

DCAdmin

From:
Sent: 06 September 2023 16:09
To: DCAdmin
Subject: Newett Homes Emley

Please find the attached document with comments / objections in respect of the above developers currently lodged applications on your portal.

Regards

The Committee,
Emley & Emley Moor Community Group
Emley Community Centre,
Upper lane,
Emley
HD8 9RE

Comments in relation to the following applications by Newett Homes:

2023/92255 Land at Green Acres Close, Emley, Variation of Conditions 1 (Plans) , 2 (Crime Prevention) and 15 (Permitted Development) of Previous reserved matters approval 2021/93286 pursuant to outline permission 2020/91215

And

2023/92327 Land at Green Acres Close – modified plans for 6 Dwellings plus parking and landscaping and modified plans for ball stop netting.

And

2023/92254 Land at Green Acres Close – Discharge of conditions 6 (Drainage) 14 (CEMP)

And

2023/92253 Land at Green Acres Close – Discharge of conditions 6 (Highways) 7 (PROW) 10 (CEMP) 11 (Drainage) 27 (Ball Stop Netting)

2023/92255 and 2023/92327 – Plan modifications

Newett Homes have applied to alter the size and position of the plots closet the ball stop netting (Plots 14 to 20) and also to reduce from 7 plots to 6 plots in this area. They are also applying to alter the size and position of the ball stop netting. This is because on the original plans there wasn't enough room for the ball stop netting support stanchions as well as room for the claimed PROW which runs adjacent the cricket field stone wall boundary.

Newett Homes is also applying to make minor adjustments to the position and size of various other plots around the site.

Comments and objections:

1 - the new position of the 6 plots near to the proposed ball stop netting provides more room for the Ball stop netting and the claimed PROW but in turn brings these 6 plots closer to the public highway leaving little or no front garden spaces.

2 - There is only one visitor parking space near to these modified 6 plots and there is no pavement. There are 6 apartments and 3 town houses directly opposite the 6 modified plots which have no provision for visitor parking either. One visitor parking space for 15 plots is not sufficient. Plots 30 to 40 also have no facility for visitor parking. See Consultation response; Highways Development Management Ref 17-33-6 2020/91215 - Item 1 – 'Visitor parking should be provided at a rate of 1 space per four houses. Where on street parking is envisaged, swept path analysis is required to demonstrate if the Kirklees Refuse vehicle can manoeuvre through'. The on-street parking shown at the entrance of the site is far too remote from the plots and is unlikely to be used (visitors will not want to park remotely at the front of the site and walk such a distance, also car crime will be a risk where there is remote parking)

3 – How will the Refuse wagon collect bins from the modified plots and from the apartment block plus from plots 21 23 and 24 ? – There are no bin collections points?

4 – the route of the existing PROW (DEN/21/20) will cross the new public highway, but the crossing point is an offset raised ramp that does not run in line with the route of the PROW ? Is this safe for children crossing ? At the moment children walking along this PROW encounter no cars or roads but will now have to negotiate a raised offset ramp as well as looking out for vehicles? Also, potential problems for pushchairs, wheelchairs, roller skates etc.

5 – The Ecological Impact Assessment prepared by SLR dated 8 August 2023 submitted in support of modification/variation application and in discharge of condition 25 (ecological design strategy) makes no reference at all to the Emley Millennium Green which is directly adjacent the building site. Nor does the supporting ecological plan show any of the 100s of trees/bushes/planting present on the Millennium Green. It is not even labelled as the Emley Millennium Green on the Plan. The Millennium Green was a project commenced by the villagers of Emley, including tree planting by the children of Emley First School in the year 2000 and the trees, bushes and wildlife have flourished over the last 23 years. It is a very much loved and very important space for the village. The Green is used for various yearly events and is constantly looking for ways to enhance wildlife and biodiversity. The Green has been used for several years for the release of recovering hedgehogs from a nearby hedgehog hospital, Newett Homes is aware of this. There is no mention of how wildlife will be impacted by the removal of the existing large hedgerow of trees and bushes along the length of the boundary between the Emley Millennium Green and the development site, this is where many of the released hedgehogs are likely to be found. The ecological assessment also makes no mention of moles on the Millennium Green which are close to the development land. Nor is there mention of the large variety of wildlife found on the Millennium Green and surrounding areas including bats, barn owls, blue tits, nuthatch and treecreeper birds, to name but a few species. With such varied wildlife prevalent in the area largely due to the impacts of the millennium green there is also significant concern that the design of the ball strike net has not been significantly considered to mitigate harm to wildlife generally but specific to hedgehogs and or birdlife coming in contact with the net. What has been considered in this regard

