

Planning and Development Service
Economy and Infrastructure PO Box B93,
Civic Centre 3,
Off Market Street,
Huddersfield,
HD1 2JR

22 November 2021

Dear Sirs,

RE: Objection to planning application 2021/62/91871/E – Hanging Heaton

As set out in our original objection

Thank you for inviting additional comments on the above application, following deferral at the Planning Committee on 14 October 2021 and prior to the matter being reported back to Committee on 25 November 2021. It is our strong view that the concerns of the Planning Committee have not been addressed fully and we are surprised and disappointed that the report taking the matter back to committee has been written and published prior to the closing of the consultation period. We trust that a very detailed and full update sheet will be provided to members and it will be made clear that the officers report was written before the consultation closing date and will fully set out all representations received up to the point of the committee meeting.

We have read the appellants response note to the committee deferral and any additional information which has been submitted.

Noise

In relation to the additional noise survey the applicants state that the noise survey equipment was installed at “location B” on 21 October 2021. Our clients believe that this is factually incorrect, they witnessed the equipment being placed behind the club wall not in “location B” and it was installed on Wednesday 20 October 2021 and removed at around 9am on Thursday 21 October 2021. This raised the following issues.

The installation of noise equipment on a quiet midweek evening means that the results are not reflective of a true busy day at the Club. The Club is most used on a weekend and the previous Saturday evening had been more reflective of the true noise levels when a function had been held at the club. To assess the noise impact from the Club, equipment should have been installed on a Friday/Saturday evening, preferably when there was a function being held.

The installation of the equipment, behind the Club wall and not at “location B” as indicated means that the equipment was located as far away from Challenge Way as it could have been and being behind a wall the readings would have been further altered.

We would urge the applicant to re-do these assessments in the correct location and on a Friday & Saturday evening in order to get a true picture of the noise levels future residents would encounter.

Our clients inform us that at the last Planning Committee meeting the planning officer indicated that noise from the club was not considered an issue as existing residents have lived with it. This is not the test. Existing residents do live with the noise. However, the proposed new residents would be much closer to the noise source than the existing residents are.

Flooding

We note the comments on drainage, flooding and water courses which seek to reflect the reasons for the Committees deferral. However, we maintain that insufficient information has been submitted to fully appreciate these issues and we urge the Lead Local Flood Authority, who we trust have been re-consulted following the deferral, to forensically analysis the information along with the comments we made in our original objection and those made orally at the committee. We await sight of their considered comments once they have been provided.

Privacy

We note the suggestion by the applicant that fence heights can be increased to overcome the issues of overlooking and privacy. This totally fails to take into account the topography issues on this site. The only way an increase in fence height would be effective on this site would be if the fence was 10m high, this is obviously not practical or acceptable. As explained in our previous objection the only way of dealing with this issue would be by increasing the separation distances between the existing residents and the potential future residents. A minimum distance of 35m on sites with topography such as this Site is deemed to be good practice in other parts of the Country and should be considered here.

We urge the Planning Committee and Planning Officers to re-consider this issue and look at the layout of the proposed scheme and see the unacceptable impact on the residential amenity, privacy and overlooking to both existing and potential future residents.

Layout and design of new development is critical. It should not be housing development at any cost. The Council should be seeking good development and good design. The proposed development in our view would not achieve this.

Traffic & transport

We have reviewed the additional traffic information but in our view it is not reflective of what this site would generate. The assumptions seem to be that residents of this development would not be reliant on the private motor car, this is just not the reality.

The Transport Statement submitted suggests that there will be 38 two-way trips during the am peak period and 33 two-way trips during the pm period. In our view this is a woeful underestimation given the lack of reliable public transport, the topography of the surrounding area and the number of residents likely to be residing in these homes.

There is no bus route on Challenge Way, where the development takes its access from. The nearest bus route is on High Street and the development appears to retain a footpath from the site to High Street. This footpath is an overgrown, muddy, rough path which is inaccessible to those in wheelchairs, pushing prams or unsteady on their feet. The footpath would need significant work to make it fit for purpose.

The buses on High Street are 1 per hour and the timings of the buses make them an unviable option for many people. For example in order to catch the bus to Batley to attend High School the children need to catch the 07:03 which gets them to school far too early. However, the next bus at 08:03 would get them to school too late. Therefore, the bus is not a realistic option and the majority of parents have to drive their children to school.

The applicant appears to also put emphasis on cycling. However, the topography of West Yorkshire and in particular from this site would mean that cycling was only really an option for avid cyclists and would be unlikely to be an option for the majority of residents.

We therefore maintain that the information submitted under estimates the true impact on the highway and over estimates the sustainable transport options which would be available for this site. We urge the Highway department to reconsider this and we trust that they have been reconsulted following the deferral?

In addition the additional survey does not appear to have taken into account the queuing traffic from the Leeds Road junction. Our clients inform us that people use High Street as a rat run to avoid the queues at the Leeds Road junction and this would be exasperated by any additional traffic queuing at that junction.

Trees

We understand from our clients that the Planning Committee were informed by the Kirklees Air Quality Officer that trees do not reduce pollution. Please can we be

provided with the evidence to substantiate this statement? We believe that this was misleading to Members but we would be interested to understand the evidence basis for this claim? We assume that this is not the official position of the Council given the emphasis placed on the protection of trees and Air Quality by the Council?

The removal of 10m of trees is substantial, practical when it is part of the protected Kirklees Wildlife Habitat Network. This is a key consideration as set out in our original objection.

We do not consider that the additional information submitted has addressed the well founded concerns of the Planning Committee.

The additional information, along with any representations submitted require careful considerations by the Planning Officer and the consultees and only once this has been done can the matter be reported back to Members. It is very disappointing that it appears officers are rushing this matter back to members without fully considering the issues Members raised and the responses to those issues.

The thrust of Government guidance on planning is that development should not be at any cost and development should be well designed, laid out and provide a good level of residential amenity for existing and future occupiers. We should be making the most of previously developed land and it is recognised by Government that using brownfield land whilst protecting much cherished green spaces should be a priority. There are many brownfield sites close to the application site which are more appropriate for development than the application site. However, if the Site is to be developed the current proposal is not acceptable for the reasons set out in our original objection and above.

As set out in our original objection we do not consider that the application accords with the Development Plan, nor National Policy. The adverse impacts of the proposal would significantly and demonstrably outweigh any perceived benefits. In accordance with the statutory context planning permission should therefore be