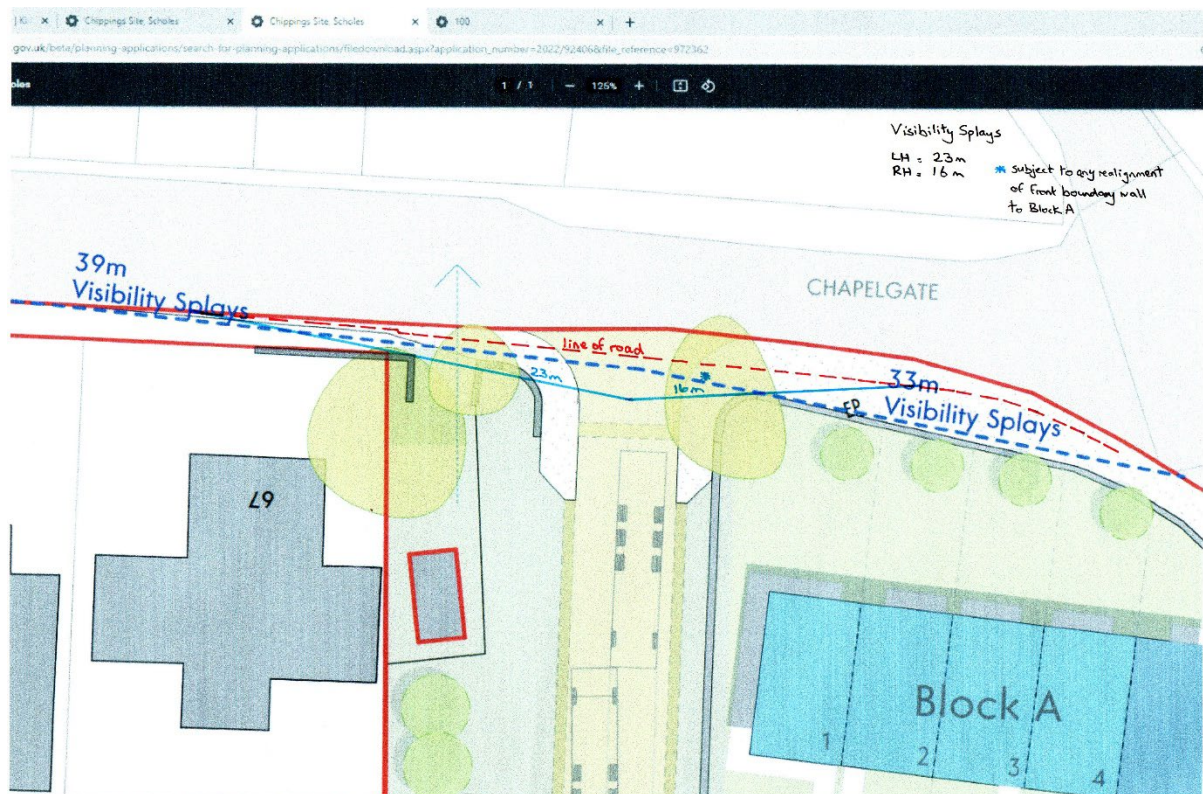


PLANNING APPLICATION REF: 2022/62/92406/W - CHIPPINGS SITE, CHAPELGATE, SCHOLDS

Further to my previous comments of 5th September 2022 I wish to register my continued opposition to the above, my additional comments of objection being as follows:

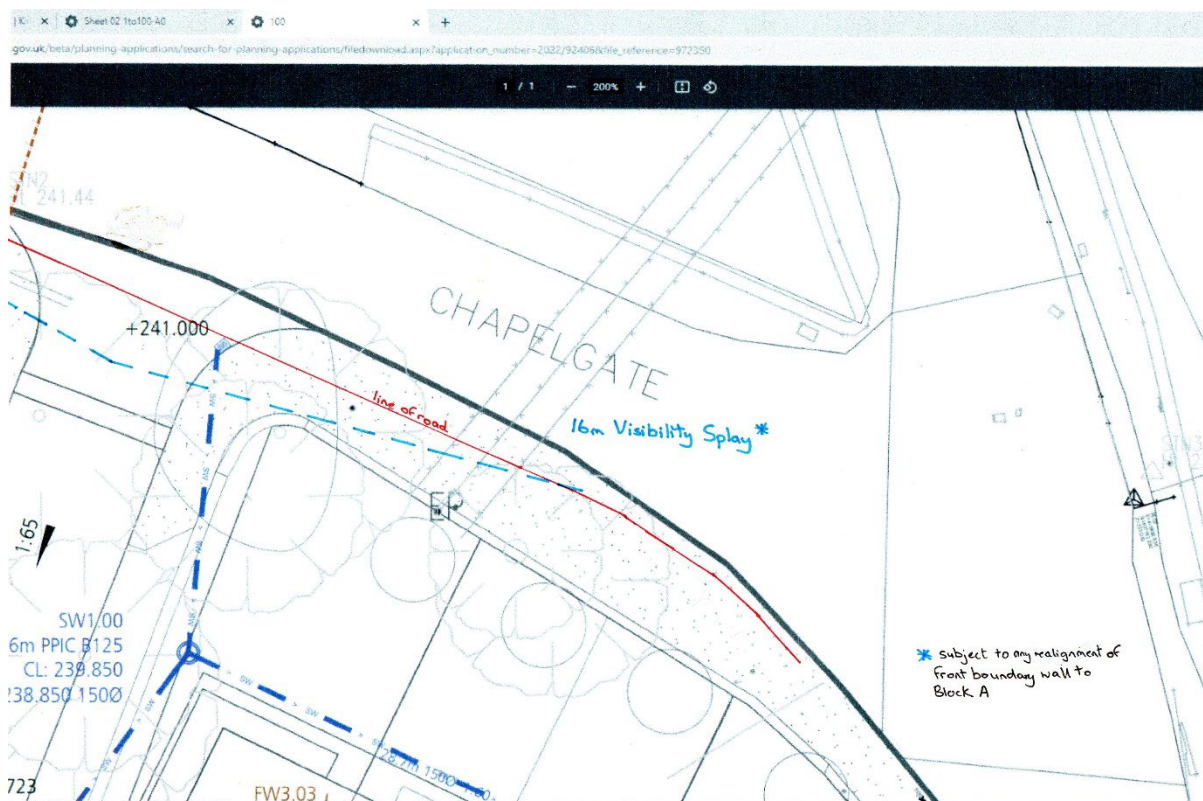
HIGHWAYS – there have already been several comments made regarding the traffic/speed survey carried out by the Applicant which was carried out during the school half term holiday last February. Common sense dictates that a survey during such a week will not portray a true picture of ‘normal’ traffic conditions. I’m sure we’ve all noticed what a difference last weeks half term holiday made to travelling from the Holme Valley into Huddersfield and back, especially during ‘rush hour’. This report should be dismissed as being of no value and I’m surprised the Highways Department have not insisted on the submission of a new report. The Department for Transport document TAG (Transport Analysis Guidance) Unit M1.2 addresses the methods used for gathering data including survey methodology. Section 3.3.6 states ‘Surveys should typically be carried out during a ‘neutral’, or representative, month avoiding main and local holiday periods, local school holidays and half terms, and other abnormal traffic periods’. There are other documents which make the same references to representative survey times/periods.

