest adopted highway. The Authority will not enter construction sites for the purpose of domestic waste collection. A pre-occupation condition will be required to address this and any other outstanding waste collection details.*



- *On sites such as this, waste storage and collection can require careful consideration and the identification of space within the site layout is critical. As such, the details of these arrangements must not be left to Planning conditions.*

Highway structures and railway embankment

Should any existing highway structures be affected by the proposed development, or should any new highway structures be required, details would need to be included with your application.

Officers will need to be satisfied that the development would not affect the steep embankment adjacent to the railway line. As such, a structural survey should be submitted as part of any forthcoming planning application.

Flood risk and drainage

KC Lead Local Flood Authority have been consulted as part of this pre-application enquiry and have provided the following comments:

“The whole of the proposed site is located within Flood Zone 1, which means that it has a 1 in 1,000 annual likelihood of flooding due to the main river.

However, given that the site exceeds 1ha in size, a site specific Flood Risk Assessment would be required as part of any future planning application.

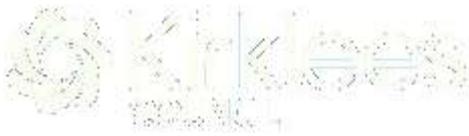
Flood routing/site layout

During intense rainfall events drainage systems can often become blocked or overwhelmed. Officers expect developers to understand where the flow of water will be in these circumstances and avoid unnecessary risk.

Surface water management

At Kirklees Council we aim to promote sustainable drainage throughout the district. As the Lead Local Flood Authority we expect developers to follow our drainage strategy hierarchy:

- *Soakaways*
 - *Half of the site (West) has a BGS score of 1, this means that this part of the site is extremely suitable for infiltration of SuDs. The subsurface is appropriate for SuDs infiltration that drains freely. We advise you use an infiltration/soakaway test to quantify the infiltration rate. The other half of the site (east) has a BGS score of 4, this means that this part of the site has significant limitations. One or more infiltration-related geohazards have a very high chance of occurring. We advise you to only install SuDs when it is determined that there is little chance of*



infiltration or its effects. The LLFA would be concerned over site steepness and would take a precautionary approach regarding reemergence.

- *Watercourse*
 - *East of the site there is an open watercourse, Stone Wood Dike, that could be connected to directly. A connection from a possible tributary shown on 1950's plans would need to be explored.*
- *Sewer Connection*
 - *There is a 225mm combined sewer running in Shepley Road. Kirklees LLFA would object to the pumping of surface water.*

Greenfield run off of 5l/s/ha will be allowed for areas of the site that naturally drain to the point of connection. Due to the different directions of fall shown on contour maps, this may be less than the total site area.

Attenuation

Attenuation must store the critical 1 in 30-year storm. Volumes generated by storms up to and including the 1 in 100 + 30% climate change critical storm also has to be stored on site. Opportunities to store the additional volume in safe areas on the surface can be explored however many sites in Kirklees will be sloping and this volume may also need to be stored in an underground system.

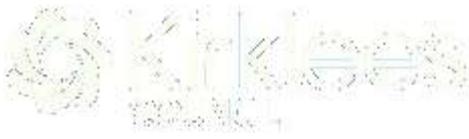
If attenuation span is greater than 1500mm and positioned under highway this is likely to preclude adoption by Kirklees Council. Please speak to our Structures department for more information. Storage in landscaped areas or non-adoptable highway is unaffected.

Section 106 – Management Company

A management company should be set up to carry out maintenance and management of any surface water attenuation up to a point in time whereby this infrastructure is adopted by Yorkshire Water. A set maintenance itinerary and schedule is usually agreed at detailed design stage and via condition. Once agreed it should be attached to a Section 106 agreement.

Temporary Drainage

Run-off can increase post soil and vegetation strip, causing risk of sediment entering the local drainage systems and watercourse. A plan to manage risk of flooding to nearby property and land and to protect watercourses from pollution would be required and will be dealt with via conditions.”



Other matters

Electricity substation

If an electricity substation would need to be provided as part of the proposed development, early thought should be given to its location. Too often this matter is overlooked at design and application stage, resulting in clumsy later provision in prominent locations, as the access and maintenance requirements of service providers has not been considered early enough.

Air quality

KC Environmental Health have considered whether the development would have a significant detrimental impact on local air quality and also whether it would introduce sensitive receptors into an area of existing poor air quality.

The site of the proposed development is not within or adjacent to an Air Quality Management Area or near to any roads of concern, and it would therefore not be introducing new receptors into an area of poor air quality.

