
From:

Sent: 24 January 2021 12:39

To: Callum Harrison <Callum.Harrison@kirklees.gov.uk>

Subject: Application : 2020/70/94269/E

Dear Mr Harrison

I write to oppose Application : 2020/70/94269/E. Below are the points I wish you to consider when assessing the nature of this application:

a) Incorrect application

The first thing to point out is the incorrect nature of the application, referring – as it does – to Devonshire Street.

If the application *is* correct, then it is obvious that the plans and associated paperwork have been lifted from another application. This shows the developer's disdain and disregard for due process; something that has been evident at every stage of the planning process for this development.

This disregard is most obviously evident in the developer's contravention of the inspector's condition ii – that constructing a road of suitable standard was a requirement ***before commencement*** of any building work; something that should have been stopped by KMC when they were first notified. Even after a 'stop' notice was issued, work continued; again, KMC were notified of this and did not take any action.

In essence, the applicant is now admitting – if a road of suitable standard cannot be made – that the application should not have been granted; the only inference to be drawn from the Inspector's report.

b) Tree Roots

One also has to wonder, why this issue of tree roots did not arise at any prior point, during what was a lengthy and drawn-out planning application process? (Both KMC Highways and Trees officers conducted site visits, both before and after the appeal, yet neither identified a problem with road construction.) Also, it is noted that there is no relevant Tree inspection, by the developer or KMC, in support of this application. Had these inspections taken place and the tree roots issue arisen, it is possible (likely) that

the entire application would have been rejected.

Construction of the structure thus far, steel frame and concrete curtain walls, has involved lorries, cranes and articulated trucks; what damage to the tree roots has been caused by these vehicles repeatedly traversing the current road? Again, this is something that could have been avoided if KMC had enforced the conditions of the Inspector's report.

c) Measurements lacking

As established, the applicant is using plans for another application – wherever Devonshire Street is – which goes some way to explaining why neither the Applicant's Agent, nor his Architect or, indeed, his Contractor, have bothered to have the site professionally and accurately measured up - with regard to all aspects involved with the application - pavements; kerbs; road surfacing; materials; trees, etc. How can any application be submitted to, or considered by planning, in all seriousness, without proper measurements?

Drawings appropriate to the real topographic situation are required, as are new cross sections, including at the car park exit where falls exceed those shown on any section.

d) Nowell Street traffic

It was the developer who removed the wall that was previously 'stopping-up' the current road. Ostensibly, we were told when we complained, this was to allow entry to construction traffic; in reality, it has allowed entry, for mosque users in cars, from West Park Street – something that, as part of the application, we were assured wouldn't happen (for both safety and traffic reasons). If a new road of suitable standard cannot be constructed, then what happens to the current road? At the very minimum, the wall previously referred to must be reinstated, so that the road reverts to its previous status of not being a through route. Currently, we only have the developer's assurance that this will happen.

e) Foundations

The final point I wish you to consider is that there has been no investigation to discover the foundation quality of the road; quality which may now have been degraded by the heavy plant machinery which has been repeatedly driven over the road to reach the construction site. (Something that would not have happened had construction not been allowed to start until the road was made-up, as was required by the inspector).

Taking all these points together, it is obvious that this application has no merit and should, therefore, be summarily dismissed, with appropriate consideration given to how this affects the wider application for construction of the mosque – including the work that has already taken place.