

Dear Mr Carroll

**Re: Planning application for erection of 45 dwellings East of 28 Northorpe Lane, Mirfield, WF14 0QN
& removal of land from Northorpe Hall
Application Number: 2021/62/91914/E**

I refer to the above application and write to register my objections due to the wholly unsuitable nature of the proposed development for this location and the Council's failure to follow due process in the handling of the application and legal situation in respect of land owned by Northorpe Hall Child and Family Trust.

You will by now be fully aware of the legal issue with the land at Northorpe Hall that Kirklees Council ('the Council') proposal to use it for the creation of a layby. The Council has already acknowledged that the land is owned by Northorpe Hall Child & Family Trust and this fact is not in dispute. However, the Council suggests that the land forms part of the public highway. As a result of the absence of any definitive information from the Highways Department to support this suggestion, the residents of Northorpe have sought the advice of a Barrister whose specialism is highways law. A detailed investigation by our Barrister has concluded that there is no evidence that this land has ever formed part of the highway. There is no documentation whatsoever to demonstrate that its status has ever changed from private land. The claim by Kirklees Highways Officers that a right to use the land for highways purposes has somehow transferred to the Council by some peculiar and imaginary means known only to the Highways Department, has no legal standing.

There is a requirement for Local Authority's to maintain accurate highway records and for the information to be publicly available. The residents of Northorpe have, on numerous occasions, requested confirmation of the Council's evidence regarding the status of this land. If the Highways Department believes that the land is part of the highway, then it should have no hesitation in providing that evidence to the public. This is not a matter on which the Council has discretion – it is a statutory obligation. To find that the Council is refusing to share this information is extremely concerning and calls into question the conduct of its officers as there is clearly a deliberate and on-going effort to conceal the information it holds. The handling of the case by both Planning and Highways officers is unacceptable.

Regrettably, it appears the advice provided to the Planning Team by its Highways colleagues in relation to this application was based on nothing more than supposition and demonstrates an extraordinary lack of diligence on the part of the officers responsible. Presumably, the Council would want to investigate this catastrophic failure by the Highways Department to fulfil its obligations in respect of this application and to improve standards going forward, but in the meantime, the facts of the case remain clear - the Council has no rights to use the land owned by Northorpe Hall Child & Family Trust and any attempt to do so would be unlawful.

In terms of the proposed housing development, there are a number of issues which the Planning Department has failed to adequately address.

The issue of road safety is a matter which has been highlighted time and again. The traffic generated by a development on this site would be enormous. The predicted number of traffic movements provided by the Highways Team is a gross under-estimate and presumably has been skewed in order to make the proposal appear less detrimental. Kirklees Council policy (in line with NPPF) requires 2 parking spaces for two and three bedroom dwellings and 3 parking spaces for dwellings with 4 or more bedrooms. The application submitted by Newett Homes states that 105 car parking spaces will be provided – which aligns with the Council's design requirements. However, we are being asked to believe that despite the need for parking for at least 105 vehicles, the site will generate just 35 traffic movements. How can this conflict between planning policy and traffic calculations be reconciled? Is the Council seriously expecting the public to accept that only one third of the cars on this site will be used each day? We are fully aware that the Council will rely on out-dated calculations to persuade the public that new developments have less impact than they actually generate, but this manipulation of the information to mislead and conceal is grossly inappropriate.

Planning Committee members have already publicly recognised that the 'accepted' levels of parking provision for new dwellings is no longer reflective of the number of vehicles typical households now own and consequently the estimates of traffic generated by new developments is wholly inadequate. I appreciate that the Council's aim is to promote development at any cost and therefore its agenda will be to assist developers wherever possible to build new estates regardless of the impact on existing communities, but this deliberate deception is unacceptable, particularly when road safety is being sacrificed just to line the pockets of house builders.

