

## **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, id 879518 submitted 17 June 2021 and id 933316 submitted 3<sup>rd</sup> April 2022.

This further submission will provide comments on the latest submission by the Statutory Consultees.

*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 Historic England (id 933093)**

1.1 Historic England makes it clear in their recommendations that they still have concerns about the development on Heritage grounds and requires the Authority to ensure that all the issues and safeguards previously identified are addressed if the Authority is to avoid compromising its obligations under paragraphs 199 and 202 of the NPPF.

1.2 Historic England's concern centres on the potential for the development to cause harm to the setting of Woodsome Hall but does not mention the potential for harm to be caused to the setting of 1 Woodsome Road a grade 2 listed building. This is an unfortunate omission.

1.3 GAIL would have preferred a more definitive opinion from Historic England especially since during the public examination of the Local Plan they took a very robust position as identified in Local Plan Examination library HD 2.4

1.4 Historic England states that harm needs to be weighed against the public benefits of the proposal.

1.5 Given the potential for harm to the setting of both Woodsome Hall and 1 Woodsome Road and the requirements of paragraphs 199 and 202 the question has to be are these houses really needed in this area or could they be provided elsewhere?

1.6 The Council has never put forward a clear and convincing business case that shows that the development of HS2 is so needed in this area such that the public benefit of the developments outweigh the harm that will result to the designated heritage assets.

1.7 The Council has offered no evidence that suggests that there is an unmet demand in this area. Given that their land selection process used in development of the Local Plan was not demand led the Council cannot claim that there is a high demand for new properties in the Fenay Bridge area,

1.8 Can these properties be provided elsewhere? Within a mile from this proposed site is another site to be developed of 505 houses of which 300 are already consented, so clearly the answer is yes.

## **2.0 KC Conservation and Design (id 937971)**

2.1 The Officer describes Woodsome Hall as Grade II listed when in fact it is Grade I listed.

2.2 The Officer also confirms that there has been no further consideration of the impact on the setting of Woodsome Hall from the previous Impact Assessment submitted in March 2021.

2.3 Both KC Conservation and Design and Historic England agree that this development will cause damage to the setting of Woodsome Hall with KC Conservation and Design requiring the benefits of this development to be clearly laid out; something that both the Applicant and the Council has failed to do to date.

2.4 GAIL also notes that the Application no longer includes the road layout and roundabout. Presumably if an application does come forward at sometime for these aspects of the scheme both KC Conservation and Design and Historic England will be more robust and more direct in their response.

2.5 The absence of Zones of Theoretical Visibility and Visual Impact Assessments (as suggested by Historic England (see Examination Library HD 2.4) makes it impossible to fully determine the impact upon the listed assets in the area that will be affected by this development.

2.6 Looking further at the previous Impact Assessment it continues to ignore the impacts on the various other listed assets likely to be affected by these proposals and it is a weak attempt to justify why the listed asset will not be affected by the development as opposed to stating what mitigation measures might be employed to reduce the harm which will clearly occur.

2.7 The Council should, at the very least delay decisions on the matter until such times as the public benefits of this development can be clearly laid out and an assessment taken as to whether the public benefits outweigh the harm that will be done to the listed assets. This is the only way that the Council can be sure that it is not in danger of compromising its obligations under paragraphs 199 and 202 of the NPPF.

2.8 Furthermore given that the Applicants for this site and for HS3 (Application number 2022/60/91735W) appear to be trying to present their applications independently of each other, contrary to the requirements of MM43 and MM46, the Authority simply cannot be certain that the WHOLE site can be delivered in a manner that complies in full with the requirements of the NPPF and the Councils own Local Policies.

**2.9 GAIL would contend that this application cannot be determined in isolation and the Authority must come to a view on the Masterplan including the proposed access arrangements and the impact of the roundabout and associated lighting on both Woodsome Hall and 1 Woodsome Road before any applications for either HS2 or HS3 can be considered further.**

## **3.0 Noise and Vibration**

3.1 The response from Environmental Health (id 951354) indicates that there are still potential issues relating to noise pollution especially at night. It goes on to say *this matter*

*can be revisited once further information on the proposal is received and any issues identified can be addressed with greater clarity.* GAIL would contend that this is simply not good enough and a definitive professional opinion should be given now because if the properties do get built and issues do arise it will simply be too late.

3.2 Clearly Reliance has concerns regarding this proposed development that should be addressed now. The Council would be unwise to 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.

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

3.4 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.

#### **4.0 The Masterplan REV E (id 922598)**

**4.1 GAIL has commented extensively on the issue of a compliant Masterplan for HS2 and HS3 before**

**4.2 It will ultimately be for the Council to decide if what the applicant has submitted represents an adequate Masterplan that complies with LP5. In GAILs view it does not as it still does not show exactly how the sites will work together on issues such as drainage, biodiversity, access and what the benefits will be to the local community.**

**4.3 There can also be no guarantee that the sites will ever be delivered as no signed joint agreement between the parties (including the owner of the disused railway line) has ever been seen.**

#### **5.0 Recommendations**

**5.1 The Council has more than adequate reasons to reject this application in its current form**

**a) The Applicant has failed to submit an agreed Joint Masterplan with HS3 that is compliant with LP5 and is required by Main Modification to the Local Plan.**

**b) The Main Modification 43 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.**

**c) 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.**

**d) The Applicant 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 and 1 Woodsome Rd.**

**e) 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.**

**f) Design and Access statement is silent on how this development will conserve and enhance the natural environment, including how a 10% net gain in biodiversity will be achieved.**

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

**h) These development proposals are in conflict with Local Plan Policies LP5, LP21, LP30 and LP 35 as well as Main Modification 43. 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.**

**i) 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.**

**On behalf of the Green Alert in Lepton Team**

**28 November 2022**