KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

10 MARCH 2021

Planning Application 2020/91146 Item 9 – Page 19

Outline application for erection of residential development

Land west of, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL

Additional representation

A further representation has been submitted by a local resident, comprising a Technical Note on highway matters provided by a consultant appointed on behalf of 'concerned Netherthong residents'. This was accompanied by a series of photographs of the site and the surrounding area, focused principally on highway and drainage matters. A copy of these documents was sent to all Members of the Huddersfield Planning Sub-Committee by email on 2 March 2021.

A summary of the key concerns raised in the document and the Council's and applicant's response (where stated) to the main issues is summarised below:

Technical Note	Response
No action has been taken to support non car modes	The application included a Travel Plan Statement, which identified that prospective residents would be provided with a Travel Information Pack. The scheme would also deliver a contribution to sustainable transport methods. How this money is spent would be determined at Reserved Matters stage (indicative contribution of £14,833.50 based on 36 dwellings). The site is accessible to existing services and facilities within the village by foot or bicycle. The site is accessible to public transport (Paragraphs 10.32 to 10.33 of the report).

The site access is substandard in width and the path obstructed by parked cars, as such does not comply with policy	The site access, for which outline planning permission is sought, would provide a 2.0 metre wide footway into the site at the expense of the redundant turning head. The narrower 4.9m carriageway on Wesley Avenue would open out to a 5.5m wide carriageway within the site in accordance with the Council's Highways Design Guide. There is no scope to change the width or form of Wesley Avenue, or the roads that feed into it. An explanation as to why the access is considered acceptable is set out at Paragraphs 10.14-10.19 and 10.23-10.27 of the report
The report quotes Paragraph 108 of the NPPF that 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. It states that no mitigation has been offered or safety of non-car modes in the local area.	The Council do not consider the level of traffic generated by the development to result in significant impacts on the transport network and consequently, no specific mitigation is required nor could the established road network be cost-effectively changed. As set out at Paragraph 10.26 the road traffic collision data available via the Crashmap website for the last 5 years (2015-2019) identifies only one incident on Miry Lane. This does not suggest a significant safety issue within the vicinity.
Acknowledges that the Highways Design Guide SPD (2019) applies to new building but states that it should, by its aspirations, be used for improving the existing situation.	The Highways SPD provides standards for new residential streets within new residential developments rather than establishing a required width for existing streets to serve new residential development.
The key design parameter is a 5.5m route with footpaths on both sides. Wesley Avenue is 4.9m wide and has 1.8m footpaths, below the standard required.	Wesley Avenue is not part of the development proposal. Moreover, the standards detailed in Table 1 within the Technical Note relates to developments of between 200 and 700 dwellings. They are, therefore, not appropriate for the proposed development of up to 36 dwellings.
Long sections on Wesley Avenue are parked on both sides limiting the width to around 3m i.e. one way flow based on give and take.	On-street parking on Wesley Avenue may create pinch-points on the road that would narrow the available space to one lane. However, these existing driveways, where parking should not take place, make for natural passing places. The on-street parking also creates a natural traffic-calming effect to keep vehicle speeds low.

