

**Consultation Response from KC,
 Conservation and Design**
2021/94280 land at, Lady Ann Road, Soothill, Batley, WF17 0PY
Erection of 67 dwellings with associated works
Date Responded: 10/02/22 Responding Officer: NRG Responding Ref: HS74
1. Context.

- 1.1 This site is allocated in the Local Plan for housing development Site (ref: HS74), indicated as comprising a gross area of 3.23 ha, with a net site area of **2.77ha** due to the presence of the “*area of BAP Priority Habitats*” which were removed from the developable area.
- 1.2 There are no identified heritage assets which could be impacted by the proposed development. Therefore, as an allocated site, the proposal should be considered in the context of the NPPF Paragraph 126 which sets the fundamental Planning requirement that the development should deliver a “*high quality, beautiful and sustainable*” addition to its context (NPPF para.126).
- 1.3 The development proposal should also be evaluated in the context of the more specific requirements of: NPPF paragraphs 130,131,134 & 174, as well as Local Plan policies: LP7, LP24, LP30 and LP31, and the Kirklees Housebuilders’ Design Guidance SPD. The primary objective at this detailed design stage should be to ensure that the eventual housing development will a deliver a demonstrably well-designed place which complements the quality of the local area.
- 1.4 The development site is defined by its sloping, green-space character, falling to Howley Beck (which forms part of a UK BAP priority habitat) and is within the designated Wildlife Habitat Network. The site has historically remained undeveloped, although partially occupied by allotment gardens on the west and upper-most part of the site during the inter-war period.
- 1.5 Physically the site is enclosed by the valley sides and the terraced housing lining Primrose Hill (which over-look the site), and similar, stone-faced terraced properties along Lady Ann Road. The wedge-shape form of the site was created by the topography and the former railway embankments which historically over-looked the site, with the valley bottom accommodating former textile mills and smaller industrial complexes. The approach to the site from the south along Lady Ann Road retains views of the greenspace and opens to reveal the linear enclosure of the extant greenspace, punctuated with the surviving red-brick, late-C19th mill building.
- 1.6 The rise of the land to the west and the scattered tree groups defines the site’s extant character as an informal greenspace. The design challenge is thus to deliver the required housing in a manner sensitive and complementary to its context.

2. The current Planning proposal.

- 2.1 The current ‘Proposed Site Plan’ (Self Architects Drg:10703-SELF-P-XX-DR-A-002) appears to be essentially the same as that previously refused consent (2019/92462 for 71 dwellings) and fails to address the key concerns which led to its refusal or respond to the distinctive form of its context. The current site plan states that it proposes 67 Dwellings based on an approximate site area of 3.47 hectares, contrary to the description in the Local Plan allocation, suggesting an artificially low Density of 19.14 units per hectare. As the developable area is no more than 2.77 ha (Local Plan ref: HS74), 67 units would amount to a density of 24.18 dwellings per hectare.
- 2.2 Comments and concerns were previously raised with regard to the potentially adverse impact of the previous application submitted for this site (Ref: 2020/93071) which was for 71 units but

was withdrawn. The current application is essentially the same layout with a reduction of 4 units which were previously located on the site of the area of TPO protected trees (ref: 72/91/g1). The current proposal for 67 units indicates that it would retain the protected tree group, although this is tightly enclosed by the proposed adjacent dwellings (units 57, 54, 70, and 67) calling into question the future management of the tree group. The current scheme also now includes an additional section of road area to accommodate a turning-head road projecting into the 'Wetland Habitat' area, with additional engineering work and an apparent loss of tree planting opportunities.