The plans below show what is now the actual edge of the road. You can physically see where pieces of stone have been used at the edge as a face to tarmac up to in the past. Section 44 of the Highways Act 1959, superseded by Section 41 of the Highways Act 1980 places a duty on the local highways authority to maintain the highway. A lack of maintenance has resulted in the verge encroaching onto the highway over the years. Consequently, the visibility splays shown on the Applicants block plan cannot meet the requirements of the Highways Design guide as the Applicant has relied on the line of the overgrown verge being the road in order to achieve the visibility splays shown. The copy of the block plan below shows what the visibility splays actually are. The larger scale plans show the LH splay being 23m and the RH splay being 16m subject to possible change.





It should be noted that the left-hand visibility splay cannot be altered. These visibility splays do not meet with the requirements of the Highways Design Guide.



The Applicant is including part of the highway as the site development boundary. This is to include the areas of road required for the visibility splays shown, which are required to accommodate the site access road. If these areas of road are going to be utilised for footpaths then this will effectively reduce the width of the road, on a bend and at the junction of White Wells Road/Chapelgate/Dean Bridge Lane. Absolutely preposterous and I can't understand how Highways have agreed to this. The left turn from Chapelgate into White Wells Road is a difficult manoeuvre as it is, especially for the local H1 bus service as they use the full width of the road, and the plan is to narrow it here? The road cannot be reduced in width in any case as Section 76 (1)(2) of the Highways Act 1959 which relates to 'variations of widths of carriageways and footways' only applies to a highway which has a footpath attached, the implication being that the main highway cannot be reduced in width.

Furthermore, **The Graveship of Holme Enclosure Award (1834)** is an interesting document in that, apart from awarding parcels of land and public footpaths (one of which crosses the Applicants site) to various individuals, it also awards public roads to various townships. One of these is a 30 foot 'breadth' road, being part of Hepworth Road, commencing at Stake Bank and ending at Dean Bridge. This is documented on page 10 of the Award. Chapelgate forms part of what was then called Hepworth Road and if you walk the length of Chapelgate you will see that the width between stone boundary walls and the like, either side of the road is indeed 30 feet. Any footpaths included in this width can only be one sixth of the road width so as to maintain a carriageway width of between 24 and 25 feet and this is evidenced by the footpaths along Chapelgate being between 5ft and 5ft 6in wide. The effect of this Award is that the Applicant cannot utilise that part of the road between the solid red line and dotted red line on the above Block Plan because it reduces the road width to under 24ft, the road being only 17ft wide at the site entrance where ideally it should be at its widest.

GROUND'S FOR A PLANNING REFUSAL:

GREEN BELT – the Green Belt should not be built on. Any benefit derived from this development will be to an individual rather than the local community as a whole and therefore the Applicant has not demonstrated that the very special circumstances that justify this planning applications' acceptance as required by the National Green Belt policy have been met.

HIGHWAYS – the visibility splays shown are incorrect as the Applicant has based them on the incorrect line (edge) of the road together with parts of the highway to provide visibility splays needed to meet the requirements of the Highways Design Guide. The revised visibility splays shown using the correct line of road edge **do not conform** with these requirements.

The Graveship of Holme Enclosure Award (1834) prevents the footpaths fronting onto Chapelgate from being constructed as shown due to the implications of this Act of Parliament in respect of the road width.

The traffic/speed survey is of no value as it has not been conducted using the correct methodology.

This planning application can only result in a refusal due to the above and associated previous objections