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Kirklees Council
Planning Department
Civic Centre 3
Huddersfield
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Date: 10 May 2023
Our ref: 64182/01/CD/26571899v1
Your ref: 2022/62/93154/W

Dear Nick

Land at Penistone Road, Fenay Bridge (Application Reference 2022/62/93154/W): Updated Information

On behalf of our client, Newett Homes, we are now pleased to submit the attached suite of updated information to support planning application reference 2022/62/93154/W, which is currently with Kirklees Council ("the Council") for consideration.

The enclosed information positively responds to feedback received from statutory consultees, third parties and yourself (as the case officer) as part of the consultation stage.

Schedules detailing the updated drawings and documents that form part of this submission are contained at **Annex 1** of this letter.

Proposed development

Planning Application 2022/62/93154/W seeks full planning permission for the:

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

Notwithstanding the minor alterations to the proposals set out within this letter, the above description of development remains unchanged.

Revisions to Proposed Scheme

As noted above, the latest suite of updated documents has been prepared in response to comments received during the statutory consultation period. This letter addresses each of the key changes to the scheme based on Council's summary email of 27 February 2023 (**see Annex 2**). Overall, the key changes / matters addressed in this letter are listed overleaf.

- 1 Procedural
- 2 Viability and Section 106
- 3 Green Belt and the Attenuation Tank
- 4 Design
- 5 Amenity
- 6 Highways and Parking
- 7 Flood Risk and Drainage
- 8 Trees
- 9 Environmental Considerations (i.e. noise, air quality and contamination)

Procedural

For completeness, house type drawings that have been amended as part of this latest exercise are enclosed as individual plans. Drawings for split level house types 'Tupelo' and 'Rowan' are also enclosed.

For a full list of the enclosed drawings and, where relevant, the drawings they are to supersede, please refer to Annex 1 of this letter.

Viability and Section 106

We note your earlier comments in relation to the Section 106 obligations for this site. We also note that discussions regarding the findings of the GNEC Viability Assessment are ongoing. For this reason, we do not intend to repeat matters relating to Section 106 further here, other than to respond to your two requests for additional information: namely, the need for a new public open space plan which quantifies the types of public open space to be provided across the site per the typologies set out within the Kirklees Open Space SPD (June 2021); and the need for additional details on how the communal areas not adopted by the Council would be managed and maintained for the lifetime of the scheme.

The enclosed **Public Open Space Plan (drawing ref. Z078-011)** confirms that of the 4,123 sqm of open space to be provided across the site, 2,552 sqm will be 'amenity green space'; 463 sqm will be 'children's play space'; and 1,108 sqm will be 'natural and semi-natural green space'. An image of how the children's play space / LEAP could be formed is shown on the updated **Landscape Masterplan (drawing ref. H22-0016_003C)**.

Newett Homes has also confirmed that any 'public areas' that are not adopted by the Council will be taken over by a management company (put in place by Newett Homes and subsequently taken over by the residents) and maintained for the lifetime of the scheme.

Green Belt and the Attenuation Tank

The enclosed **Drainage Technical Note (May 2023)** provides clarification on a number of matters associated with the design and location of the attenuation tank. These matters are summarised overleaf.

Tank Design/Location

The Note identifies several constraints to accommodating the tank within the allocation site which have subsequently led to the tank being relocated to the opposite side of Penistone Road.

The constraints can be summarised as follows:

- **Levels Changes:** The Note confirms that the sections submitted as part of the approved scheme (application ref. 2020/90725) do not accurately depict the changes in levels across the application site and consequently misrepresent the extent of engineering works required to accommodate a tank/development across the site as a whole. For example, the approved scheme included a substantial retaining wall running along the site's eastern boundary which could not be practically built out within the space shown. The reality is that this structure would have eaten into the rear gardens of the properties along the eastern boundary and significantly reduced the amount of useable private open space for these dwellings – a design response which the amended scheme now seeks to avoid.
- **Root Protection Zones:** The approved scheme showed the attenuation tank within the public open space at the northern end of the application site. What it failed to take account of was the root protection areas (RPA's) of the TPO trees within this section of the site. The reality is that the tank would have killed / severely impacted several existing TPO trees within this section of the site.
- **Extensive Excavation Works:** The approved scheme showed the attenuation tank beneath an area of soft landscaping which has a circa 3.3m level change over the footprint of the tank. It also showed the attenuation tank being installed circa 2m below ground, with its base at a level of 4m below ground at the lowest point. This would have resulted in the need to excavate to a depth of 7.5m (and even further once the base construction of the tank was taken into account) within the highest (eastern) section of the site. Such extensive excavation works would not only have resulted in practical problems from a construction perspective but would also have created 'construction, design and management' (CDM) issues. This is particularly in respect of the health and safety issues associated to working with deep excavations.