For these reasons, Environmental Health officers have no comments to make regarding air quality.

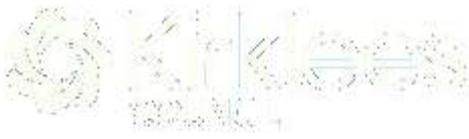
Contaminated land

KC Environmental Health have considered whether the development site is on or near to land that is potentially contaminated from its historical use and the risks that this may presents to the proposed development. Officers have also considered the scale of the development in relation to these risks.

In this instance, the council would expect a Phase 1 Contaminated Land Report (desk top study and site walkover) to be included with any future application for this development. If the agreed Phase 1 report has identified potential contaminated land risks, then a Phase 2 Intrusive Survey Report and, if necessary, a Remediation Strategy report would be required for approval before any ground works commence. If ground gas monitoring is necessary as part of the Phase 2 investigation the Phase 2 Report would not be considered acceptable unless the whole of the gas monitoring has been completed in accordance with current guidance. A report detailing only part of the gas monitoring would not be acceptable. The council would require the developer to demonstrate that any contamination at the site has been remediated to a satisfactory standard before the new use commences. A verification report by a competent person would be required.

In addition, where imported materials are to be used, a Verification Report by a competent person would be required for any topsoil or subsoil that has been imported onto the site.

All contamination reports will need to be prepared in accordance with guidance in:



- *Land Contamination Risk Management (LCRM)*
- *BS 10175:2011+ A2:2017 Investigation of Potentially Contaminated Sites. Code of Practice*
- *Development on Land Affected by Contamination - Technical Guidance for Developers, Landowners & Consultants - (v11.2) June 2020* by the Yorkshire and Lincolnshire Pollution Advisory Group

Electric Vehicle Charging Points

The council would expect details of the provision of Electric Vehicle Charging Points (EVCP) at the development to be included with any future application. These proposals should meet the recommendations in the West Yorkshire Low Emission Strategy (WYLES) current at the time of the application. For residential developments WYLES currently requires a standard EVCP to be provided to every new dwelling that has a dedicated parking.

External artificial lighting

It is likely that external artificial lighting (other than for highways) would be required at the development.

Any such proposals for external lighting will need to be illustrated with lux contour plans, and details of luminaires and lighting columns, along with commentary regarding potential impacts on residential amenity, biodiversity and the darkness of the adjacent green belt.

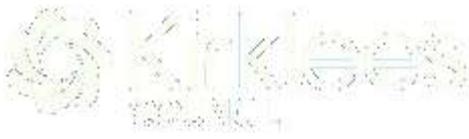
Private water supply

It appears that a mains water supply would be available to the proposed development, therefore the supply of drinking water would not be an issue.

Crime prevention

The West Yorkshire Police Designing Out Crime Officer has been consulted as part of this request for pre-application advice. In this instance, no objection has been raised to the proposal in principle, subject to the following guidance/information being incorporated into the designs and submitted at the planning application stage.

- Details of boundary treatments to the site perimeter and the individual plots, including gates to access rear gardens.
- Full details of the site lighting scheme. This must include any unadopted roads. Bollard lighting is not recommended for streets and roads as they do not enable facial recognition due to the light spill being at low level.
- Details of security measures for the site and plots to be included within the Design and Access Statement under the heading "Security Measures".



- Details are required for the security of garages and sheds. This is to include any security measures for the protection of cycles and motorcycles.

You are advised to follow the principles of CPTED – Crime Prevention Through Environmental Design.

The West Yorkshire Police Designing Out Crime Officer has advised that shared rear access to gardens for terrace plots are not recommended and should be designed out. This advice will need to be balanced against other considerations, such as the need to deliver housing and to achieve effective and efficient use of scarce development land.

Trees, ecology and landscaping

No arboricultural information has been provided. Nonetheless, KC Trees have been formally consulted and have provided the below comments:

“The site is significantly constrained by multiple trees and woodland around its perimeter. Lower Stone Wood to the west of site is also Ancient woodland so it is of particular importance.

The trees along the north boundary of the site form a green corridor along the railway line for the local area, so are important as a result.

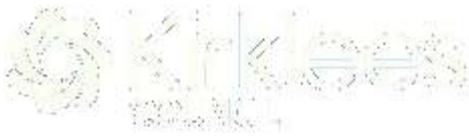
For a proposal to be supported from a trees perspective these features will need to be realistically retained within any proposal and protected during the construction following the guidance in BS5837:2012.

