

**Application Number 2020/92307/ Penistone Road/Rowley Lane Fenay Bridge HD8 0JS
– Outline Application of Residential Development (Land now forming part of HS2)**

All Comments should be read in conjunction with the Neighbour Representations id 827782 submitted on 28 August 2020, id 842221 submitted 2 December 2020, id 848522 submitted 8 January 2021 and id 879518 submitted 17 June 2021.

Green Alert in Lepton (GAIL) is recognised by the Council as a non-statutory consultee and representative of the Local Community on matters relating to the Local Plan. This further consultation response is submitted on behalf of GAIL following the recent submission by the applicant of additional/revised information in support of their application.

1.0 The Masterplan

1.1 GAIL has carried out a very careful side by side comparison between the Design and Access Statement dated 4 March 2021 (id 859034) Masterplan Rev B subject of selected circulation and dated 29 September 2021 and the latest Masterplan Rev C dated February 2022 (id 922598).

1.2 Apart from some minor and insignificant text changes and changes to photographs (which remain quite misleading especially regarding the junction between Penistone Road and Rowley Lane) GAIL cannot find any discernible difference between the documents.

1.3 It can only be concluded from this that the applicant has chosen to ignore all the advice given to it by the statutory consultees and by the Council's officers.

1.4 GAIL therefore maintains its position and calls on the Council to reject this application on the following grounds unless it wants to establish a precedent for accepting defective and deficient Masterplans in direct conflict with MM43 and MM46, the advice from its own Officers and its own policies.

1.5 The Main Modifications 43 and 46 requiring a Joint Masterplan with HS3 and the Council's own LP5 are the foundation stones which have to be in place before applications can be considered. As they are not yet in place this application has to be rejected.

1.6 The Applicant has failed to submit a Joint Masterplan that is compliant with LP5.

1.7 The Council has not put together an adequate evidence based business case to prove conclusively that there is unmet demand in the Lepton and Fenay Bridge area and that also shows that these houses can only be provided in this area. The Masterplan is also silent on this issue.

1.8 The Applicant, through the Masterplan, has failed to properly account for and mitigate against the substantial/considerable harm that this development and associated infrastructure will cause to the listed heritage assets in the area namely Woodsome Hall (Grade I) and 1 Woodsome Rd (Grade II).

1.9 In addition the applicant has failed to submit Zones of Theoretical Visibility (ZTV's) from Woodsome Hall as formally proposed by Historic England (Local Plan Examination library ID26) who advised as follows. **'A Heritage Impact Assessment including, as appropriate, a Zone of Theoretical Visibility shall be produced to evaluate the impact which the**

development of this area might have upon views from the Grade I Listed Woodsome Hall.

1.10 Historic England also said that ‘No development should take place on those areas of the site visible from the terrace or principal rooms of Woodsome Hall’.

1.11 Had they done so it would have shown that large parts of HS2 front field and all of HS3 are visible from the principal rooms as shown in photographs below:



1.12 In its own Castle Hill Setting Study (August 2016), the Council recognised and accepted the importance of ZTVs It would seem perverse for the Council to ignore their relevance in the setting of Woodsome Hall, particularly when their importance has been identified by Historic England, the statutory consultee responsible for advising on heritage issues.

1.13 Further discharges of surface water into Fenay Beck resulting from this development will considerably increase the risk of flooding to properties situated along the banks of the beck. It should be noted that during recent heavy rain substantial flooding occurred to properties along side Fenay Beck and substantial damage was done to the banking running along the beck. It is also known that the land surrounding the site is prone to flooding as shown in the photograph below. Developing hard surfaces on HS2 will simply make matters worse.



1.14 Biodiversity is a huge concern and of great importance within the area. The Masterplan is relatively silent on this issue limiting the comment to “improving bio diversity on site wherever possible” and inviting the Council to attach a condition to any consent. This is unacceptable and contrary to council policy, national policy and proposed legislation.

1.15 Also in its recently submitted Supporting Information Responses (General [id 922596], the Applicant states that it has ‘extensive landholdings on the west side of Penistone Road which can be used for biodiversity improvements if this (i.e. a 10% net gain in biodiversity) cannot be achieved on site (HS2)’.

1.16 Again, this smacks of an ‘ifs, ands, buts and maybe’ approach to Biodiversity improvement which flies in the face of the original Kirklees Sustainability Appraisal Objective rating of **Significant Negative Effect** for the Site.

1.17 GAIL contends that the Applicant needs to be specific, explicit and clear in its proposed approach. Instead, what the Applicant is presenting is ill-prepared, ill-thought out and unsound.

1.18 The Transport and Air Quality Assessment submitted by the Applicant is wrong and has understated daily traffic flows along Penistone Rd by 100%.

1.19 The Masterplan fails to assess the cumulative impact of the development of HS2 and HS3 and appears to try to treat each phase of development as standalone. The Masterplan needs to clearly identify the likely cumulative impact on local amenities and infrastructure as required by the Council’s letter to dated 22nd June 2021.