- 2.3 The proposed road layout continues to present an apparently insular grouping with token reference to the wider landscape character or the form of its built and natural context. The proposed layout is dominated by the two cul-de-sacs, enclosed by fencing and hard surfaced parking areas. The layout does not accommodate any street trees, contrary to the requirements of the NPPF paragraph 131 and the Council's House Builders' Design Guide SPD. The scheme also would result in the loss of trees and scrub habitat, compromising the current informal use of the site.
- 2.4 The housing layout extends from the rear of extant properties to the west side of the site (fronting onto Primrose Hill) and projects towards Lady Ann Road. The residential units would appear disproportionately imposing on the context of the narrow, linear site, failing to respond to the character of the space. The undeveloped areas are essentially the flood-risk areas as wetland habitat and attenuation areas. The informal green-space areas at the northern end of the site are read as apparently 'left-over' spaces squeezed between back-garden fencing, the stream and the rear of the facing industrial units.
- 2.5 The proposed streetscape would be dominated by hard-surfaced parking areas, frontage refuse storage and a long 'shared surface' which would not be capable of being used for anything other than vehicles due to the lack of pavements and reliance on vehicles. The lack of an appropriate width to the 'shared highway' would negate any potential to integrate hedge or street trees. The proposed site layout would require the loss of trees and a failure to replace any tree and hedge planting. The proposal does not present (or could accommodate) any street-tree planting, despite the focus on detached and semi-detached housing, contrary to NPPF paragraph 131 and the adopted Housebuilder's Design Guide. The main streetscape would be dominated by a sterile, hard surfaces unsuitable for anything other than parking.
- 2.6 The applicants refer to the aspirations for a range of larger-scale properties in this particular area and that this has influenced the housing mix. However, the proposed layout compromises the extant character of this constrained and enclosed area and fails to adequately respond to the character and sensitivity of the landscape and the opportunities for Biodiversity enhancement presented by the site. The development's proposed linear form is broadly appropriate to its location and the sloping topography but fails to connect with the existing informal network of paths and habitats and projects eastwards compromising the wetland area. The three-storey units, stepped up the slope, would appear bulky and have a disproportionate visual impact on the established urban character. Thus, the current layout would have a significant and transformational impact on the site and visually dominate the wider context, creating a sterile car-dominated streetscape rather than demonstrably complementing or positively adding to the overall quality of the area (as required by NPPF paragraph 130).
- 2.7 Therefore, given the existing character of the site as a greenspace the impact of the development should be tempered by:
 - a) avoiding the progression into the wetland resulting from units 63-67 and 70-71.
 - b) redesigning the junction arrangement to create a single linear form with a widened streetscape.

- c) Reconsidering Unit 1 and the edge of the enclosure of the junction to accommodate units displaced from the current proposed site of 63-67 and 70-71.
- d) The road width should be eased by being widened to allow for appropriate pavements on pavements on both sides and accommodate street-tree planting. This could be achieved by easing the layout to the east.
- e) The rear of the properties should be landscape where they back onto the green space, while providing natural surveillance across the green-space/wetland.
- f) The connection to the right of way (BAT/20/20) needs to be fully detailed to avoid the creation of an apparent access through surface car-park and establish clear and managed public realm.

2.8 **Requirement for Biodiversity Net Gain on site.** The submitted Brooks 'Ecological Impact Assessment (EIA)' dated 04/06/2021, is based on an evaluation of the previous site plan (2020/93071) and pre-existing outdated studies. It consequently appears to under-estimate the currently proposed impact of the development. Nevertheless, the EIA still identifies that the development would result in an **overall net loss** of Biodiversity amounting to **-5.90 Habitat Units (-33.82%)**. This negative figure is achieved even after a Net Gain of +1.75 Hedgerow Units (+211.86%) and +0.64 River Units (+24.41%). The Biodiversity Management Plan & water vole Mitigation Strategy (document ref: ER-3787-02-A. June 2021) is also based on the previous withdrawn layout emphasising that it is not current.

2.9 As a minimum, in accordance with policy LP30, the proposal should demonstrate that ecological harm (i.e. net loss) will not occur and that the proposals will deliver biodiversity net gain so that the function and connectivity of the Kirklees Wildlife Habitat Network will be safeguarded. The net loss of 33.82% Biodiversity is not acceptable and consequently requires redesign to achieve the required Biodiversity Net Gain of 10%.

3. Conclusion

3.1 The current proposal fails to adequately address the requirements of the NPPF and the Kirklees Local and does not demonstrate an appropriately high standard of design that respects the character of the landscape and enclosing built development. The insular layout would have a disproportionately adverse impact on the landscape and the wider built character of the area and would not function well as a new streetscape. The proposal consequently misses the opportunities to contribute positively to the local area, contrary to the requirements of Policy LP24 Design and would not deliver a high-quality, green, accessible or inclusive design which would complement this challenging site.

3.2 The current layout appears both disconnected to its context (with insufficient regard to the character of the context) while creating a cramped, sterile streetscape, dominated by hard-surfaces, parking and refuse storage. In the light of the national and local focus on delivering quality housing the layout and impact of the proposed housing design requires further consideration to achieve a complementary and positive development.

3.3 The principle of the housing development has been established by the allocation (HS74). However, the current layout would not deliver a *"high quality, beautiful and sustainable"* development as required by NPPF paragraph.126, nor would it function well or add to the quality of the area in its current form. The current proposal is thus considered to be fail to accord with NPPF paragraphs 130,131,134 & 174, as well as Local Plan policies: LP7, LP24, LP30 and LP31, and the Kirklees Housebuilders' Design Guidance SPD. The development design, therefore, is not supported and should be significantly revised.