The Kirklees Ecology Unit response dated 2021/93286 29/10/2021 states missed opportunities and concerns over the proximity of dwellings to the Millennium Green. These concerns were highlighted by West Yorkshire Ecology and in order to prevent encroachment by the new dwellings to the Millennium Green proposed a green buffer which contains species of rich grassland be retained along the southern boundary. .

6 – It appears that Plots 34 and 41 are being moved slightly closer the boundary of the Millennium Green. There is already going to be too much removal of trees and bushes on the boundary of the Millennium Green to accommodate these two plots and they should not be brought any closer. How will the Millennium Green trees and tree roots be affected which are in very close proximity to these two plots. The ecological updating survey by SLR dated 8th August 2023 make no reference to this.

7 – The Secure by design layout dated 11/07/23 appears to show a diversion of the main diagonal PROW (DEN/21/20) through the site – Why ?

8 – The submitted 'Cricket Pitch Section' plan and the 'Ball Strike Net Plan' both dated 27/06/23 prepared by Newett Homes is not sufficient. There is no information or evidence to show that the stanchions/supports and netting design nor the new position of the net, nor the height of the net is adequate. The cricket field and the development land are exposed to high winds and adverse weather and this needs to be factored into any design. The balls strike netting needs to be robust enough to withstand the extremes of weather experienced in Emley, and to prevent rattling and whistling noises disturbing residents in the vicinity. With no detailed

design developed and engineering solution considered for the ball strike net how can the impact on under mining and or impacts to adjacent trees and impact to foundations and or site levelling be validated, a tree root growth study should be carried out to see if the foundations of the ball strike net impact the structure of the trees.

9 - The Labosport report LSUK.21-0698 dated 19/11/2021 commissioned by Barratts is now outdated. Labosport need to be instructed to prepare a fresh report following a physical site inspection rather than a desk top appraisal. The report needs to factor in the changes to the position and design of the ball stop netting and also the housing scheme and assumed PROW. It must also consider how cricket is being played at the cricket ground rather than relying on assumed information. There has been no consultation with the cricket club in regards the accuracy and validation of any aspect of the data inputted to the Labosport report.

10 - The proposed netting and its height is not what was approved in the Planning Application 2021/93286. The Labosport LSUK.21-0698 dated 19/11/2021 gave a height of 18 metres but Newett is now using 17 meters. A new Labosport/Newett Boundary Risk A new assessment is required to look at the heights again particularly due to the proposed nets being moved and the claimed PROW now being incorporated into the new design. As already stated, this should be a physical survey by Labosport not a desk top survey, they need to visit the site to appreciate the position and the situation. The report was also only written for recreational cricket something that does not accurately reflect the use of the facility.

11 - The proposed netting is not only lower than it should be, but it does not extend to the perimeters originally proposed. It is shown as not extending the full length of the cricket field wall, ie where the proposed attenuation tanks are to be grassed over and the development children play this area is not covered by the safety of the nets. Are children not as important as the houses. This is of course in addition to the fact that there will need be access for a "cherry picker" machine space for repair / maintenance of the ball stop netting - which would need a clear 3.00 m driveway, and this is not reflected in the most recent proposals to Kirklees. The current site levels (land) also have an impact (it is not flat). Access to maintain the net is critical and has not been considered. The fact that "meadow grass" is identified as the material that a cherry picker drive will drive across will mean an all-terrain version is required. They have out-riggers – probably greater than 3m. The whole design around the nets requires significant and very detailed review as it has limited consideration for the impacts of the most basic aspects of ball strike risk and future management.

12 - Newett Homes plan to create a corridor along their northern boundary to incorporate the ball stop netting and the claimed PROW, but this will create a dark alleyway between the dwelling rear fences and the cricket field boundary wall? This could be viewed by the police as a danger zone for potential house break ins? Furthermore, it might be necessary to insert a condition that none of those houses should be permitted to create a gateway in their back fences which opens out onto this public area of the claimed PROW. Further consideration for the illumination of this area due to the nature of the enclosed space should be considered.

