

We are aware of the Planning Inspectorate's recent decision, to uphold the developer's appeal against refusal of planning permission at Wesley Avenue Holmfirth (Ref 2020/60/91146/W). We are also aware that this decision may have an indirect influence on many subsequent planning decisions throughout Kirklees. We are particularly concerned that Planners and Planning Committees may be inclined to grant planning permissions, even if refusal is the proper course of action, rather than take the (remote) risk of losing an appeal and having to bear the costs. In our view it would be wrong for the Council to allow this to happen at Lingards Road, but we all know it has happened before in Kirklees, with disastrous legacy consequences for communities and the environment. The site under consideration at Lingards Road is indeed one of the disastrous legacy consequences, because it was first granted outline planning permission in early 2016, at a time when the Council had covertly decided not to fight appeals where developers might invoke the "five-year land supply loophole" to support their case. Many developers, understandably, did take advantage of the loophole, including the original developer at Lingards Road. In our view the site at Lingards Road would never have been granted outline planning permission on pure planning merit and consequently would not have been allocated for development in the Local Plan. As residents we do not want an inappropriate planning decision to be forced on us for a second time at Lingards Road, simply because the Council wishes to circumvent the remote risk of paying appeal costs.

The physical inadequacy of Wesley Avenue, to serve as the sole point of access to the adjacent development, was the main point of planning refusal and subsequent appeal. Many residents near Lingards Road are also deeply concerned about the physical inadequacy of Lingards Road, to cope with the extra traffic from an additional 42 dwellings and have submitted their objections accordingly. We have therefore reviewed the off-site access roads to both developments, against the Planning Inspectorate's reasons for upholding the Wesley Avenue appeal. Based on the Planning Inspector's report we are now able to compare the viability of the off-site access roads at Wesley Avenue and Lingards Road. For clarity we have put this in tabular form:-

Features of Lingards Road	Features of Wesley Avenue
Lingards Road is a “through connecting route”, serving a large rural hinterland and hundreds of existing houses. Traffic includes HGVs, buses, snow ploughs and heavy farm machinery	Wesley Avenue is a cul-de-sac serving 12 existing dwellings
1400 metres long, from Manchester Road through to Chain Road, with multiple blind bends, awkward junctions and steep gradients	80 metres long / no bends / simple straight line / only very slight incline from end-to-end
Variable width, but mostly very narrow. Sometimes more than Kirklees Highway design guide but mostly less.	Consistent narrow width (less than minimum in Kirklees Highway design guide)
Blind bend in the middle of a long row of parked cars, below Springfield Avenue, where residual carriageway is often too narrow for large vehicles to pass through. Difficult for cars to “pull in” and pass each other. Significant problems for HGVs, snow ploughs and emergency vehicles. Road safety is a major issue at this point.	No bends / Inspector notes “oncoming traffic would clearly be seen, and the parked cars would keep traffic speeds low”. Cars can usually pass each other by “pulling-in” May be problems with emergency vehicles if cars parked on both sides of the road and/or not partly on pavement.
Majority of houses below the proposed site entry do not have garages or driveways. So, they have no option but to park on the road (on a blind bend and very close to road junctions)	All houses have a moderately sloped driveway but they are not inaccessible. Parking on the road (instead of driveway) is noted by the Inspector to be a personal “choice”
Major traffic congestion and road safety problems associated with Nields Road / Nields School. Affects Nields Road, bottom end of Lingards Road and both junctions with Manchester Road	No congestion problems, other than congestion due to residents car parking.
Non-existent and/or very poor road drainage over entire length, above proposed site entry, including the road adjacent to the development and the new footpath.	Existing full road drainage system. No known problem
Intermittent / frequently non-existent footpaths throughout the length of the road	Good footpaths on both sides of road. varying from 1.6 to 1.8 metres wide
Very bad, steep, acute, unsafe junctions with Chain Road and Manchester Road (2 junctions)	Properly formed but unlined and unsigned “T” junction with Dean Avenue
New 2 metre footpath proposed on Lingards Road above the main site entry. Road widening and new highway drainage will also be required, alongside the South-East boundary between the site and the road. Therefore, Lingards Road is technically within the site boundary and KMC Highway Design Guide applies.	Officer update report to committee says:- “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”. As no work is proposed on Wesley Avenue (apart from hammerhead removal), KMC Highway Design Guide does not apply.

Summary Conclusions drawn from the Planning Inspectorate decision notice re Wesley Avenue

- The access roads leading to the respective sites are very different. The Wesley Avenue appeal decision therefore has few, if any, direct implications for the Lingards Road planning application.
- The traffic issues on Lingards Road are much more severe than Wesley Avenue. As the Planning Authority refused the Wesley Avenue planning application, primarily on traffic and road safety grounds, they should surely do the same at Lingards Road.
- Drawing on the Planning Inspector's ancillary comments regarding Wesley Avenue, we believe that the Planning Inspectorate would REFUSE to uphold an appeal on traffic and road safety grounds at Lingards Road. NB: There are multiple other good reasons for refusal of the Lingards Road development proposals.
- Because of the extensive road widening, footpath, road drainage and structural support works needed on Lingards Road adjacent to the site, the road itself must be regarded as within the development site boundaries. The works on Lingards Road therefore need to be carried out in accordance with the requirements of Kirklees Council's Highway Design Guide (or to a better standard).

Note about Lingards Residents Committee

"Lingards Residents Committee" is a group of 7 plus people who have voluntarily come together to represent the community in the Local area, around Lingards Road and Manchester Road, on issues related to the proposed development. We have specifically sought and drawn comments and objections to the development from neighbours and the whole community, whilst also keeping everyone informed via social media, email, leaflets and word of mouth. The committee will disband when the planning issues are determined or resolved.