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| Consultation Response from Chris Bembridge KC, Highways Development Management |
| 2023/90714 Land west of, Wesley Avenue, Netherthong, Holmfirth, HD9 3UL |
| Reserved matters application pursuant to previous outline permission 2020/91146 for erection of residential development of 35 dwellings |
| Date Responded: 30/06/23 Responding Officer: CNB Responding Ref: K3-38/2 |

This is a reserved matters application for previous outline permission 20/91146 for the erection of 35 dwellings with associated layout, landscaping, appearance and scale. Access is also listed as one of the reserved matters although this was included as part of the outline application.

Pre-application highways advice was submitted for this application under 22/20961 and the layout has been slightly amended since then to reflect some of the pre-application concerns. Previous Highways Comments were submitted on 28/04/23 (and appended below).

The outline was initially acceptable to Highways DM but was opposed at committee who refused the application on highways grounds, this was overturned at appeal and the access was deemed acceptable by the inspector. We would not wish to go against the inspector's decision and so we would not wish to object on the access to the site.

These comments are based on additional information submitted by the applicant after a meeting in relation to the issues and concerns raised in the previous set of highways comments and should be read in conjunction with the previous set of comments (appended below).

It is noted that the pedestrian access steps to Miry Lane is outside the red line boundary and details of the ownership of this land should be provided if this is not adopted highway land, to ensure the pedestrian/cyclist access is deliverable. Investigations with the Kirklees Highways Registry has indicated that the verge to the south of Miry Lane is not registered for ownership due to the historical land ownership records being misplaced. This means that the pedestrian and cycle access on to Miry Lane may be over third-party land and as such to continue with this access would be at the applicant's own risk if the owner were to come to light at a later date after construction.

It should be noted that Miry Lane does not have any pedestrian facilities at the point the footpath/cycleway is proposed to join it.

The extent of the site that may be submitted for adoption is not indicated, but we would request that the applicant contacts the Kirklees s38 team at the soonest possible opportunity to discuss adoption requirements so that issues do not occur later in the development of the site.

The main point of access will be an extension of Wesley Avenue beyond the current turning head in to the site. The designer's response to the stage 1 safety audit states that the existing turning head will be removed via a stopping up order and re-kerbed with the land being deeded to the existing residents as a private garden. The stopping up would need to be done under the correct legal process with the DfT and this should be conditioned. The existing turning head should only be removed after the proposed new turning head within the development is completed and open to use. During the construction period the existing turning head should remain open and unobstructed.

The access road as shown in drawing No 034 Rev C is approximately 5.5m width and this is acceptable to allow two vehicles to pass. This revised drawing also shows a swept path analysis for an 11.85m refuse truck and this indicates that the refuse truck can safely negotiate the access road and turn within the turning head. The drawing also shows that refuse truck access is still available with some on street visitor parking. This is now acceptable.

The turning head is set at a slight gradient with drawing No 19 Rev B showing it as a 1:16 gradient heading downhill to the north of the site. Although we would prefer the gradient to be 1:20 or less, we

understand that the constraints of the site cannot allow this and so we would reluctantly accept this 1:16 gradient.

The 1:16 gradient also extends into the shared surface private drive access to plots 13 to 16. For a shared surface the gradient should be no more than 1:16 before a segregated footway would be required. As the gradient is approximately 1:16 this would be just acceptable as proposed.

The applicant has confirmed that they will contact Kirklees streetlighting as part of the adoption process to arrange a suitable lighting scheme.

The section 38 team have provided the following comments;

I have taken a review of drawing no. 2232-01-E, Proposed Site Layout for 35 Dwellings, and the concerns raised previously are not addressed as visitor parking has still not been allowed for that needs to be provided in lay-by form. A minimum of 9 parking bays should be accommodated. Carriageway width should be confirmed as vehicular parking cannot be permitted on the street if the typical width of 5.5m is used.

As noted in the previous comments, there was an overprovision of parking for plots 6, 13, 14 and 19 and this would be suitable to remove 1 visitor parking space requirement, so this would be reduced to 8 visitor parking spaces. As seen above, the Kirklees section 38 preference would be to have the visitor parking off street or in bays, this may need to be addressed for adoption to take place, however we feel that this position may be undefendable at appeal and therefore wouldn't wish to oppose the application based on visitor parking being located on-street.