13 - If the ball stop netting is located in this public area of the claimed PROW, in addition to the repair and maintenance issues, the fact that they are accessible to the members of the public could mean that they could be prone to vandal damage in a secluded unmonitored vicinity. Newett Homes needs to consider all these factors and clearly and provide detailed plans to show how the public area will a) provide a secure space for the ball stop netting, b) provide sufficient space for any maintenance machinery to access the area and c) provide sufficient safe space for the claimed PROW. It is critical that the ball strike net is secured via a fence and segregated totally from the PROW to stop/reduce the risk of damage and vandalism.

14 - No mention is made or samples shown of the type of stone to be used, this should be reflected by those stone fronted houses on Wentworth Drive. Not the yellow stone used by Newett Homes on their current development in Skelmanthorpe, which is totally out of character with area and is not pleasant to look at. In terms of samples there is also need to consider and confirm the make up of the ball strike net, is it net or is it mesh, the options for both will need to be considered from an engineering and maintenance perspective likewise the maintenance plan whether that be reactive, planned or compliance led.

15 – It was disappointing to note that Newett Homes initially brought in contractors through the Green Acres Close entrance despite it being clear in the Planning Consent that access through Green Acres could only be used by Emergency Service or the Millennium Green.

16 – The position of Plot 30 appears to be moving very close to the existing PROW route and there is likely to be conflict with people walking along the PROW.

17 - Clarification is also required of the exact position on the plan of the PROW that runs adjacent no. 10 Green Acres Close and the recreation Ground (DEN/96/10) as there seems to be conflict with the site legal boundary line which appears to overlap into the garden of No. 10 Green Acres Close – this needs clarification as well as how wide will the PROW be in this area.

Condition 14 of Reserved Matters & Condition 10 of the Outline - (CEMP)

Both these conditions relate to the CEMP and state – ‘Prior to development, including demolition and groundworks, a Construction Environmental Management Plan (CEMP) is to be submitted and approved by the LPA’ NB condition 14 of the reserved matters also states **‘The CEMP shall be developed following on from public engagement, which shall be included within the report’**

There has not yet been any public engagement. We await hearing from Newett Homes regarding this - contact details have been provided for various residents within the village who are prominent within the Emley Action Group, the Emley Millennium Green and the Cricket Community. –

Points for discussion with Newett Homes as follows;

1 - How do Newett Homes propose to protect the Millennium Green’s trees, bushes and wildlife during the development from construction debris, dust and mud, from excess construction noise and artificial lighting. The Millennium Green is used for the release of recovering hedgehogs from the nearby hedgehog hospital. Newett Homes is aware of this and has been approached by the hedgehog hospital with a request to enter the development site to monitor and/or re-home such hedgehogs who may be along the boundary and within the development site. Newett Homes needs to factor this into any of their construction management plans. There also needs to be suitable protection of tree roots on the boundary of the Millennium Green throughout the development phase.

2 – How will Newett Homes ensure access to the Emley Millennium Green and other public areas are not impeded during the development.

The development site is a central conversion/overlap point for villagers walking in all directions; to the Millennium Green to the South, to the Recreation Park to the East, to the Multi Use Games Area (MUGA) and the Community centre to the West and to watch the cricket to the North. Access by foot to all these areas is important to the village and must be available and connected throughout the construction period.

3 - There has not yet been any clear communication from Newett Homes on what will happen to the existing public right of way (PROW DEN/21/20) that crosses diagonally across the site and is the main route to the Millennium Green which has been recently fenced in by contractors. We assume this right of way will remain open during the course of the development as was the intention during the planning process ? Are there plans to divert this PROW ? The recently submitted 'Secure by Design' layout dated 11/07/2023 appears to refer to a diversion ? If so where exactly will the diversion be and how long will the PROW be diverted for? We assume if there is to be a diversion it will be only for a short space of time at critical points during the development and not for the duration of the development?

4 - We assume the development will be built in phases. Which phase will be built first ? We assume the section on the side of the PROW which is closest to the Green Acres Close (Plots 14 to 29) being built last? We assume Plots 14 to 20 closest to the Ball stop netting will be the final plots to complete on the site?