The note refers to historic approvals and states that whilst national policy and local policy has changed over time the key aspect that is presented in all of them is safe access and minimising risk of conflict between road users, this was a key area for the appeal dismissal.	It is not in dispute that the roads around Netherthong are not designed to modern standards. However, it remains the case that these previous appeal decisions attract no weight in the current decision-making process for the reasons set out in Paragraph 4.3 of the Report. This application must be considered on its own merits. In this regard, as set out in the report, it is the view of Officers that the levels of traffic that would be generated by this scale of development would be modest. They would not be considered to have an unacceptable impact on highway safety nor a severe cumulative impact on the road network.
2019/90380 Green Acres Close, Emley The technical note explores this scheme on the basis that it is similar in nature to the application site where an extension of an existing cul-de-sac for 44 units was refused and subsequently the reason for refusal upheld at appeal.	The proposed access for this indicatively larger development was some 270m from the junction with C-classified Upper Lane. The carriageway also narrows to 4.0m in places, there is no footway provision for pedestrians, and very few dwellings benefit from off-street parking. Consequently, it is not considered to be directly comparable with the application at Wesley Avenue, which must, in any event, be considered on its individual merits.
Cumulative Impact Land off St Mary's Avenue – 34 units Land adjacent to 8 Miry Lane – 22 homes = 54 units This proposal – up to 36 dwellings – an overall increase of 90 units. All three lie to the NW of the village and use the same local routes. As such, the representation asks whether a single site of this scale would have been approved with a step increase of 64 two-way trips in the peak, doubling the flows locally with no mitigation or improvements for non-car modes	The cumulative impact of the previous two developments in Netherthong was covered in detail by the highways consultants for the second approved site at Miry Lane, which took into account the site off St Mary's Avenue. This included a review of junctions within the vicinity and concluded that no material impacts on these junctions was anticipated. Furthermore, previous traffic analysis predicted that traffic on Giles Street would increase from 60 two-way movements per peak hour (one per minute) to 80 per peak hour (one per 45 seconds). The trip data supplied for this application predicts that ten additional cars will use Giles Street per peak hour, giving a total of 90 (one per 40 seconds). It is accepted that any increase in housing will be likely to increase vehicle numbers and that Netherthong does not benefit

	from a road network designed to modern standards. However, Highways Officers do not consider the cumulative impact to have a significant effect on existing highway safety. Moreover, the relatively low level of traffic predicted to be generated by this third and final plot allocated for housing in the current Local Plan is less significant still, given the previous approvals.
In providing photographs of Wesley Avenue with on-street parking, the technical note states that the access is substandard in nature and does not comply with guidance, it also requires vehicles to park on the paths blocking their use for walkers, prams wheelchairs etc.	The on-street parking is often by choice rather than necessity as the dwellings on Wesley Avenue have driveways, often of a length that could accommodate multiple vehicles. The situation with vehicles parking on the pavement is existing and not a consequence of this proposal.
The sight lines at the junction with Dean Avenue are constrained by walls and hedges thus vehicles must edge out onto Dean Avenue. The road falls steeply across the junction increasing stopping distances from the downhill section/right sight line.	It is the view of Officers that visibility splays are sufficient for the level of traffic generated by this proposal.
The access plan is the only definitive detail to be provided and this indicates the removal of the turning head thus forcing all existing vehicles who are inbound for the existing units to either reverse as a three-point turn or enter the site for whatever length the design sets out to the internal turning head to allow a turn to be made.	Existing residents can use their driveways to turn or they would be able to turn within the development. This would also be of benefit to the refuse vehicle. It is understood that it presently reverses down Wesley Avenue but it would be able to enter in forward gear, turn within the application site and depart in forward gear back along Wesley Avenue.
The indicative plan suggests a footpath link to Miry Lane but not put forward in the access detail provided, given access is not reserved than access for all users it should be set out in detail for approval, this is not the case, the scheme could be refused on insufficient detail supplied. It shows steps and is not inclusive.	The application is submitted with all matters except access into the site reserved. Pedestrian access can be secured via Wesley Avenue and it is not unreasonable that details of an additional footpath to Miry Lane be secured as part of a Reserved Matters application. In terms of inclusiveness, the path is indicative at this stage. The actual route and inclusiveness of the path can be addressed at Reserved Matters stage.