The retention of trees, shrubs and hedgerows that are present on or adjacent to a site is a consideration whether or not they are protected. As a result, a tree survey and Arboriculture Impact Assessment (AIA) following the guidance in BS5837:2012 Trees in Relation to Design, Demolition and Construction will be needed that has been completed by a suitably experienced and qualified arboriculture consultant.

This will along with other baseline site data help inform the detailed layout and design of the site. For this reason, the tree survey should be completed and made available to designers prior to and/or independently of any specific proposals for development. This will help establish their value and there be less risk of trees that are off site ending up being poorly related to the potential building/s and parking/hard surfaces at the site.

Providing the advice from the project arboriculturist is heeded and included early on in the design stage. This is worth doing because, the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees.

Buildings and other structures should be sited allowing adequate space for a tree’s natural development, with due consideration given to its predicted height and canopy spread.



Additionally, it is a requirement of the Kirklees Council adopted Policy LP33 existing trees at the site be given due consideration within development proposals and retained where they merit it. The Council will not grant planning permission for developments which directly or indirectly threaten trees, especially of significant amenity.

Proposal should try to adhere to the default position that structures (i.e. manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork) are located outside the Root Protection Areas (RPAs) and canopy spreads of trees to be retained. For ancient woodland leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland (depending on the scale and impact of development, a minimum buffer should be at least 15 metres to avoid root damage and at least 50m for pollution or trampling.

With regards to new soft landscaping, new tree, hedge and shrub planting should be recognised from the outset as an integral part of any development scheme, not just those where it is proposed to remove existing trees and shouldn't be an afterthought. As it will help to soften and screen the buildings/parking areas in the local landscape.

Development layouts should be designed to ensure that retained and newly planted trees have sufficient space and appropriate aftercare to flourish and mature and deliver their full range of environmental benefits without causing harmful nuisance.

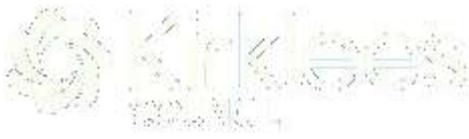
Initially, from the information provided. Trees have concern about the potential retention of the trees rear of plots 13 and 14 without their being a risk of increased pressure of future residents wanting to prune the overhang and encroachment of the new roads/structures into the RPAs of the trees along the railway boundary”.

With regard to any future landscaping, you are advised to carefully consider all opportunities for appropriate tree planting and other screen/mitigation planting which could additionally help the proposed development comply with policies and guidance regarding design, biodiversity, health and wellbeing and other relevant planning considerations. The proposal sits adjacent to the green belt and the council would expect this to be considered when proposing boundary treatments.

For any future landscaping scheme outside of domestic curtilages, officers would need to see a five-year management plan to ensure that the scheme successfully establishes. The management of newly-establishing trees should include, but is not limited to, a watering regime, monitoring of stakes and ties, formative pruning, replacement of failed or damaged trees. This would need to include details of any public open space areas within the site, how are they managed and maintained.

In terms of ecology and biodiversity, the cover letter submitted with the pre-application request states that an ecological assessment has been undertaken at the site and consideration seems to have been given to a wide range of ecological receptors.

As such, KC Ecology have provided the following comments:



“The results of the ecological assessment should be used to inform an ecological report to support the planning application. The most appropriate report format to support a planning application is an Ecological Impact Assessment (EclA) (CIEEM, 2017a & 2018). The standardised content and format of an EclA is defined in guidance by CIEEM (2018), and if followed will provide sufficient information to enable planning officers to understand if the proposals are in line with biodiversity policies. In order to provide sufficient information to support a planning application, the EclA should include a characterisation of the impacts to important ecological features and identify any significant ecological effects resulting from these impacts.

In order to demonstrate a biodiversity net gain, the EclA should also include an accurate summary of the biodiversity net gain calculation using the most up to date Biodiversity Metric to demonstrate how policy requirements are met.

Biodiversity Net Gain is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and therefore, major developments must deliver a Biodiversity Net Gain of 10%, utilising the statutory Biodiversity Net Gain metric.

Under the new mandatory framework, there are three ways to Achieve BNG:

- o On-Site Units: Developers can enhance and restore biodiversity within the red line boundary of their development site.*
- o Off-Site Units: Developers can also achieve BNG by enhancing biodiversity off-site (outside the development area).*
- o Statutory Biodiversity Credits: These are a last resort option. If developers cannot achieve BNG through on-site or off-site methods, they can purchase statutory biodiversity credits, which are facilitated by DEFRA and are likely to be of significant expense.*

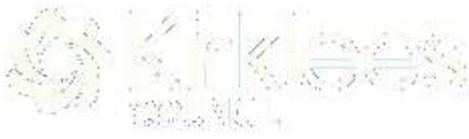
At present, we are unaware of any private habitat bank providers in Kirklees and the council has not secured an appropriate mechanism for securing money through the planning process and delivering units on their land. As such, if developments wish to proceed, they will need to do so by delivering BNG on their own land, or through purchase of statutory credits, a process facilitated by DEFRA.

