DC Admin

From:
Sent: 08 January 2026 22:39
To: Cllr John Lawson; Cllr Andrew Pinnock; Cllr Kath Pinnock; DC Admin
Subject: 2024/62/92727/E FORMAL OBJECTION TO PLANNING

I am writing to formally <u>OBJECT</u> to planning application <u>2024/62/92727/E</u>

1. Biodiversity Net Gain achieved only by destroying existing habitat

- The scheme achieves the statutory 10% Biodiversity Net Gain **only after first removing almost all existing habitats, hedgerows and ecological corridors**.
- This directly conflicts with the NPPF mitigation hierarchy of **avoid → mitigate → compensate**.
- Existing habitats are deliberately undervalued to inflate the claimed net gain.
- This approach is contrary to the intent of the Environment Act 2021 and paragraph 186 of the NPPF.

2. Loss of ecological corridors and the Local Wildlife Habitat Network

- The proposal removes hedgerows, tree lines and linear features, including along the Public Right of Way.
- These features form part of the **Kirklees Wildlife Habitat Network**, which Local Plan policies **LP30 and LP31** require to be safeguarded and enhanced.
- Replacement "habitat" is fragmented, largely within private gardens and therefore unenforceable and insecure.

3. Unacceptable loss of designated Urban Green Space

- The applicant admits the loss of **447.54 sqm of designated Urban Green Space**.
- Claims of a "cartographic error" in the adopted Policies Map are unsupported and cannot override statutory planning policy.
- Proposed replacement open space within the estate is **not equivalent** in openness, function or landscape value, contrary to **Policy LP61**.
- No evidence is provided that the green space is "no longer required".

4. Overdevelopment and non-compliant housing mix

- The site allocation indicates **53 dwellings**, yet the application seeks **67 dwellings**, representing clear overdevelopment.
- Only **12% of dwellings are 1–2 beds**, far below the Council's SPD target of 30–60%.
- The scheme delivers **zero affordable housing**, despite previous consents securing affordable units.
- These departures are justified on commercial grounds rather than planning need.

5. Serious health and safety risks from contamination and ground conditions

- The Geo-environmental Appraisal confirms **asbestos fibres and heavy metals** in made ground beneath the site.
- Risks rely on unrealistic long-term assumptions such as soils remaining damp.
- The site is affected by coal mining legacy issues, potential unrecorded shafts, mine gas migration and subsidence.
- Critical protection strategies are deferred until after permission, preventing proper scrutiny.

6. Reliance on biased, incomplete and post-permission assessments

- The Health Impact Assessment is completed by the developer and marks all impacts as positive or neutral, contradicting other technical reports.
- Key ecological, health and safety mitigation measures are deferred to post-consent documents that do not yet exist.
- This prevents the Local Planning Authority from properly assessing impacts at determination stage and exposes it to legal risk.

7. Excessive Retaining Wall Height – 6.65 Metres

On reviewing Drawing **2168.007.02 Rev – Section BB**, it is evident that the development requires a **retaining wall of approximately 6.65 metres in vertical height**.

A retaining structure of this scale is equivalent to a two-storey building and is wholly out of character with the surrounding landscape. It constitutes major engineered infrastructure rather than minor site levelling and raises the following concerns:

- Significant visual harm and dominance within the streetscape.
- Increased risk of structural failure due to the scale of retained material.
- Requirement for deep foundations and extensive ground disturbance which has not been adequately addressed within the application.

8. Impact on Heritage Asset and Setting

- Drawing **"Planning Layout Rev K – 2168.002"** indicates that **Plots 14, 15 and 16** are proposed within the established **heritage buffer zone** of a nearby **17th-century Grade II listed building**. In addition, the **Masterplan Rev A – Drawing 2168.005** shows the use of **black tarmac roads and parking areas** within this sensitive setting.
- The introduction of modern estate-style highways and parking immediately adjacent to a designated heritage asset is not sympathetic to the character, materials or historic context of a 17th-century listed building. This approach would cause harm to the significance and setting of the heritage asset and fails to preserve or enhance its special architectural and historic interest.

The layout, proximity of development and proposed surfacing materials within the heritage buffer zone are therefore unacceptable and must be fundamentally reworked to ensure the development is appropriate, sympathetic and in keeping with the historic environment.

9. Overdevelopment and Failure to Respect Local Character

Drawing **“Indicative Cross Sections (Drawing Z168.007.02), Section AA”** shows proposed **three-storey townhouses Plots 56–57** positioned immediately adjacent to existing **single-storey bungalows at Nos. 38 and 40 Penn Drive**.

This represents a severe and unjustified height and massing disparity. Introducing three-storey dwellings next to established bungalows is wholly inconsistent with the prevailing character of the area, which is dominated by **two-storey houses and single-storey dwellings**. The proposal will result in:

- Overbearing impact on neighbouring properties
- Loss of privacy and outlook
- Harm to residential amenity through dominance and enclosure

This is a textbook case of overdevelopment.

Furthermore, a **recent planning application at Ashbourne View** for a modest extension to an existing property was **refused** by the Council on the grounds that it was **not in keeping with the character of the local estate**. It is therefore entirely inconsistent and unreasonable for the Council to even contemplate approving a scheme of this scale and height in the same locality.

The proposed dwellings are clearly drawn from a **generic, pre-designed developer “look-book”**, rather than being informed by the established built form of Ashbourne View and Penn Drive. This demonstrates a complete failure to respond to local context, contrary to national and local planning policy which requires development to be **locally distinctive and sympathetic to its surroundings**.

The three-storey townhouses must be replaced with **standard two-storey dwellings** consistent with the immediate area. As currently proposed, this element of the scheme is unacceptable and should be refused.

Conclusion

This development would result in the loss of valued green space, destruction of ecological networks, unacceptable health risks and an overdeveloped scheme that fails to deliver affordable housing or a balanced community. It relies on minimal compliance, biased assessments and post-permission mitigation rather than sound planning principles.

Planning permission should therefore be refused.