Impact upon roads within the vicinity with pictures of Giles Street, Dean Brook Road and Outlane in particular.	Figure 1 Paragraph 10.24 shows the estimated Trip Distribution Diagram. It indicates that the scheme would generate approximately 3 vehicles using Dean Brook Road in the AM peak and 6 in the PM peak. The figures for Giles Street would be 4 and 6 respectively. It is the view of Officers that this would not result in an unacceptable impact on highway safety, nor could the residual cumulative impacts on the road network be considered severe.
Having written the safety audit brief, and carried out the audit, Sanderson's then provide the designers response; this is at best unusual or worst does not comply with the guidance for an independent audit. It also does not say when the audit was carried out – on site or desktop?	The applicant has advised that the site layout was a collaboration between M Booth Design and Sanderson Associates with Sanderson Associates providing information and advice on the highway aspect of the site. The RSA Designer's Response was discussed by both parties. It is confirmed that the two members of the RSA Team had no previous involvement in the project. The completion of the Audit by Sanderson Associates engineers is not unusual and the applicant states that it has been completed on many projects for Kirklees Council and many other authorities. For information, the audit was undertaken on Tuesday 9th February 2021.
The additional data has not answered the concerns raised by the objectors to the scheme.	The applicant advises that the additional information was provided to confirm the minimal number of additional vehicle movements likely to be generated by the proposed development and how these would dissipate across the network.
Photographs showing flooding at the junction of St Mary's Road and Miry Lane	The photographs are undated. However, the recent flooding on Miry Lane was directly attributable to a badly maintained culverted and open watercourses under private riparian ownership along and adjacent to the public right of way leading past Brooke House. Kirklees Council has carried out some emergency works as a short term fix and dialogue with relevant landowners will occur expected in the coming months. It is a specific existing issue that is unrelated to the application site. The representation provides no evidence

	to indicate that the proposed development will lead to additional flooding on Miry Lane and in this case, the drainage details are considered acceptable by Yorkshire Water and the Lead Local Flood Authority subject to the conditions set out in the report.
Parking in Wesley Avenue	The Committee Report acknowledges that some of the existing residents on Wesley Avenue choose to park on the road rather than use their driveways. This has been taken into account.
Photographs of roads around the village	The Committee Report acknowledges that the roads are narrow in the locality. However, this is not untypical of a rural area. Furthermore, in relation to road safety, the road traffic collision data available via the Crashmap website for the last 5 years (2015-2019) identifies only one incident in the roads around the village, on Miry Lane. This does not suggest a significant safety issue within the vicinity.

Planning Application 2019/93790 Item 10 – Page 79

Demolition of existing buildings and erection of two storey nursery and garden buildings, formation of associated parking, hard and soft landscaping, widening of entrance and dropped kerb for pedestrian crossing

Former Eastgate Depot, Honley, Holmfirth, HD9 6PA

Ecology

Further to details set out in the published committee report the Council's Ecologist has also requested an additional condition in relation to bats at the site requiring the submission of either a copy of a Licence from Natural England or an assessment by a suitably qualified ecologist that the proposal would not adversely impact on Bats. This would be in accordance with Policy LP30 of the Local Plan and Chapter 15 of the NPPF.

Representations

Ward member Cllr Charles Greaves has made an additional comment with respect to the application which is set out in full below, with a response to the points raised:

As planning are looking to approve the application, it would also be helpful to see the full list of conditions, in particular what conditions are being imposed that:

limit any increases in numbers of staff / children,

restrict the range of activities and times of operation and prevent any further intensification of the site use

Response*:* A list of recommended conditions are set out in the committee report. These include a restriction on the number of children in attendance to 58 and a restriction in terms of hours of use for 'users' from 7.30am to 6pm.

require the nursery to actively manage the drop-off and queuing arrangements for parents (so as to prevent any back-up of traffic or any impact on the junction).

How would Highways respond to this and what action would the council take to force the nursery to assist in resolving the matter?

The idea that Eastgate traffic will keep stopping to allow vehicles to exit the nursery ahead of them is rather hopeful and not held up by current experience where perhaps 1 vehicle is allowed out of Turnpike for each full light change sequence.

This is a key junction for the Holme Valley and vital to Honley - if this business does not properly manage the vehicle movements it could have a substantial negative impact on the local highways network, and it must be clear that the responsibility lies with the business not the parents, neighbours or the council.