Once the above constraints were taken into account and it was established that works would be needed within the field west of Penistone Road to accommodate an outfall pipe to the adjoining watercourse, regardless of whether the tank was accommodated on land to the east or west of Penistone Road, a decision was made to relocate the tank in its entirety to the field opposite. Whilst it was recognised that this land was in the Green Belt, it was determined that on balance this site was a much better solution from an ecological and engineering perspective.

Importantly, the proposed relocation of the attenuation tank is fully compliant with Paragraph 150 of the NPPF, which states that engineering operations within the Green Belt are not considered inappropriate development provided they preserve its openness and do not conflict with the purposes of including land within it. As set out within the existing Planning Statement (September 2022) and as discussed further below, the proposed attenuation tank and associated works would in no way impact upon the openness of the Green Belt, nor would it conflict with its purposes.

Size

The Note states that, after seeking advice from both the Lead Local Flood Authority (LLFA) and Yorkshire Water in advance of the application being submitted, it was concluded that a smaller attenuation tank (to that shown on the approved scheme) could be supported. However, the Note clarifies that, in conjunction with the changes that were introduced to the proposed layout (i.e. retaining wall location; extent and gradient of the highways within the development etc.), situating the attenuation tank in the northern part of the allocation (under the POS) still presented fundamental issues with compatibility (of which are discussed above).

To address comments received by the LLFA, the Note states that the design parameters requested for rainfall intensity will create a minor increase in attenuation tank requirements, although the tank can be sized accordingly upon progression of a detailed design. The Note adds that other comments raised by the LLFA can be readily addressed as the scheme progresses (i.e. via post-decision discharge of conditions).

Access

As requested, additional images and visualisations of the proposed access track are now included within the attached Drainage Technical Note.

In summary, these images illustrate the number of design techniques that have been introduced to ensure that this road sits as low and unobtrusive as possible (whilst continuing to meet Yorkshire Water access road requirements) when viewed from the surrounding landscape. These design techniques include:

- A well-considered road design: the road has been looped back to keep its overall height (and gradient) as low as possible and to minimise the amount of ground works needed;
- Sensitive materials are proposed (i.e. grasscrete) and the sides of the road have been gently graded and finished with grass seeding, ensuring that when viewed from both long and close distance views, it sits comfortably within the landscape.

This road will be used approximately once a year for maintenance purposes.

Design

Following a series of comments regarding the design of the original scheme, the design has now been revisited to include a number of positive design changes. These design changes can be summarised as follows:

- The roof styles of the three-storey split level house types have now been revised from hipped to a more traditional gable end design.
- Whilst examples of homes with render are evident on Whitegates Grove and Woodsome Drive, each of the proposed house types have been revisited and tweaked where necessary so as to reduce the quantum of render used across the site, ensuring the final scheme is more in-keeping with the local vernacular.

- The design and layout of plots 43 and 44 has been revisited so as to avoid any impact on the root protection area of tree T021.
- Bin presentation points are now included. In addition to this, bin collection points adjacent to plots 23-24 and 27 have been relocated.
- An additional window has been added to the side elevation of plot 36 fronting Penistone Road.
- The **Landscape Masterplan (drawing ref. H22-0016_003C)** has been updated so that:
 - The pedestrian footpath proposed in the northern part of the site now connects to Whitegates Grove;
 - Bins and a bench are now proposed in the northern POS (with bins and benches within the LEAP to be included as part of the detailed design for that area); and
 - At the request of Kirklees Council's Landscape Officer, potentially invasive species have been removed from the indicative planting list.

Whilst the re-orientation of plots 36 – 40 was considered in detail by the design team, it was realised that it would result in negative knock-on impacts on the overall scheme (namely the introduction of additional retaining walls fronting Penistone Road / the provision of less useable garden spaces for a number of residential plots). It was, therefore, determined that on planning balance it was much better to leave these units in their original configuration. It is also noted that the proposed configuration is not overly dissimilar to the configuration of plots 49 – 52 of the housing scheme approved under application ref. 2020/62/90725/W.

Please refer to **Annex 1** of this letter for a full list of the updated plans.

Amenity

The original sections have now been extended to illustrate how the scheme will look when viewed from the adjoining properties on Whitegates Grove and Clough Way. The updated sections drawing (**drawing ref. Z078.010**) is enclosed as part of this submission.

