

From:

Supplementary comment re landscape and LVIA matters - application number 2020/62/93954/W - Lingards Road

Date: 03 November 2022 10:41:00**Attachments:** [Supplementary Planning submission November 2022 - Landscape.docx](#)

Please see attached a supplementary planning comment from the Lingards Road residents committee. Other supplementary comments will follow.

This supplementary planning submission relates to the landscape and visual impact issues inherent in the revised proposals submitted by the applicant on 20th October 2022. It should be read in conjunction with all our previous comments regarding the landscape and visual impact of this development. For clarity we re-iterate that:

Our main objection is still that the building design, layout and housing density conflict sharply with the rural fringe, Pennine hillside, location and will have an unacceptable adverse impact on the landscape and existing properties bordering the site.

In recognition of the very sensitive rural fringe location, Kirklees Council carried out a Landscape and Visual Impact Assessment (LVIA) for the Outline Planning Application in 2015. The subsequent outline planning consent was for 27 dwellings only (not the 33 wrongly claimed by the developer in his Design and Access Statements). The consent stipulated that: ***“A full, detailed planning application should incorporate the recommendations, as set out in consultation response in Section 11 of the Local Landscape Character Assessment (aka LVIA) from the Councils Landscape Architects”***. Even though that outline planning permission has now lapsed, we are astonished that the developer has chosen to ignore the Council’s carefully considered and professionally prepared LVIA which has certainly not lapsed and, in our opinion, is as relevant today as it was in 2015. Landscapes do not change quickly, without large scale man-made intervention. The LVIA recommendations for the development were:-

- ***“Future design will need to ensure a sensitive approach to reflect the character of the surrounding area and incorporate mitigating elements, to filter views and minimise the impact of the development”.***
- ***(We would expect) “Low density development with generously proportioned areas of amenity landscaping, screen planting or public open space incorporated into the design”.***
- ***“It is anticipated that the majority of dwellings within the site will comprise of two-storey units, as can commonly be found within the immediate surrounding area”***
- ***(We would expect) “Dwellings set back from undeveloped boundaries and the clever use of existing landform and topography with the creation of bunds or mounds together with mitigating structure planting to soften outlines of the new built form”.***
- ***(We would expect) “sensitive design to ensure unobtrusive inclusion, avoiding swathes of paving and hard landscaping”.***

All the LVIA requirements (and others of a similar nature) were re-iterated and confirmed in the Planning Officer’s report to both the Huddersfield and Strategic Planning Committees in late 2015 and early 2016. They also shaped the Local Plan viability assessment and adjusted site allocation of 34 dwellings (for the slightly expanded application site). Our simple questions are ***“Why has the current developer totally ignored these very sensible and reasonable LVIA requirements?”*** and ***“Why is the developer now being allowed to propose a very significant and damaging departure from the site assessment in the Local Plan and the carefully assessed Local Plan housing allocation?”***

As residents who will have to live with the very damaging aspects of this proposed development, we are quite angry that the developer has repeatedly ignored the constructively expressed concerns of local people, the Council’s own landscape architects, guidelines from the previous planning application and the Local Plan itself. As community representatives we have repeatedly sought constructive meetings with the developer, but he has failed to respond. In his Design and Access

Statement the developer claims that ***“Approximately 27 No responses were received in response to the initial application proposals (the first of three planning iterations) and the main concerns expressed were regarding the number of dwellings proposed, the building heights and the impact on the highway all of which have been addressed in this design statement and amendments made to the proposals”***. We are adamant that he has NOT addressed our fundamental concerns and any changes he has made are less than cosmetic – the equivalent of changing the style of door handle from aluminium to brass! The number of dwellings is still far too high for this location and has increased in the latest iteration; the design is still based on an obsession with three storey properties; the overall height and elevation of the properties nearest to Lingards Road has been massively raised and the hugely negative impact on existing highways has just been “batted away”. In our view, he has not undertaken the requisite public consultation, certainly not since the first planning iteration. He has not addressed our concerns, in the way that he would have everyone believe in his Design and Access Statement. In fact, over the three planning iterations, he has taken the application in completely the opposite direction and made the development significantly less, rather than more, acceptable in almost every respect.