1.20 Masterplans should create a strong sense of place, and the proposed development should make a positive contribution to local character and distinctiveness. This development will have a fundamental impact on the character of Lepton and the built and natural heritage environment. The Masterplan does not demonstrate how such a significant expansion of Lepton would add to its qualities as a place.

1.21 The Masterplan does not explain how these developments will benefit the local community.

1.22 Masterplans should encompass economic, social and environmental requirements designed to create the sustainable communities of the future. The proposals described in the Masterplan will remove a number of amenities that local people have enjoyed for years as well as putting considerable strain on the local infrastructure and resources. The Masterplan needs to explain how the proposals will contribute towards the building of a sustainable community.

1.23 The Masterpan is silent on how the existing natural environment can be conserved and enhanced by these developments.

1.24 The revised Masterplan remains inconsistent, confused, incomplete and totally unconvincing.

1.25 These development proposals are in conflict with Local Plan Policies LP5, LP21, LP30 and LP 35 as well as Main Modifications 43 and 46. In addition there are material conflicts with the provisions of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and with paragraphs 109, 117, 170, 174, 175, 177, 189, 190, 193, 194, 196 and 200 of the NPPF.

1.26 GAIL would therefore recommend that the Council reject this application and avoid breaching its obligations under the approved Local Plan, under its own local policies and under legislation.

2.0 Noise and Vibration

2.1 This site originally was a standalone site known as H334. As such it was the subject of a Sustainably Appraisal (SA) prepared by LUC in October 2016.

2.2 This Sustainability Appraisal Assessment of the SA Objective of Protecting local amenity including avoiding noise and light pollution shows residents being exposed to a **significant negative effect** over the long term.

2.3 It should also be noted that the conclusion reached in the 2016 SA was based upon existing traffic flows and took no account of the fact that the longer term proposal is to use the lower part of the site as a means of access and egress to the wider parts of HS2 and HS3. Neither did it take account of other potential developments in the local area the traffic from which will all feed onto Penistone Road.

2.4 The Council is clearly concerned about the effect of this proposed development on the adjacent Engineering works Reliance Precision Engineering, hence the email from the Council dated May 2021 which asked for the concerns of the Company to be addressed.

2.5 These concerns resulted in a Noise and Vibration Assessment Addendum report from Miller and Goodall (id. 885370).

2.6 GAIL will await with interest the comments from Environmental Services on this new submission but from its reading of it there will be likely impacts on occupiers from night time noise even with trickle ventilation as opposed to opening windows and likely impacts on Reliance Precision Engineering from vibration both during construction and beyond.

2.7 It should be noted that both Noise Assessment and the addendum do not consider the potential impact from future noise and vibration as indicated below.

2.8 If further developments on HS2 and HS3 do take place at sometime in the future and based upon the applicant's statements in the Transport Assessment (id 818956) page 14/15 this would result in a further 448 properties utilising the access roads to be constructed on the lower part of HS2 front field.

2.9 This figure assumes that the owner of the site HS3 achieves their preferred position of utilising Hermitage Park as a means of access for 80 properties. If this fails and all traffic is directed through HS2 front field the property number will increase to 523 or 598 if the 75 properties subject to this application are included.

2.10 Using the 2011 Census Key Statistics on Kirklees Car Availability, these developments would result in between 732 and 837 extra vehicles utilising the roadways in front of the proposed development.

2.11 Using a trip factor of 0.8 this would result in between 586 and 670 daily vehicle trips in and out of the site.

2.12 In addition to the above the longer term proposal is to close Rowley Lane forcing all traffic (including buses and lorries) through part of the site to access Penistone Road via the proposed roundabout. This will introduce an additional 3473 vehicle movements through the site on a daily basis (source FOI 11589). When added to the above over 4,000 vehicle movements would occur through the site on a daily basis.

2.13 Given that the original SA identified a **significant negative effect** over the long term based upon traffic usage along Penistone Road all these additional movements through the actual site itself must constitute a serious risk to residents that the Council simply cannot ignore

2.14 Neither can the Council ignore the potential for serious impacts on both the existing operational of Reliance Precision Engineering and any plans they may have to expand their business.

2.15 Does the Council really want to risk losing a major employer in the local area?

2.16 It is clear that the potential for external noise issues and vibration resulting from the significant increase in traffic volumes fails to contribute to the development of a community where well-being, a healthy lifestyle and protecting and improving environmental quality are fundamental cornerstones in delivering both the NPPF and Kirklees Local Plan Objective of sustainable development.

2.17 GAIL would recommend that the Applicant be required to submit a Noise and Vibration Impact Assessment report at this stage that reflects reality and that takes account of ALL potential traffic movements within the site and the wider Penistone Road network.

2.18 Furthermore GAIL would recommend that the Council commissions an independent and new Sustainability Appraisal report to assess the implications of the wider usage of the site for traffic movements. Failure to do so at this time runs the risk of exposing residents to significant negative health effects in the longer term.

GAIL will comment further on this new application once the statutory consultees respond.

Green Alert in Lepton Team

3rd April 2022