

1 South View  
Grange Moor  
Wakefield  
West Yorkshire  
WF4 4DZ

26.04.24

William Simcock  
Planning Services  
Kirklees Metropolitan Council  
PO Box 1720  
HUDDERSFIELD  
HD1 9E

Dear Mr Simcock

**Re: Application number: 2023/62/93704/E – Detailed Application for 'Erection of 10 dwellings and associated works'**

**Land Northwest of Urban Terrace, Denby Lane, Grange Moor, Huddersfield, WF4 4EB**

I write in connection with the above planning application. I am the owner of the land adjacent to the application site and have no objection to development occurring on the site. I do, however feel that I need to comment upon elements of the application itself which I am concerned will have a negative impact upon my land. My concerns are on the following grounds:

- 1. The Application Layout appears to suggest that access to my land will be through the Application site.**

The Layout Plan for Yorkshire Country Properties scheme for 10 bungalows includes a turning head by plot 3 which includes an arrow and the wording '*future access*'. This has not been agreed with me and should not be considered a relevant part of this application.

The applicant had previously submitted an application on my land which was subsequently withdrawn. I can confirm that my land is not in the control of the applicant, and I am concerned that they are trying to create a ransom situation by suggesting they have a singular point of access for both sites. I would advise that by removing the access point into my land it would benefit the developer by potentially freeing up space to enable them to provide an additional house on their site.

- 2. The Applicants Agent states that access to my land must be through the Applicants land.**

I am concerned that the recently submitted Supporting Statement for the application by Broadgrove Planning Development Ltd includes a section titled '*Neighbouring Allocation*'. Within this section it is suggested that your highways officers have said that my land cannot be safely accessed directly as it will impact on the junction with Ben Booth Lane. The Supporting Statement has been written to imply that the only safe point of access to my land is through theirs. In paragraph 3.22 they state '*the proposed development, by way of facilitating an access to the neighbouring site, allows for the future delivery of the housing allocation at HS58*'. Again, I am concerned that they are seeking to create a potential ransom situation.

To clarify the access point as I understand it, I would firstly point out that whilst the Broadgrove Supporting Statement states that Yorkshire Country Properties application on my land was withdrawn, the reason for this was not because of highways concerns or any comments or issues relating to the then submitted Planning Application. I would also comment that whilst the Broadgrove Supporting Statement suggests that the Highways Officer would not allow direct access to my land the consultation comments do not state that. They mention concerns over the relation of the then access point being close to the junction with Ben Booth Lane however the Broadgrove Supporting Statement omits the part of the officer's comments that states '*or for justification to be given for the presently proposed location.*' Should my land be brought forward for development at a later date it is up to me to provide that justification. I am concerned that the submitted layout and deliberate wording in the Broadgrove Supporting Statement are trying to create a position where the access to both allocations are a fait accompli with a potential ransom situation.

### **3. The Application Site is a separate Allocation to my land.**

The Application site is Allocation HS195 in the Kirklees Local Plan whilst my land adjacent is Allocation HS58. Whilst these sites are adjacent to each other they have been considered by your council during the Local Plan Process as two separate sites with separate requirements, separate indicative housing capacity and crucially separate constraints. These sites have been considered on their own merits and contrary to the comments from Broadgrove Planning Developments Ltd which state '*It is important to highlight that Highways matters were not given due consideration in the allocation of HS58.*' I understand that one of the matters that will have been considered during the Local Plan Process is Highways. Indeed, as set out in Broadgrove's own document in paragraph 3.19, paragraph 114 of the NPPF states that '*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: ... (b) safe and suitable access to the site can be achieved for all users; It then continues that (d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

Considering the above requirements for assessing Local Plan Allocations it can be assumed that Highways matters were given consideration and a singular point of access to my land from the Allocation site is not required.

4. The Applicant has

**The Applicant has provided insufficient detail regarding the contamination on their land and its remediation.**

As set out in the consultee comments from your Environmental Health Officer there are outstanding concerns regarding the Geo Environmental Investigation Report by RWO Associates Ltd. The Application site is highly contaminated with three mineshafts identified on site. It is imperative that any remediation of this site is competent and thorough as these works could impact upon my adjacent land. As such I agree with the Environmental Health Officers comments that any information regarding these works is provided to their satisfaction before the application is determined.

It appears that the Applicant is attempting to redefine the two separate HS58 and HS195 allocations identified in the Local Plan and crucially set out a narrative with one point of access to both Allocations through their site. As I have demonstrated above there is no justification for this and I ask for my comments to be considered whilst determining the application. By removing the access from the Application site into our land Broadgrove suggest at paragraph 3.23 in their report that they could gain c.100sqm for development. This would allow an additional house for their scheme.

Further to the above I also ask that no approval is given to this application until the Environmental Health Officer's concerns have been addressed to their satisfaction. As previously mentioned, I have no issue with the development of this site, but it should not be to the detriment of my land or the rest of the surrounding Allocated land for spurious unjustified planning reasons as set out by Broadgrove Planning Development Ltd.

Kind Regards,