

Application number 2022/62/93154/W Land at Penistone Road, Fenay Bridge, Huddersfield, HD8 0AW

Erection of 68 dwellings with associated access, parking, open space, landscaping and infrastructure works (including installation of surface water attenuation tank).

Green Alert in Lepton (GAIL) is recognised by the Council as a non-statutory consultee and representative of the Local Community on matters relating to the Local Plan. This consultation response is submitted on behalf of GAIL and should be read in conjunction with our previous submissions id 967502 and id 995682 and id 997991

1.0 Surface Water Attenuation Tank

1.1 The recently submitted series of plans includes the proposed landscape layout (id 1005705)

1.2 This Plan shows the land adjacent to Whitegates Grove to be amenity green space. From this it is safe to assume that the developer still intends for the surface water attenuation tank to be located on green belt land opposite the site.

1.3 It is difficult from the designs submitted by the applicant to determine how much of the proposed tank will be visible from above ground. What is absolutely clear however is that to service the tank will require a swept access path of between 3 to 4 mts wide and approx 98mts long. This will clearly be visible.

1.3 The question therefore is such an installation in compliance with NPPF Paragraph 150 or are the proposals so significant as to cause substantial harm to the openness of the Green Belt?

1.4 The developer contends that the tank and associated infrastructure and access road amount to 'engineering operations and therefore the proposals relating to the attenuation tank are in compliance with NPPF Paragraph 150.

1.5 The term engineering operation can be determined to cover any construction work which is not a 'building'. It can include other structures, for example, roadways and bridges and also any earth-moving operation, excavation, or permanent changes to any land-form.

1.6 GAIL would argue that the definition does not extend to making permanent changes to green belt land and that paragraph 150 of the NPPF was never intended to allow for such permanent changes to be made. **It is clear from the proposals that include a significant swept path track, above ground access points for tank servicing and other infrastructure requirements that the changes to the green belt will be permanent, will materially affect the openness of the green belt and as such is an inappropriate use of this green belt land.**

1.7 To support our view the Councils attention is drawn to Appeal Ref: APP/P2935/W/21/3285884 Whitehouse Farm, Hexham, Northumberland an appeal against refusal by the Council to allow the installation of a track, drainage and other structures on green belt land. The appeal was dismissed on the grounds that the developments would have a clear and demonstrable effect on the openness of green belt land by introducing development to land that is permanently open.

1.8 GAIL is therefore of the opinion that the Council should require the applicant to develop a solution that deals with surface water management within the site itself and not a solution that requires extensive and inappropriate use of green belt land.

2.0 Affordable Housing

2.1 The Affordable Housing and Housing Supplementary Planning Document (SPD), adopted March 2023, sets out housing mix tables for each sub-area. The proposal falls within the Huddersfield South sub-area which is the area most in need in terms of affordable/social housing.

2.2 GAIL would therefore encourage the Council not to put profit before people by approving this application without the full provision for affordable housing of 14 units.

2.3 It is noted that the application contains the following statement **"Following discussions between the Council's viability assessor's (Align Property Partners) and Newett Homes' viability consultants (GNEC), it has been agreed that 7no. proposed dwellings will be designated for affordable housing"**.

2.4 GAIL can only express its disappointment and we are of the opinion that should members be minded to approve this application with a watered down provision for affordable housing it will be setting a very dangerous precedent as well as seriously undermining the objectives of the Local Plan and the objectives of Council Policies and National Legislation.

6 September 2023