These updated sections confirm that:

- The properties on Whitegates Grove & Clough Way are significantly more elevated than those proposed on the application site.
- The roof lines of the new dwellings on the application site will sit comfortably below those of the rooflines of the existing properties on Whitegates Grove and Clough Way.
- There is a generous setback between the proposed dwellings on the application site and those on Whitegates Grove and Clough Way, with separation distances well in excess of those established in the Housebuilders Design Guide SPD (June 2021).
- Views between Whitegates Grove/Clough Way and the application site will be partially screened from view by the existing boundary vegetation that runs parallel with the site's eastern boundary.

With regards to the amenity of 9 Woodsome Drive, the site layout has now been updated to show the section of public open space closest to this property as 'natural and semi-natural green space'. This area will be fenced off using a low-level metal railing, preventing public from accessing this section of the

site, ensuring the amenity levels of 9 Woodsome Drive are protected and this section of the site is left to develop as an undisturbed natural habitat area.

Highways and Parking

As requested by Kirklees Highways Team, a **Stage 1 Road Safety Audit (RSA)** (ref. **MAL/PRFBRSA1 Rev 0**) has now been completed and is enclosed.

Road Safety Audit

The attached RSA provides an audit of the proposed access arrangements/ improvements to Penistone Road. It also identifies a number of design recommendations, which the design team has since taken into account and included on the enclosed final planning drawings

Each of these design recommendations and how they have been incorporated into the final plans/ will be dealt with at a later stage but are summarised in **Table 1** below:

Table 1 RSA Recommendations and Response

RSA Recommendations	Response
Where central hatching is proposed to be removed at the site access junctions, the carriageway should be resurfaced to remove the risk of 'ghosting' of existing hatching.	We can confirm that the carriageway will be resurfaced and made good as required, following a review of the highway condition survey and the accessway improvement works. This will help to ensure that the risk of 'ghosting' is avoided. Final details to be agreed with the Council as part of the S278 Agreement.
Double white lining should be continued through the eastern ghost island junction to stop any overtaking manoeuvres.	We can confirm that the double white lining will be continued through the eastern ghost island junction. Final details to be agreed with the Council as part of the S278 Agreement.
Provide swept path movements at the new site access junctions and where necessary increase the width of the right turn lanes to comply with Kirklees Council's recommended minimum lane widths.	Additional swept path plans have been prepared (see Annex 1) demonstrating how vehicles will enter and exit the site.
Introduce physical islands within the proposed hatching on Penistone Road to reduce the risk of vehicles overtaking.	Physical islands, which will also act as pedestrian crossing points, have now been included on the updated Proposed Site Plan (drawing no Z078-002 Rev G).
The length of the right hand turning lanes on Penistone Road should be extended to accommodate predicted vehicle queue lengths.	The length of the right-hand turning lanes on Penistone Road has been extended.

Other Matters

Additional tracking plans have been prepared showing the tracking arrangements of the first internal bend are adequate and that the turning heads are large enough to allow a 11.85m refuse vehicle to turn around an exit the site in a forward moving direction (see Annex 1 for drawing numbers).

The car parking ratio has been revisited and we can confirm that a total of 17 visitor car parking spaces will be provided on site. This equates to 1 per 4 dwellings which is consistent with Kirklees car parking requirements.

We note your comments in relation to the configuration of the visitor car parking spaces. However, following the realisation that the reconfiguration of the visitor car parking spaces would have a significant knock on effect on road layouts (and potentially the number of houses that could be supported / the amount of open space that could be accommodated on the site) and the fact that the current orientation mirrored those deemed acceptable by the Council on other schemes within Kirklees, a decision was made to leave the layout of the visitor car parking spaces as proposed. If Kirklees Council do not adopt the internal roads, the visitor spaces can be managed via a management company.

Flood Risk and Drainage

Flood Risk

The attached **Flood Risk Assessment (FRA) (May 2023)** has been prepared to overcome the concerns raised by the Environment Agency in its objection of 06 December 2022.

Specifically, the Environment Agency requested that the FRA be updated to:

- 1 Consider how a range of flooding events would affect the development using appropriate climate change allowances;
- 2 Identify flood risk mitigation measures which are adequate for the lifetime of the proposed development.

The attached updated FRA now considers how different flooding events could affect the proposed development, taking into account appropriate climate change events and concludes that:

- The attenuation tank and access track fall outside of both Flood Zone 2 and the modelled 1 in 100 year +CC(20%) event and therefore are not considered to be at risk of flooding from Fenay Beck;
- The proposed attenuation tank is to be located underground, and proposed access tracks are located within Flood Zone 1. As such there is no requirement to provide flood compensatory storage for the proposed development, as discussed within comments from the EA.