We are particularly concerned about four issues, which the developer has clearly recognised, but failed to address in his fundamental design philosophies:

- **Unacceptable Housing Density.** Although the proposed number of dwellings (43 - equivalent to 19 per Ha) is less than the general Local Plan target of 35 per Ha, it is much higher than can be accommodated on this extremely difficult to develop site, in this sensitive rural fringe location. In our view the Local Plan allocation of 34 houses has been correctly and properly determined, as part of a clear, fully documented process, ratified by the Planning Inspector to ensure compatibility with the site’s surroundings, including the adjacent green belt, listed buildings, steep valley slopes, extensive land drainage problems and compatibility with existing adjacent dwellings. We are deeply distressed that the developer (perhaps supported by the planners?) is constantly trying to “pack in” more houses and has even added an extra dwelling in to this latest iteration, increasing the already unacceptable number of houses from 42 to 43. The savage increase of 26.5%, compared with the Local Plan allocation of 34, makes an utter nonsense of the Local Plan process and significantly increases the hugely negative impact of urban massing on the green belt valley landscape and the neighbouring local area. It makes it more difficult to achieve other recommendations in the Council’s LVIA, notably to reflect the character of the surrounding area and set back the dwellings from undeveloped boundaries (i.e. the green belt and the undeveloped side of Lingards Road). Rather perversely, the developer appears to have deliberately pushed as much development as possible, hard up against all the boundaries of the site. This wholly unacceptable design philosophy has some very negative consequences, for the landscape and for existing properties just outside the site boundaries, including serious invasive overlooking of properties on Manchester Road, unnecessary harm to the setting of the grade 2 listed buildings at Far Lower Wood Farm and unnecessary harm to the green belt on the Western edge of the development. In effect the developer is creating open space in the centre of the site to give to new residents, at the calamitous expense of existing residents adjoining the site and the wider environment beyond the site boundaries. We therefore insist that the number of proposed dwellings must be reduced back to 34, to facilitate a development layout which is compatible with its surroundings and the landscape.

- **Unacceptable design focus on three storey houses, instead of two storey houses.** The Council's LVIA and the subsequent outline planning consent envisaged that ***"the majority of dwellings within the site will comprise of two-storey units, as can commonly be found within the immediate surrounding area"***. Shockingly, the developer has ignored this previously mandated requirement and 32 of the proposed 43 dwellings are now three-storey units. Many, particularly the 10 properties with direct vehicle access off Lingards Road and those on the lower tier of development on the site, are built on raised stone platforms, up to 2.85 metres high. From a landscape and massing perspective, these properties can therefore appear as up to four stories high from a Northern viewpoint!! This is beyond unacceptable in this Pennine-hillside, rural fringe environment, especially as the three tiers of houses on the development, will coalesce vertically together to create a continuous vertical wall of solid urban massing up to 33 metres high (10 or 11 storeys), when viewed from Manchester Road or across the valley. We completely reject the developer's rather fanciful assertion in his Design and Access statement that ***"The new rows of buildings are separated by rows of trees and the open space also viewed from across the valley. This provides an overall pleasing appearance"***. The submitted site sections clearly show that, even without the addition of garden fences, walls and other retaining walls, it will be impossible to see any of the open space from across the valley. It will offer a dominating unpleasant appearance of unbroken urban sprawl, vertically and horizontally. We also say that the CGI visual images submitted by the developer as part of his planning application are totally unrealistic, because they neglect to show most of the garden walls, and fences. NONE of the submitted images represent a real-world viewpoint (e.g from roads, footpaths, adjacent properties or from anywhere directly across the valley. They are all "overhead" or "drone" images which severely distort the vertical perspective and scale. They maximise the East-West horizontal open spaces, whilst hiding the height of the dwellings, stone retaining walls, steep slopes and the lateral North-South perspective. The developer's arguments in the Design and Access Statement, regarding acceptability of three storey houses in this location are also totally unrealistic. Instead of refuting them line by line (which we have done in our previous, still valid, objections) we will be extraordinarily kind and simply describe them as "fanciful" and "heavily weighted" towards the developer's commercial aims. In our view, bearing in mind we know the area because we live there, three storey houses are utterly incongruous to the landscape and surrounding area. This is a view that is clearly supported by the Council's landscape architects in their 2015 LVIA. In the right environment, one three storey property could be a feature; 32 three storey properties, shoe-horned onto an extremely steep Pennine hillside, surrounded by mainly one and two storey properties, is an unmitigated disaster.
- **Unacceptable Design focus on houses with access directly off Lingards Road.** As argued previously, we say that the proposal to construct houses with direct access off Lingards Road is totally unacceptable. It severely compromises the very special view of the valley from Lingards Road and the Colne Valley Circular walk, which runs parallel to and above Lingards Road, approximately 120 metres to the South. Both routes are regularly used as a "leisure promenade" by walkers from the whole of the Colne Valley Community and beyond. The loss of public amenity is immense. The proposals will adversely change the character of Lingards Road, from a quiet country road to a narrow, congested, urban alleyway. The developer has stated in section 2.5 of his Design and Access Statement that ***"The proposed density (of houses on the site) has been restricted due to the steepness of the site especially up to Lingards Road"***. We therefore find it very strange, and not a little perverse, that the exceptionally steep banking up to Lingards Road is exactly where the developer now proposes to build the most expensive dwellings, representing almost 25% of the dwellings on the site! The phrase "You can't have your cake and eat it" comes to mind. In section 2.6 the developer also quotes **the Council's support for a "step down" / "topographical fit"**

