

From :
17 The Knowle
Shepley
Huddersfield
HD8 8EA

Monday 11th November 2024

Mr Victor Grayson, Development Management Master Planner
Kirklees Planners

Objection to Planning Application 2024/70/90991/E (Yorkshire Country Properties now called Vivly)

Dear Mr. Grayson,

I am the neighbouring landowner to the H203 allocation. The requirements for LP5 Master Planning are well documented, and in my opinion, this proposal falls significantly short of meeting those objectives and should therefore be refused, unless some form of compromise can be reached.

The original planning application 2020/62/93358/E was approved 5th October 2021. The applicant was required to demonstrate how the adjacent land would be developed and submitted this plan described as Master Plan 1914-MP-03D

Note the wide turning head on the Vivly approved land allowing excellent access and service to 14 houses on the adjacent land.



There is no indication of different heights at the boundary!

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The planning officer accepted all submissions and approved the plans with clear conditions.
The section 106 agreement was signed and accepted by the 3 parties:-

- Kirklees Council,
- Yorkshire Country Properties Ltd and
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The document stated:-

13. Vehicular Connection to the Adjacent Land

13.1 the Owner covenants that prior to not more than 35 Dwellings having be practically completed and sold the entirety of the proposed estate road will be provided to adoptable access road standard with unrestricted access given to ensure future vehicle connection with that part of the site allocation HS203 to the west of the Site.

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I had expected to see this implemented or some other compromise that achieves the same thing and satisfies LP5 Master Planning. With this in mind I attach a few suggestions.

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The adjacent one-acre plot could accommodate 14 houses. However, the proposal only provides reasonable access to half of this land, which results in the loss of 7 potential plots because the proposed access is too steep.

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Additionally, I must point out that no planners or highway engineers from the Kirklees Planning or Highways Departments have visited the site to assess the situation. I am also aware that they have not seen an aerial view of the site or had access to a topographical map, both of which would support my claims. This oversight is a serious concern and should have been provided by the applicant.

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The applicant claims that the required adopted road can only be achieved at a gradient of 1 in 12.5, asserting that Kirklees Highways will not adopt roads with a steeper gradient. I believe this is not accurate because many recently approved sites within Kirklees have gradients steeper than 1:10, such as those in Denby Dale and Netherthong, another Vivly site.

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I make it clear that a 1:10 gradient for Road 6 would solve all the access problems.

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Before this application can be accurately assessed, I suggest that the following information should be provided by the applicant to show full disclosure of their intentions:-

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1. A topography into the adjacent land to show how it can be developed.
2. An aerial plan of the entire H203 area to demonstrate how it can be developed, as required by MasterPlanning.
3. A cross-section at right angles to the proposed road head.
4. An explanation of why the Header needs to be in my garden.
5. Details on how the 2.4m boundary walls can be constructed along the boundary of my property.
6. An explanation of how the sewage pipe from my house will be moved. Currently it will fall into the proposed road.

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I believe this is a reasonable request, and is essential to allow the council to make a properly informed decision.

71 **Aerial Plan.**

72 Over a year ago, Vivly's new management presented me with an aerial plan explaining some
73 issues with our land, specifically the access problems. I have looked carefully through the
74 submissions and I believe that this aerial plan has been deliberately omitted from this application
75 in order to mask several issues with the new proposal.

76 They suggested that changes could be made to resolve the access issues, "provided they could
77 purchase our garden". Since then, they have presented other ideas, such as a private access which
78 they would control. This would reduce the number of houses on our land potentially creating a
79 ransom strip for future developments.



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81 This proposal has the following issues:

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- 83 1. The boundary walls are shown to be on our land. The construction work would require a
84 4m access into land that Vivly does not control. The Council should not approve plans
85 that extend beyond the boundary into land the applicant has no control over.
 - 86 2. The proposed road header is shown inside the boundary of our private dwelling. This
87 cannot be allowed or expected.
 - 88 3. The road levels do not provide "vehicular access to an adoptable standard" into the
89 adjacent land, as required by the S106. A 2m drop is shown.
 - 90 4. There are no arrangements for moving our sewage pipe, which would fall 1.5m into the
proposed road.

91 Despite many requests to discuss these matters with the applicant, they remain adamant that they
92 can ignore their contractual obligations.