Other parking provision for the dwellings is in line with guidance as indicated in the previous comments.

Plots 4 and 8 have now been shown to have a suitable pedestrian access.

Waste storage and collection points are now clearly indicated on drawing 01 Rev e and these are to the satisfaction of the Kirklees waste strategy team and so are acceptable. This includes concerns with plot 6, where a bin collection point is now identified in an acceptable location.

A travel plan was provided with the application as it was included as a condition within the outline permission granted at appeal, however it must be noted that the size of the development is below the threshold for a travel plan in Kirklees Travel Plan guidance. We always like to see the inclusion of a travel plan, especially in a low sustainability location like this that would rely on the use of the private car as a primary mode of travel and so we consider that the travel plan should remain in place as submitted, however we would not insist on an annual monitoring fee being added within the s106 and would thus not provide the full level of travel plan support that would be associated with a larger residential site.

The outline planning permission allowed at appeal included a Construction Access Management Plan as one of the conditions and we would still wish to see this provided for the site.

All relevant highways conditions contained within the outline permission will need to be discharged.

With this we now consider that the application is acceptable on balance due to the gradient of the turning head being close to maximum and the reliance of on-street visitor parking.

Recommendations/conditions from Kirklees Highways Structures team

Before the development commences a scheme detailing the location and cross sectional information together with the proposed design and construction details for all new retaining walls/ building retaining walls adjacent to the existing/ proposed adoptable highways including any modifications to the existing retaining wall adjacent to Miry Lane shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development.

Before the development commences a scheme detailing the location and cross-sectional information together with the proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint or influence zone of highway loading shall be submitted to and approved by the Highway Authority in writing. The approved scheme shall be implemented prior to the commencement of the proposed development and thereafter retained during the life of the development. See <https://www.kirklees.gov.uk/beta/regeneration-anddevelopment/pdf/highways-structural-procedures.pdf> for further details and in particular, for the certification of oversize pcc manholes and their cover slabs, as advised in this document.

Important Notes:

All new storm water attenuation tanks/pipes/culverts with internal diameter/ spans exceeding 0.9m must be located off the adoptable highway. Any decision to locate these facilities within the adoptable highway footprint must be accompanied with a full risk evaluation report with particular reference to their proposed inspection, structural assessment and maintenance regime in compliance with the CDM Regulations 2015 requirements.

The adopting authority (i.e. Yorkshire Water) will also be required to produce and submit a legally binding agreement to the Highway Authority explicitly stating that they will be fulfilling their obligations in relation to the systematic and cyclical inspection and structural assessment of any attenuation structure located within the highway footprint, in full compliance with CS450- Inspection of Highway structures.

Furthermore, all new precast pipes/ culverts/storage tanks proposed for use within the footprint of an adoptable highway must comply with the Specification for Highway Works (SHW-Series 500 or 2500) and must be accredited with a BBA (The British Board of Agrément Roads and Bridges) or HAPAS (Highway Authority Product Approval Scheme) or equivalent certificate.

Highways Conditions and Footnotes

Condition from outline application to be implemented/carried over.

Prior to development commencing a Construction Management Plan (CMP) shall be submitted to and approved in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties and highway safety by effectively controlling:

- Noise & vibration arising from all construction related activities. This shall also include suitable restrictions on the hours of working on the site including times of deliveries.
- Dust arising from all construction related activities.
- Artificial lighting used in connection with all construction related activities and security of the construction site.
- Means of access to the site for construction traffic
- Times of use of the access
- The routing of construction traffic to and from the site
- Construction workers' parking facilities
- A scheme to demonstrate how the public highway will be kept clear of mud/debris

The approved plan shall be adhered to throughout the construction of the development.

Previous Comments submitted 28/04/23

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It is noted that the pedestrian access steps to Miry Lane is outside the red line boundary and details of the ownership of this land should be provided if this is not adopted highway land, to ensure the pedestrian/cyclist access is deliverable.

