

DCAdmin

From: Ellie Worth
Sent: 21 September 2023 10:21
To: DCAdmin
Subject: FW: Objection to 2023/92255 and 2023/92327 – Plan modifications
Attachments: ellieworthmillenniumgreennewettobjection11092023.pdf; ObjectionLP.pdf

Follow Up Flag: Follow up
Flag Status: Completed

OFFICIAL - SENSITIVE

From:
Sent: Wednesday, September 20, 2023 9:29 PM
To: Ellie Worth <Ellie.Worth@kirklees.gov.uk>
Subject: Objection to 2023/92255 and 2023/92327 – Plan modifications

Hello

I wish to express my objection to the recent changes suggested by Newett Homes; For me personally, some of the largest issues covered in detail within the Emley Millenium Green objection letter (attached) are the large impacts on nature and wildlife that seem to have been completely dismissed or ignored coupled with the outrageously tall ball strike netting which will just destroy to look of the area around the cricket club, proposed houses as well as the villages much loved Millenium Green.

I was amazed that the recent Ecology report made no reference to the Millenium Green when the proposed site is literally a few metres away! We understand that on the day of the report, our of the volunteers for the local Shelley Hedgehogs actually interacted with the person generating the report advising where the nests actually are and made no effort to check or confirm this, She was there checking over the local nests and has no link to Emley or the Millenium green but uses the area to re-introduce them into the wild

I really hope the decisions made do factor in the multitude of issues both residents and the trustees of the Millennium Green as it doesn't feel like that has been done in the past/present

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 closest to 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 to 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.

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.

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 factor in any changes to the way cricket is currently played at the cricket ground rather than relying on old information on cricket standards.

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 are 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.

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, i.e. 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 drive way, and this is not reflected in the most recent proposals to Kirklees.

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.

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.

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.

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?

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.

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

Emley Millennium Green
C/o, 19 Wentworth Drive Emley Huddersfield HD89SL
Tel 01924848562

Ellie Worth
Planner
Development Management
Planning & Development
POBox 1720
www.kirklees.gov.uk

17/09/2023

**2023/92255 and 2023/92327 – Plan modifications &
Condition 14 of Reserved Matters & Condition 10 of the Outline - (CEMP)**

We the Trustees of Emley Millennium Green wish to object to the latest proposals by Newett Homes.

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.

The well-established Hedgerow and Tree lining bordering the Millennium Green and the proposed development site has been growing and maturing since the building of the Millennium Green over 20 years ago - The trees and hedgerow were planted with conservation and habitat populations in mind; to build on quantity and diversity. 1800 trees and shrubs of various varieties were planted by local school children and volunteers, including oak, ash, silver birch, willow, chestnut, beech, spruce and wild rose, and many more have been planted since. Trees and

hedgerows are a well-known and accepted commuting pathway for a whole host of species including birds, bats and hedgehogs. These trees and hedgerow will mature and grow much taller and fuller over the years, they need to have space to do this. There are still plots on the revised plan that need to be positioned further away from the boundary or plot numbers need to be reduced further to prevent damage to wildlife and habitats.

Buffer Zone or Green Corridor – for all the above reasons, there should ideally be a gap, or a buffer zone, along the whole length of the Millennium Green hedgerow – to provide a green corridor of wild grasses between the Millennium Green and the new development.

Landscape Context and Concept, Landscape Design Id901545 draws attention to inadequate numbers of trees the nearness of the development to the Southern Boundary, insufficient open space

BSG ecology report commissioned by Barratt & Wilson Homes Id895531

The Kirklees Local Plan adopted on 27 February 2019 (Kirklees Council, 2019)

Opportunities to achieve net gains in biodiversity within development proposals will be sought through good design, including specific habitat creation and biodiversity enhancements. Regard will need to be given to the relevant Biodiversity Opportunity Zone in which the proposed development is located and biodiversity enhancement measures will be sought which reflect the priority habitats and species identified for each zone.”

Nett loss

The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international national and locally designated wildlife and geological sites, Habitats and Species of Principal

Importance and the Kirklees Wildlife Habitat Network.”

Under the proposed development, there will be a **deficit** in biodiversity for habitats on Site, and a deficit in hedgerow units. The proposed **development would therefore not meet the local planning policy requirements** in relation to biodiversity gain, as required in the Kirklees District Local Plan Policy LP30: Biodiversity and Geodiversity.

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.

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.

Kirklees Ecology unit Id 902671 states

We agree with the comments made by KC Landscape regarding “missed opportunities” and concerns over the proximity of dwellings to the millennium green to the south of the site. These concerns have also been highlighted by West Yorkshire Ecology. In order to prevent encroachment by the new dwellings garden and provide a green buffer to the Millennium Green it is therefore recommended a strip of species rich grassland be retained along the south boundary. This would

improve the current on-site provision of biodiversity units and also enable beneficial management to the southern boundary hedge to be carried out, as is stated within the Landscape Masterplan.

Id 901545 KC Landscape

States “We have concerns over the close proximity of the dwellings to the southern boundary and will need clarification that all matters have been fully considered and addressed in relation to the positioning of the existing vegetation on the Millennium Green regarding over shadowing from tree canopies, overhanging branches in the future, and their roots during construction and in the future”.

In his original report to the Planning Committee by Victor Grayson April 2020

Item 10:64 he said dwellings on this boundary were too close to existing trees and with design change this could be overcome. when detailed layout is prepared prior to reserved matters stage the applicant would need to provide a good level of separation between the dwellings and the trees.

This has been ignored

Dwellings 34 and 41 almost touch this boundary and therefore restrict the Millennium Greens legal entitlement.

Despite numerous emails directly to Kirklees planning and two meetings with Barratts and a request to meet with planners and discuss our concerns regarding this closeness of dwellings to the Millennium Green, no amendment or alterations have been made to this plan.

When recommendations such as these are made to Planning Committees before, they vote they are persuaded along the lines of the recommendations by Senior Planners, and vote to pass the proposals.

These recommendations are then ignored and no one is held to account, all of the above recommend a “zone of influence “along the boundary with the Millennium Green so why has one not been planned.

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 ?

Consultation response from KC Public Rights of Way (PROW) 13/04/2022

“Public footpaths Denby Dale 21 and 96 are within or abutting the development site red line boundary and must not be interfered with or obstructed prior to during or after development work”

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. As Trustees of the Emely Millennium Green, we have several questions for Newett Homes which are relevant to the Construction Environmental Management Plan;

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 convergence/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?

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 Millennium Green Trustees as well as the whole 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? What are the proposals for lighting

and resurfacing around the Millennium Green entrance and car park and when will this be done?
Assurance that any maintenance required to tarmac or lighting will be funded by the development management company.

Emley Millennium Green is a registered charity-number 1078049