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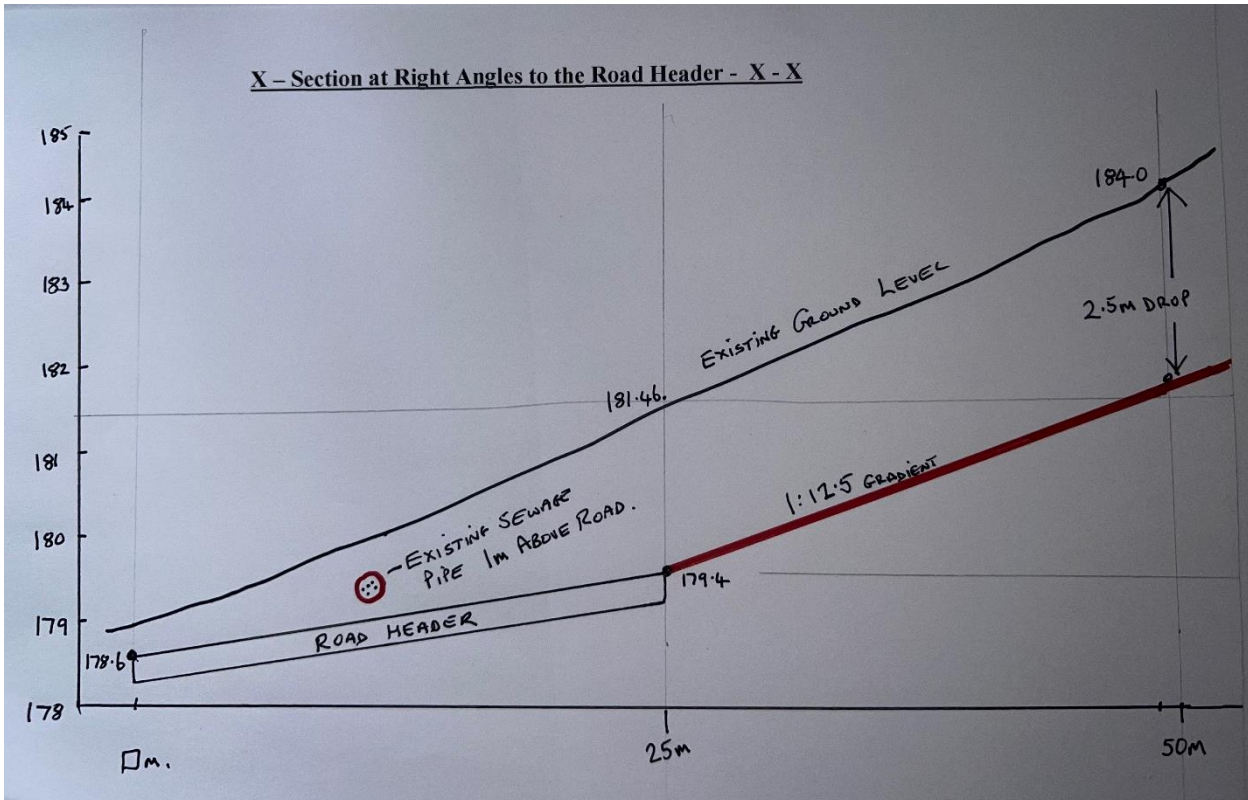
111 **Proposed Header and Gradient Issue**

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113 This is a cross section of the Road Header seen on the X-X profile above.

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West ← → East



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117 The header is 25m wide with a slow gradient of 1:31.

118 At the highest point on the header to the east, it is 2m (181.46–179.4) below ground level.

119 Going east toward the 7 plots, the ground level continues to rise further. In the next 25m, the
120 ground is 4m above the header. As seen on the plan in red, a road with a gradient of 1:12.5
121 cannot keep up with the rising ground level.

122 If the proposed plans were approved, gaining access at adoptable standards would require the
123 removal of thousands of tonnes of heavy clay and the construction of large, unsightly retaining
124 walls. This would be a very poor use of land and could result in long road runs to lower the
125 gradients. Perhaps some compromise could be reached?