The engaged suitably qualified ecologist should be consulted on the requirements at the time of submission, with national guidance referred to, throughout”.

Pre-application public engagement

You are strongly encouraged to carry out public consultation and engagement prior to submitting your planning application, in accordance with paragraph 40 of the NPPF.

The results of your pre-application consultation would need to be included in a Statement of Community Involvement to be submitted with your forthcoming planning application.



7. Planning obligations / heads of terms

Affordable housing

Local Plan Policy LP11 requires proposals to include 20% of units as affordable housing. For a development of 49 units, a minimum of 10 affordable units would be required, which you have indicatively demonstrated as part of the proposals.

The preferred tenure mix for affordable units in Kirklees is: 45% of affordable units should be Intermediate affordable housing, and 55% should be Social or Affordable Rented housing. A minimum 25% of the affordable units (as part of the 45% Intermediate affordable housing), may be First Homes.

In this instance, you have proposed the following affordable house types:

- 4x 1-bed
- 4x 2-bed
- 2x 3-bed

The SPD requires the advised split for 10 affordable units:

	Affordable or Social Rent units (55%) 5 units	Intermediate units (45%) = 5 units	Total no of units by house type
1 & 2 beds	3 units (60% of Rent units as 1&2 beds)	3 units (60% of Intermediate units as 1&2 beds)	3+3 = 6 units (60% of overall 10 affordable units)
3beds	2 units (40% of Rent units as 3 beds)	2 units (40% of Intermediate units as 3 beds)	2+2= 4 units (40% of overall 10 affordable units)
4+ beds	None (0-19% advised)	None (0-19% advised)	None

Therefore, in line with the advised house type mix above, providing more 3-beds such as 4x 3-beds instead of 2x 3-beds would be advised.

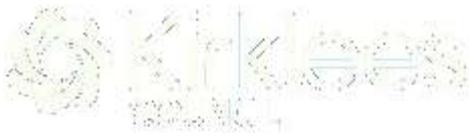
The affordable homes' build quality and appearance should render them indistinguishable from the market housing in the development.

Education

The threshold for education contributions on residential schemes is 25 or more 2+-bed units. In this instance, the scheme proposed would meet this threshold.

As such, an education contribution of approximately £100,735 is likely to be required.

Please note, however, that this information is reviewed annually and therefore may change due to the cohort intake and the number of units provided at the application stage.



Public Open Space (POS)

In accordance with Local Plan Policy LP63 all residential schemes over 10 units are required to contribute towards the provision of open space in their area. If adequate public open space provision cannot be achieved on site, an off-site contribution would need to be sought. This would be formally calculated as part of any future planning submission.

Management Company

The LPA is obligated under House of Commons Written Statement 161 to ensure the maintenance and management of sustainable drainage for the lifetime of the site. This includes the period from construction up until a date of adoption by the statutory undertaker (Yorkshire Water). There is no guarantee that systems will be adopted even if an agreement is signed to do so. It is vital therefore that an undertaking is secured in the planning process (via a Section 106 agreement) to maintain these systems to manage flood risk. A detailed maintenance plan including access and safety is expected to be included so it can be enforced against non-compliance.

Highways / sustainable travel

Depending on the application-stage feedback from West Yorkshire Combined Authority (WYCA) and KC Highways Development Management, highway enhancements and/or sustainable travel funding would need to be secured in connection within the proposed development.

As identified above, a Travel Plan monitoring fee would need to be secured as part of any Section 106 agreement. For a development of this scale (classed as a 'small major' residential development) the fee is £10,000 (£2,000 per year for 5 years).

8. Plans and validation checklist

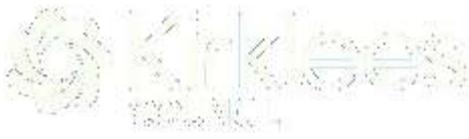
Kirklees Council published their updated Validation Requirements for the Submission of Planning Applications document (also known as a 'local list') on the 06/02/2023. The document sets out the information to support a planning application required by the council.