Response: No specific management of the parking/drop off/pick up are proposed, given that the number of children in attendance has been reduced and parking provision increased. It is not anticipated that the proposal will adversely impact on the local highway network, as it is considered that the parking and access arrangements are sufficient to serve the development, though a travel plan is conditioned to encourage the use of alternative modes of transport to the private car and will include detail on the monitoring and management of the car park.

Whilst it is noted that the proposed development *will* generate traffic, and there is no viable way of making sure there is never any queueing within the site or on Old Turnpike, drivers will have to exit with all due care and attention afforded to any road junction, and may wish to take an alternative route out of the site to avoid queues.

Highways DM officers were aware of the previous use of the site as a depot, and therefore conscious of the levels of traffic that may be generated by a re-development in the same use class (and therefore not requiring planning permission). Given this, an 'on-balance' decision was taken that the scheme was acceptable from a highway safety perspective once the staff and pupil numbers were decreased and the car parking provision increased to a level above that required by the previous standards set out in the UDP.

As this is a nursery as opposed to a school, it is anticipated that arrivals and departures will be staggered over the peak hours and during the day, rather than there being set start and finish times leading to a very specific peaks time for trip generation. This is also in the application's favour.

> *One alternative to full approval of the amended proposal, would be a half-way measure that allows usage at 2/3rds of the amended staff / children numbers with the same parking provision - with the understanding that if the business can demonstrate it can manage its traffic it could then re-apply to have its staff / children numbers increased.*
>
> *It would be helpful to understand exactly what planning and highways intend in the way of enforcing these highways issues and exactly what action would be taken if the business fails to properly manage them.*

Response: The application is be determined based on the information provided and the scale of development proposed. As set out in the published committee report, the number of children in attendance has already been reduced by 30%, staff by 40% and parking provision increased by 25%. The scheme as amended is considered to have an acceptable impact on highway safety. In terms of the enforcement of planning conditions, this would require the parking spaces to be available for use at all times and they are within the sole control of the applicant which is considered to be an acceptable arrangement.

A further representation has been received, this has been submitted on behalf of Honley Civic Society and is set out in full below:

- *The transport consultants acknowledge that the proposed site for the crossing on Honley Bridge is not ideal. Therefore, it would be better to accommodate it within the traffic lights at the bridge. These could be set further west onto the bridge permitting a wide crossing, controlled by push button. The whole crossing could then be pedestrian friendly. Also, the footpath on the south side might be protected by railings.*
- *The application states that pedestrian users of the nursery would be encouraged to access the nursery site via Southgate and Old Turnpike. To do so pedestrians would have to negotiate the junction of Southgate and Old Turnpike. Again, this is not ideal and some thought needs to be given as to how to make this easy and safe.*
- *It is noted that whilst the capacity of the Nursery has been reduced from 85 to 58, the physical size of the buildings remains the same. Therefore, it is likely that nursery capacity could increase in the future.*

In conclusion, this remains a difficult and potentially unsafe location for a nursery.

Response: The scheme as amended, with a reduced number of children in attendance does not rely on the provision of a crossing point across Eastgate as it is considered that sufficient parking and drop off spaces are provided within the site. Therefore, it is not considered necessary to provide additional crossing points in the local area. The proposed pedestrian route along Old Turnpike is considered to be an acceptable arrangement. The number of children in attendance will be controlled by condition and a new application would be required for any changes to the numbers in attendance.

RECOMMENDATION

Impose an additional pre-commencement planning condition regarding bats: summary below

Any works that directly or indirectly affect roosting bats or bat roosts shall not take place until that developer has submitted either a copy of a Licence from Natural England or an assessment by a suitably qualified ecologist that the proposal would not adversely impact on bats.

Planning Application 2020/93691 Item 12 – Page 105

Erection of two storey rear extension, front dormer and external alterations

84A, Crosland Road, Oakes, Huddersfield, HD3 3PL

It is noted that the published committee report details differing dimensions that the front dormer window is set in from the gable end of the house, for clarity the set in is 0.8 metres as set out in section 3.2 of the report.