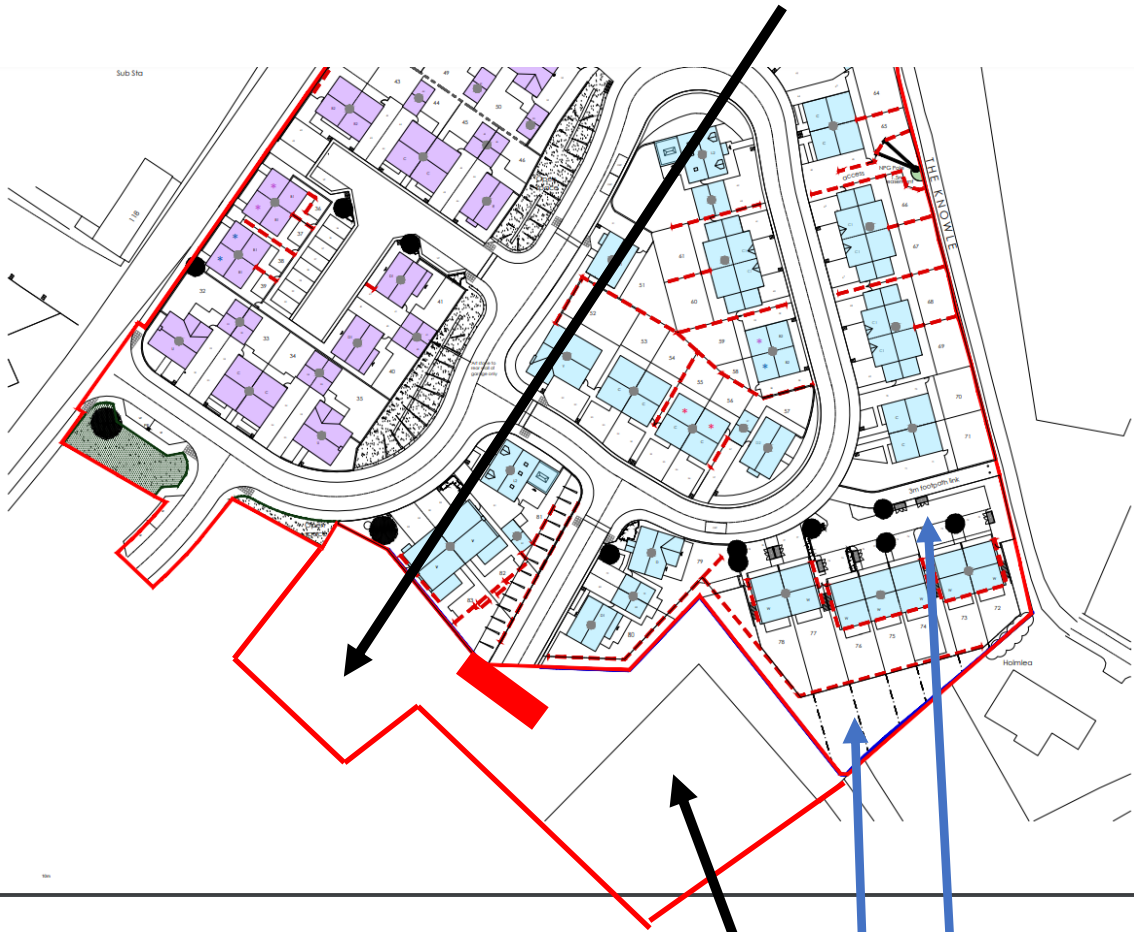
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129 The existing proposal would provide good access to the bottom of the adjacent land.

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132 As explained above, the top half of the land to the east would
133 face access challenges due to the steep gradient.

134 We also note that these long gardens, as per the Vivly plan, would be
135 underused and represent wasted building space that could provide extra
136 plots elsewhere.

137 Additionally, note how these houses share an awkward drive without adequate parking facilities.

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144 Could I suggest, what appears to me to be a straightforward solution: an additional access road at
145 the top of the site.

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Retaining wall. Turning Head Better space and parking

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In my opinion this has many advantages:-

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1. The houses have better shapes, better access and parking and will be more pleasant and easier to sell.

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2. More houses are provided by properly using the land to the east with better access.

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3. More houses available because the garden space is better utilised.

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4. With this proposal, we would have 16 plots where only 7 previously existed.

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Thank you for considering my objections and suggestions.

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I look forward to your response.

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Yours sincerely,

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