5 - When will construction start and how long will it take? This is critical, we also need to understand from a design and access perspective if access is required from the cricket club at any point for security and potential impact to playing during the 2024 season.

6 – Parking of construction workers vehicles will be an issue, what are the plans?

7 – Reassurance that the access from Green Acres Close will not be used by construction workers or deliveries.

8 – When will the full length of PROW (DEN 21/20) be re-surfaced, dates and timings are important for the village as already stated above, this is an extremely well-used PROW at all times of the day and on all days? The resurfacing will be from the village centre right up the Millennium Green. What other improvements are intended to the PROW. Detailed plans of finishings/edging/lighting etc ? Assurance that any maintenance required to tarmac or lighting will be funded by the development management company.

9 – Details of when the ball stop net will be constructed as this will no doubt interfere with the claimed PROW and the playing of cricket. Assurance that any ongoing issues/maintenance of support stanchions or netting during the construction period will be promptly dealt with by Newett Homes to prevent possible public safety issues, particularly during strong winds/adverse weather conditions experienced in Emley.

Condition 27 - Ball Stop Netting

The information supplied by Newett Homes in discharge of condition 27 is not sufficient. The condition states 'Prior to the commencement of development, a scheme for the management and maintenance of the approved ball-stop netting or an appropriate alternative mitigation measure shall be submitted to and approved by the LPA

There needs to be a very robust management and funding system in place to ensure that the ball stop netting is maintained and in full working order in perpetuity, for the lifetime whilst ever cricket continues to be played. A ten year warranty from the manufacturer is welcome but is not sufficient - what happens when the warranty runs out ?

If Newett Homes are proposing the ball stop netting will be maintained by a management company funded by the 41 residents of this development then a clear schedule of anticipated costs of maintenance should be made available by them to establish whether it is in fact a viable proposal – ie will the 41 residents be able to afford and will they agree to pay the long term maintenance costs, bearing in mind 8 of these plots are affordable low cost housing? What happens in the management company can't meet costs and liquidates ? Who will pay the costs of maintaining/replacing the ball stop netting ? This is something that could threaten the long-term existence of the cricket field. Also, the cricket field and the development land are exposed to high winds and adverse weather and this needs to be factored into any design. The balls strike netting needs to be robust enough to withstand the extremes of weather experienced in Emley, and to prevent rattling and whistling noises disturbing residents in the vicinity. Any management plan needs to factor in extra maintenance requirements due damage caused by the adverse weather. Will the fence be insured, who insures it and what will the insurance cover, we need to understand the maintenance contract and strategy for:

1. Reactive maintenance (its Friday night and a branch blow into the net and tares the net) who deals with this – does cricket have to stop on the Saturday (a mesh fence as opposed to a net fence would potentially mitigate this but equally will impact structure and design)
2. Planned maintenance – general gardening, net tensioning (periodic), removal of nets (do the nets go up and down at start and end of season?)
3. Compliance – structural integrity checks annually for insurance purposes, and to ensure warranty remains. Risk assessments, maintenance and general management. Cricket procedures will have to change to accommodate receipt of compliance information on a periodic basis (just like a gas service, fixed wire electrical test or similar)

Condition 11 – Temporary Site Drainage

Newett Homes have submitted plans for temporary drainage that will affect the parking area and entrance to the Emley Millennium Green – Any drainage plans that affect the parking area or entrance must be discussed and agreed with the Trustees of the Green and must not block or impede the area at any time.

Condition 7 – Improvements to existing PROW (DEN/21/20)

This condition states that the existing PROW (DEN/21/20) from the Village centre near the Community Centre all the way to the Millennium Green is to be improved; to include widening the path to 2 meters and to include tarmac and lighting. –

Newett homes have not provided any information to the village on how these improvements will be carried out. A detailed plan showing the position of lighting & clarify tarmac areas along the whole length of the PROW starting from the Community Centre right up to the entrance (and car park) of the Millennium Green. What sort of lighting will be used? Will the management company be responsible for the cost of running, maintaining and replacing the lighting and the tarmac surface? This all needs to be detailed.

Kirklees - Please add a copy of this letter of comment/objection to each of the four applications; 2023/92255 - 2023/92327 - 2023/92254 - 2023/92253