Overall, the updated FRA maintains its conclusion that the proposed development (including the installation of the attenuation tank to the west of Penistone Road) is considered appropriate and complies with local and national planning policy, as well as wider flood management guidance.

Drainage

We can confirm that the conditions recommended by both the LLFA and Yorkshire Water relating to waste water and drainage are acceptable and will be addressed as part of the detailed design stage.

Trees

An updated **Arboricultural Report, Impact Assessment and Method Statement (April 2023)** has been prepared and is enclosed as part of this submission. It acknowledges that proposed Plots 43 and 44, as shown on the updated Proposed Site Plan, avoid the root protection area of tree T021. The

Report also establishes proposed protection measures to be implemented before and during the construction of both plots.

Environmental Considerations

An updated **Air Quality Impact Assessment (AQIA) (May 2023)** has been prepared to address comments received by Kirklees Council's Environmental Health team. Whilst the updated AQIA should be referred to for full details, it is important to note that it provides an update to the AQIA that was approved through permission 2020/62/90725/W at the site.

With regards to the Environmental Health Team's request for an addendum to the existing Noise Impact Assessment (NIA) to be provided prior to construction, this can be secured via a suitably worded condition attached to the decision notice.

It is also considered that an updated preliminary risk assessment and conceptual site model can be required through a suitably worded planning condition attached to the decision notice.

Summary

The enclosed application documents and drawings have been prepared in response to the consultation undertaken to date for application ref. 2022/62/93154/W, and to address key matters raised by statutory consultees.

We trust that the updated application documents and drawings will enable the positive determination of the application, so that a sustainable and policy compliant scheme seeking 68 new homes can be secured.

If you have any queries regarding the updated documents and drawings, please do not hesitate to contact me.

Yours faithfully

Aisling Kelly
Associate Director

Annex 1: Updated Submission Documents and Drawings

Updated / New Application Drawings

Drawing to be superseded	Reference / Date	Updated Drawing	Reference / Date
Planning Layout	Z078-002 Rev F	Planning Layout	Z078-012
Boundary Treatment Plan	Z078-003	Proposed Boundary Treatments	Z078-003 Rev A
Proposed Surface Materials	Z078-005	Proposed Surface Materials	Z078-005 Rev A
Proposed Materials	Z078-006	Proposed Materials	Z078-006 Rev A
Indicative Streetscenes	Z078.008	Indicative Streetscenes	Z078.008 Rev A
Landscape Masterplan	H22-0016_003B	Landscape Masterplan	H22-0016_003C
Proposed Site Sections	H22-0016_001C	Site Sections	Z078.010
Elm (Stone)	NH.201T.03 (08.11.2022)	Elm (Stone)	NH.201T.03A
Elm (Stone)	NH.201.03 (08.11.2022)	Elm (Stone)	NH.201.03A
Laurel (Stone)	NH.303A.03 (08.11.2022)	Laurel (Stone)	NH.303A.03A
Willow Alternate (Stone)	NH.403B.03.S (08.11.2022)	<u>Existing drawing to be deleted</u>	<u>n/a</u>
Willow Alternate (Stone & Render)	NH.403B.05.S (08.11.2022)	Willow Alternate (Stone & Render)	NH.403B.05
		Woodlark (Stone)	NH.407.03
		Tupelo (Stone & Render)	NH.SL02.05
		Rowan (Stone)	NH.SL04.03
		POS Plan	Z078-011
		Proposed Site Access Ghost Island	AMA/21312/SK010
		Kirklees Refuse Vehicle Swept Path Analysis	AMA/21312/ATR008.1
		Kirklees Refuse Vehicle Swept Path Analysis	AMA/21312/ATR008.2
		Kirklees Refuse Vehicle Swept Path Analysis	AMA/21312/ATR008.3

Updated / New Application Documents

Document to be superseded	Reference / Date	Updated Document	Reference / Date
Flood Risk Assessment	August 2022	Flood Risk Assessment	May 2023
Arboricultural Report, Impact Assessment and Method Statement	June 2022	Arboricultural Report, Impact Assessment and Method Statement	April 2023
Air Quality Impact Assessment	September 2022	Air Quality Impact Assessment	May 2023
		Drainage Technical Note	20257 / 03 May 2023
		Road Safety Audit: Stage 1	MAL/PRFBRSA1Rev0

Annex 2: Summary Email on Application 2022/62/93154/W