It has already been highlighted that the junction of Northorpe Lane and Shillbank Lane is narrow and dangerous and is unable to cope with an increase in traffic. The proximity and layout of the junction at Northorpe Lane and Crossley Lane only adds to the problem. These junctions are totally congested at various times of the day. The lower section of Northorpe Lane is usually obstructed by parked cars owned by residents who have no off-street parking facilities and by staff and visitors to the Plough Inn, the local shop and the Ambitions Charity premises. This results in single file traffic on this section of road, causing grid lock and preventing vehicles safely moving between Shillbank, Northorpe and Crossley Lanes. I have used these junctions for over 50 years and seen the situation worsen over that time. Despite being familiar with the layout I have experienced at least four 'near misses' in the last 18 months, narrowly avoiding being hit by cars leaving Northorpe Lane to join Shillbank, due to the blind aspect of this junction and the inappropriate speed at which the cars were being driven. For those who do not approach this junction with extreme caution it is treacherous. In recent weeks, a horse from the local stables has been hit by a vehicle causing injury to the horse, damage to the vehicle and huge stress for all involved. The horse has fortunately survived the incident following veterinary attention for its wounds, but the compensation claim is likely to take longer to resolve. Is this level of danger just something that residents should accept as part of the Planning Department's efforts to meet its target?

Higher up Northorpe Lane, the junction with Northorpe Hall is also problematic. Surface water brings silt on to the road surface, making it dangerous and icy in winter. At least one resident's car has already been written off following an accident in this location, there have been other collisions and there are regular near misses. The lane is narrow with cars parking onto the pavement to allow others to pass. The proposal to construct 45 new dwellings will double the number of houses on this lane. The lane was not intended for nor able to cope safely with this additional volume of traffic and will further contribute to the existing road safety concerns already raised by residents. The safety of pedestrians, including the vulnerable adults from the nearby Ambitions Day Centre regularly use the lane to walk to Northorpe Hall to participate in various activities. Many face challenges and despite the fantastic support being provided by Ambitions, negotiating this amount of additional traffic will be difficult and dangerous for many of them. Does someone have to be injured or die for the Highways Department to recognise the issues? Northorpe Lane simply does not have the capacity to safely accommodate additional traffic, let alone the extraordinary increase in the number of traffic movements that this proposal would bring.

A previous planning application for Croft House Farm Livery Stables on Northorpe Lane imposed a condition that access to the premises had to be from Crossley Lane and not Northorpe Lane, to control the volume of traffic using Northorpe as it was seen as a road safety issue. Levels of car ownership and general traffic have increased since that time, but it is clear that if traffic levels were an issue at the time of this previous application, they have certainly got worse during the intervening period. How can the Council now consider that 45 new houses will have no impact? The traffic from a development of this size will certainly outweigh the amount of traffic visiting the livery yard, but you now want to move the goal posts. How can you reconcile this situation?

The Council's Highways and Access Policy (LP21) requires that new development will not be detrimental to road safety for all users and will ensure the safe and efficient flow of traffic on the surrounding highway network. If the Council has a commitment to ensuring that new developments do not materially add to existing highway problems, then this development could not be approved.

The Council's highways policy (10.74) states; *"The council is committed to ensuring that new developments do not materially add to existing highway problems or undermine the safety of all users of the network."* Once again, the Council is choosing to ignore its own policies simply to ensure the developer is given approval.

In addition, Northorpe Lane is unsuitable for the volume and type of vehicles that will be required to construct the proposed dwellings. Not only the staff working on site but excavators, quarry waggons, articulated delivery vehicles, cement deliveries etc. How is the lane supposed to cope with these types of vehicles for the many months that the site would be under construction?

The developer's submission includes a contribution of £22,022 to pay for Metro Cards. The members of the Planning Committee has already concluded that the use of Metro Cards as some form of incentive towards the use public transport is not effective. It is a pointless exercise in box-ticking in the planning process. Why is this still being included in applications? If there is some intention to 'pool' the provision of Metro Cards so that one developer pays for them, but they are used elsewhere in the Borough, then they bring absolutely no benefit to the people of Northorpe. This idea looks great on paper, but is pointless, so the Council will not impose it and effectively you will be handing back £22,022 to the developer. This activity will no doubt be hidden from the public. The vast majority of those who own cars will not be persuaded to take bus or train journeys through the offer of a bus pass. The journey to Leeds from Northorpe takes between 1 hour 27 minutes and 1 hour 37 minutes at peak times according to the published bus timetable, so not a practical alternative for most people.

The proposed design and layout of the site is inappropriate for this location. A density of 45 dwellings is far in excess of what could be considered as an acceptable addition to the village. This development would double the number of existing houses on the Northorpe Lane and completely change the character of the community, which has effectively extended as limited ribbon development along the lane together with some re-purposing of former barns and farm buildings as additional housing in small clusters. A much lower density would therefore be necessary to ensure any development was compatible with its surroundings and to secure the provision of particular house types to meet local housing needs in accordance with the Council's policy.