design philosophy saying that ***“the layout of dwellings on a number of development platforms that step down the hillside is logical and makes use of the topography rather than conflicting with it”***. As residents, we strongly support this ***“step down / topographical fit”*** design philosophy and note that the developer proposes to implement it, but only for the relationship between the three tiers of new housing on the site. He seems to be pursuing a completely opposite and very damaging design philosophy for integrating the new development with adjacent existing properties on Lingards Road. There, he proposes to construct the new houses on the North side of Lingards Road, to ***“approximately equal ridge lines”*** of existing properties on the South side. We are quite alarmed at the tortuous argument put forward by the developer, when he says in section 3.2 ***“the heights of the respective ridge lines to the existing houses above Lingards Road, when compared with the height of ridge lines to the new 3 storey houses above their respective new road levels, are approximately equal and in some instances the height to the ridge lines of the existing houses is greater. This justifies the proposed new housing at 3 storeys due to their matching heights above road levels and by implication the scheme's relationship to its surroundings”***. In our view, the developer seems to have completely forgotten that there is a huge difference in natural ground level across Lingards Road and he should, as the Council advocates in section 2.6 ***“make use of the topography rather than conflicting with it”***. We are insistent that the new properties nearest to Lingards Road should be set at a lower level in the site, set further back from the site boundary and be accessed from the on-site roads, rather than directly from Lingards Road. This was the developer's proposal in his first planning iteration. In our view, it is the only way that the new development can be configured to harmonise with the existing adjacent properties on Lingards Road and ***“make use of the topography, rather than conflicting with it.”*** An alternative way of looking at the problem is to say that, because of the extremely steep slopes and open hillside location, the principle of ***“step down / topographical fit design”*** must extend across Lingards Road to include the existing houses. Otherwise, the site itself will not integrate with its surroundings and the very awkward relationship with Lingards Road will stick out like a sore thumb in the landscape: Arguments relating to the highway and drainage problems generated by houses with direct access to Lingards Road are covered in other submissions.

- **Invasive overlooking of houses on Manchester Road and Far Lower Wood Farm.** One of the more distressing aspects of the proposed development is how the three storey properties on the lowest tier of development still dominate and severely overlook the existing properties on Manchester Road and Far Lower Wood Farm. This is largely because of the steep slopes, the unacceptable housing density, the unacceptable height of three storey houses and the developer's penchant for balconies on the Northern elevations of the new properties. The developer may have “tinkered” with some of the fine details of the properties in this lower tier, particularly in his later planning iterations, but he has studiously neglected to address the fundamental problems. The impact of the development on the listed buildings at Lower Wood and Far Lower Wood Farm is of course a special case that is subject to other legal restrictions. We are pleased that the developer has now finally accepted that the development does cause harm to the listed buildings (see section 3.3.3 of the developer's Design and Access Statement) but are aghast at his unfounded assertion that ***“this is mitigated by the measures taken described above and results in only minimal harm to the historic setting and, when set against the public benefits of the scheme, justify the proposals”***. As usual, the developer fails to understand and make adjustments for the magnifying impact of the severe slopes and the three-storey form of houses on the site. In this context the minimal gaps between the listed buildings and the new buildings are insufficient to prevent unacceptable harm to the setting of the listed buildings. In our view the harm to listed buildings cannot and should not be so easily traded off against spurious “public benefits of the scheme”. We also feel that much more could be done to incorporate

vernacular Pennine features into the building design and layout of new properties closest to the listed buildings, especially those immediately to the South of Far Lower Wood Farm.