Applications which do not to comply with the document's requirements are unlikely to be validated. The document may be found at:

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-requirements-submission-of-planning-applications.pdf>

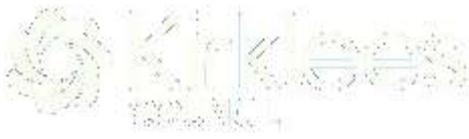
Based on the details held at this time, the following necessary supporting documents have been identified:

- An application form.



- A full set of detailed drawings, including plans and elevations, site sections, existing and proposed land levels, and street scene drawings.
- Design and Access Statement.
- Planning Statement, to include:
 - Statement of Community Involvement.
 - Climate change statement.
- Transport Statement / Assessment (scope to be agreed in advance with HDM).
- Travel Plan.
- Proposed highway details
 - Long sections, cross sections and contours;
 - Dimensioned plans, including street widths, centre line radii, junction stagger distances, junction radii, visibility splays and forward visibility sight-lines;
 - Kerbing details, surface treatments and ramp details;
 - Pedestrian crossing arrangements;
 - Street tree details, including proposed root protection measures; and
 - Swept Path Analysis (SPA) of Kirklees Design Refuse vehicle to be provided for entire site layout, including turning heads and passing cars at bends/junctions.
- Stage 1 Road Safety Audit and Designers Response for both S278 and S38 works.
- Swept Path Analysis (SPA).
- Drainage Strategy to include:
 - A future management plan for the maintenance of the water area
 - Surface water flooding assessment.
 - Temporary (construction-phase) drainage works.
- Landscape plan (including a management and maintenance scheme and measures areas of any Public Open Space).
- Contaminated land reports.
- Crime prevention plan (if not set out in the Design and Access Statement).
- Construction Environmental Management Plan.
- Details of secure cycle facilities.
- A plan to demonstrate bin storage and collection points.
- A Noise Impact Assessment.
- Preliminary Ecological Appraisal and Ecological Impact Assessment (including a 10% biodiversity net gain).
- A Tree Survey, (to include tree retention/removal plan, retained trees and RPAs shown on proposed layout root protection areas (RPAs) and canopy spreads)
- Arboricultural impact assessment.
- Arboricultural method statement.
- Existing and proposed finished levels.
- Tree protection plan.
- Boundary treatment plan.
- Structural survey for retaining banking adjacent to railway line.

Planning performance agreement



As a major development, in accordance with Section 34 of the Development Management Procedure Order 2015 (as amended), the application will have a 13-week determination period. However, for more complicated applications where the involvement of numerous consultees is required and/or negotiations are expected, it is not unusual for decisions from the Local Planning Authority to take longer.

In such cases the LPA advises that the use of Planning Performance Agreements (PPAs) would be appropriate. A PPA is a paid-for service that is agreed voluntarily between the applicant and the LPA prior to the application being submitted.

The main purpose of a PPA is to give greater certainty to the planning process and help foster a collaborative approach to designing better development. They typically take the form of a framework, agreed between the LPA and the applicant or potential applicant, about the process and timetable for considering a major development proposal.

In this instance, based on the discussions held in the in-person meeting on the 1st March, different options were provided for the PPA process. Based on a standard PPA for 6 months during the course of the planning application, the fee is likely to be £29,000 plus VAT. There would be flexibility to extend this period should you wish to do so.

9. Planning application fee

You can calculate how much the planning fee would be for your proposal [here](#).

10. Conclusion

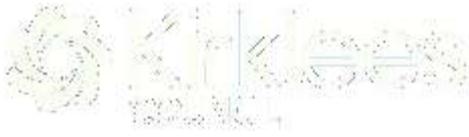
In summary, there are concerns regarding highway safety and the layout of the development proposed. Any future development will need to be policy-compliant in relation to highways matters and will need to ensure that there would be no detriment to highway safety. Other material planning considerations will also need to be addressed, as set out in this advice letter.

Advice set out in this letter is provided in good faith, without prejudice to the formal consideration of any planning application, which would be subject to public consultation and would ultimately be decided by the council. It should also be noted that subsequent alterations to legislation or local, regional, and national policies might affect the advice given. Therefore, caution should be exercised in respect of pre-application advice which is not submitted within a short time of the council's advice letter.

I trust this information is of use to you in formulating a scheme for the site.

Yours sincerely,

Mathias Franklin



Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield

Head of Planning and Development

Disclaimer

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given. You should be aware of the Council's Local Development Scheme which sets out the programme for developing its local plan. You are advised to seek further advice once any consultation drafts are published.

Caution should be exercised in respect of pre-application advice which is not submitted within a short time of the Council's advice letter.