The size and scale of the units is unacceptable. There are currently no three-storey dwellings in Northorpe Lane, yet the developer once again falls back on the infamous 'rooms in roof spaces' design in order to cram the most units on to the available space. The size and design is not appropriate to the location and will have an over-bearing effect on the existing, neighbouring homes. The proposed units do not reflect the character and historic nature of Northorpe village. Their style is stereotypical of modern estates up and down the country – easy for the developer to build but completely unimaginative and contributing nothing to the architectural landscape of this locality. This does not meet the Council's policy requirements for high quality design.

I note that there is no provision whatsoever for the elderly or disabled in this application. All of the proposed dwellings are two or three storeys in height and unsuitable for requiring accommodation on a single storey layout. The housing mix does not reflect that of the local neighbourhood. Kirklees Council claims that there is a lack of suitable housing provision for the retirement and disabled communities within the Borough. Here is an opportunity to make a contribution to housing provision for these groups, but presumably the Council wants to put the developer's profit before the needs of residents.

The application shows no meaningful information about affordable housing. Why has this not been included? It should not be left for officers to decide behind closed doors – if the planning process is transparent, then the information should be clearly included in the developer's proposals. It appears the site is not viable unless the Council's policy on affordable housing is relaxed in favour of the developer's profit. The developer's viability study shows that if the standard requirement of 20% affordable homes is implemented, the development is not viable (no builder would risk the construction of 45 dwellings for a potential profit of around £280k (an average of about £6.3k per unit). Any delay in build time, increase in material or salary costs or delays in disposal would wipe out this profit. Given the huge 'predicted' costs for ground works, grouting up of mine workings, earth moving and construction of retaining walls, these could easily escalate and obliterate any profit. As we see from the assessment, reducing affordable housing provision makes the development more profitable for the developers, so presumably, the Planning Team will be eager to accommodate the developer's profit margin and policy will once again be sacrificed.

Residents have previously highlighted the issue of flooding on this site. Ground water conditions mean that the lower portion of the site in particular, is prone to flooding. Existing residents already experience problems due to the high water table. Quite clearly if the field is covered with buildings, hard landscaping and tarmac, the drainage profile of the site will change significantly, and water will be displaced elsewhere. Given that water drains in a downhill direction, the existing dwellings adjacent to the lower part of the site will have to cope with the consequences of increased ground water problems created by this development.

The site will require 'cut and fill' groundworks to accommodate the new houses due to its sloping nature. In fact a massive 17,000 cubic metres of fill material will have to be brought onto the site in addition to whatever is 'cut' at the upper levels! This will undoubtedly disturb the water table and local network of springs. The displacement of ground water, particularly during periods of heavy rainfall will contribute the existing flooding issues on North Road, which lies down-hill from the site. Even if the occupiers of the new homes are not directly affected, the knock-on effect to other householders and the wider community will be unacceptable. Who will be responsible for the problems? I imagine Kirklees Council will be reluctant to take any responsibility.

Under Policy LP28 there is a presumption against the pumping of sewage where sites cannot be connected directly to the main drainage network. Disappointingly, I note that the Council has chosen to waive this requirement – once again to facilitate the Developer's plans. The potential implications of the failure of pumping stations is well known. Unfortunately, in the event of failure, the dwellings immediately down-stream of the storage tanks will be worst affected – including a number of existing dwellings. There would be no prospect of mitigating the effects of the failure of the pumping station, so residents are faced with a ticking time bomb. In the meantime, the owners of the new houses will be faced with annual charges for the maintenance and operation of their pumping station. Who picks up the bill if owners can't or won't pay for its maintenance? These type of charges are an unnecessary and unwelcome burden to most households and potentially an unaffordable burden to those who may require 'affordable' housing –

assuming, of course that the Council will impose any affordable housing provision. This is a total conflict between policies so it is baffling why the Council would consider it appropriate.

The developer's application advises that the site is within 750m of Crossley Fields School and accessible for other local schools. What the submission fails to advise is that local schools are full – so the developer is carefully avoiding the inclusion of fundamental information. The Planning Department cannot be unaware of the burden on the existing schools in Mirfield, yet it is willing to accept this misleading information as part of an application. How can this be justified? If local schools are full then this will further increase traffic volumes as parents have to drive their children to other locations.

The issue of the content of the application and the inaccurate and misleading information it contains should be well known to the Planning team, but this appears to have been universally ignored. Effectively, by accepting an application which you knew to be inaccurate you have accepted a proposal which is potentially fraudulent. There has been no investigation of the irregularities in the initial application – of course, why would the Planning Department want to cause problems for the developer by doing the right thing? The loss of habitat and removal of mature hedging, trees etc has been something that the Council's officers seem happy to 'overlook', regardless of the detrimental impact it may have. This cannot possibly be deemed appropriate or in the spirit of the planning process, yet this does not seem to be considered in any way relevant and officers are happy to push on – in their efforts to meet targets and ensure developers have access to profit.

Northorpe Lane is the only remaining 'village street' in Mirfield. It is a location of established character centred around Northorpe Hall – a 17th Century manor house (built on the site of an even earlier dwelling), now part of a Charitable Trust. The council's vision and strategic objectives are to 'protect and enhance the characteristics of the built, natural and historic environment, and local distinctiveness which contribute to the character of Kirklees.' This proposed development will have exactly the opposite effect.

The Green is an integral part of the siting within the local landscape of Grade 2 listed building – Northorpe Hall. The Hall enjoys a prominent, elevated position protected from the highway by this portion of its land. The removal of ANY part of this heritage asset has a significant detrimental impact on the visual amenity of this Listed Building and the immediate neighbourhood. The Council's policy on Heritage says that the Local Plan sets out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets and that the Council "*should recognise that heritage assets are an irreplaceable resource.*" Any proposal to approve the development ignores this policy.

Your policies on open spaces also acknowledge that *'Kirklees recognises that access to high quality open spaces and opportunities for recreation can make an important contribution to the health and well-being of communities. Within Kirklees many open spaces, both public and private, provide opportunities for recreation to encourage physical activity and a healthy lifestyle. These urban green spaces also perform an important function by providing visual breaks in built up areas, contributing to the local character and attractiveness of towns and villages.'* it goes on to say the Council will protect opportunities that support a healthy lifestyle by preventing the loss of open space and *give protection to urban green spaces and local green spaces.* It is difficult to reconcile your intention to destroy a valuable and historic green space and heritage asset in direct contradiction to the Council's own policies. This cannot be supported.

Your strategic policy is to protect and improve green infrastructure to support health and well-being, giving residents access to good quality open spaces, and to support habitats, allowing wildlife to flourish. We are all conscious of the climate emergency. Removing *any* green space is detrimental to the environment. In its rush to help developers (to the detriment of existing communities) the Council will once again be ignoring its own policies as it is promoting the unlawful confiscation of green space from a Charitable Trust and the loss of the only communal green space enjoyed by the residents of Northorpe. The provision of a greenspace alongside the sewage pumping station on the new development does not compensate for this loss. Northorpe Hall Child & Family Trust allows local residents to make use of its land and in return, residents assist with maintenance and planting. Local residents will not venture along a private road on a new development to visit the proposed green space that may be created beside the sewage storage tanks and pumping equipment – it's a nonsense to even consider that this might happen. It is difficult to imagine how the Planning Department can consider this to be a sensible decision.

The Council must acknowledge that if it permits this development, a huge area of green space is lost as this application is for a greenfield site. The only way it can allow the development to proceed is if it is also willing to ignore its own planning strategy and also allow the loss of this community's only green facility of environmental and social benefit (the village green) in a deliberate effort to benefit the developer at the community's expense

I would re-iterate that the Council has provided no evidence that it has any rights to use the Green to create a layby. It is clear that the Planning Authority is not following due process and has entirely mishandled this application. Scant regard is being paid to either the correct procedures or to residents' legitimate concerns and the conduct of Council Officers demonstrates poor judgement and a total disregard for democracy. This is not an exercise in Town Planning – it appears that there is little planning involved. Instead, there is simply a rush by the Planning Department to help developers secure planning consent regardless of the detrimental impact on the communities it is supposed to serve. Someone is benefitting for this unequitable process, but it is certainly not the residents of Kirklees. Little wonder that those who live in this Borough have no faith in the probity, integrity or transparency of the Council.

Yours sincerely