The extent of the site that may be submitted for adoption is not indicated, but we would request that the applicant contacts the Kirklees s38 team at the soonest possible opportunity to discuss adoption requirements so that issues do not occur later on in the development.

The main point of access will be an extension of Wesley Avenue beyond the current turning head in to the site. The designer's response to the stage 1 safety audit states that the existing turning head will be removed via a stopping up order and re-kerbed with the land being deeded to the existing residents as a private garden. The stopping up would need to be done under the correct legal process with the DfT and this should be conditioned. The existing turning head should only be removed after the proposed new turning head within the development is completed and open to use. During the construction period the existing turning head should remain open and unobstructed.

The access road as shown in drawing No 034 Rev B is approximately 5.5m width and this is acceptable

to allow two vehicles to pass. There is a slight kink in the access road and the vehicle tracking plan does not show if a large vehicle (refuse collection vehicle) would have to cross the centre line to make the bend, if this were the case then it would not be possible for two vehicles to safely pass at this point. It should be noted that forward visibility along the access road appears readily available and so this should not become a highway safety issue.

The access road terminates at a turning head and swept path analysis provided with the application shows that this is suitable for an 11.85m Kirklees refuse vehicle. The gradient of the turning head falls away to the north of the site at a gradient of approximately 1:15. Ideally this should be no greater than 1:20 and because of this we would like to see long sections of the highway (for both the turning head and access road) that clearly show gradients and vertical and transition curves and the relationship between the access road and the turning head. The provided drawing indicating gradients is suitable for street scene but does not provide sufficient detail for highways.

No street lighting details have been provided with the application and this would need submitting as part of the s38 application. We would request that the applicant contacts the Kirklees street lighting team at their earliest convenience to discuss the lighting requirements for the proposal.

Further comments are awaited from the s38 team and these will be forwarded as soon as possible.

Parking for the proposals should be set at local guidance levels and be;

- 1 and 2 bed flats = 1 space per dwelling
- 2 and 3 bed houses = 2 spaces per dwelling
- 4 + bed houses = 3 spaces per dwelling
- 1 visitor space per 4 dwellings

The parking for the proposals should be as below;

| Unit | Beds | garage? | parking required | parking provided |
|------|------|------------|------------------|--------------------------------|
| 1 | 4 | yes single | 3 | 3 |
| 2 | 4 | yes single | 3 | 3 |
| 3 | 3 | no | 2 | 2 |
| 4 | 3 | no | 2 | 2 |
| 5 | 3 | no | 2 | 2 |
| 6 | 4 | yes double | 3 | 4 |
| 7 | 3 | no | 2 | 2 |
| 8 | 2 | no | 2 | 2 |
| 9 | 3 | no | 2 | 2 (tandem) |
| 10 | 3 | no | 2 | 2 (tandem) |
| 11 | 2 | no | 2 | 2 (1 located off turning head) |
| 12 | 3 | no | 2 | 2 (1 located off turning head) |
| 13 | 4 | yes double | 3 | 4 |
| 14 | 5 | yes double | 3 | 4 |
| 15 | 4 | yes single | 3 | 3 |
| 16 | 4 | yes single | 3 | 3 |
| 17 | 4 | yes single | 3 | 3 |
| 18 | 4 | yes single | 3 | 3 |

| | | | | |
|----|---|------------|---|---|
| 19 | 5 | yes double | 3 | 4 |
| 20 | 1 | no | 1 | 1 |
| 21 | 1 | no | 1 | 1 |
| 22 | 1 | no | 1 | 1 |
| 23 | 1 | no | 1 | 1 |
| 24 | 3 | no | 2 | 2 |
| 25 | 3 | no | 2 | 2 |
| 26 | 2 | no | 1 | 1 |
| 27 | 2 | no | 1 | 1 |
| 28 | 2 | no | 1 | 1 |
| 29 | 2 | no | 1 | 1 |
| 30 | 2 | no | 1 | 1 |
| 31 | 2 | no | 1 | 1 |
| 32 | 2 | no | 1 | 1 |
| 33 | 2 | no | 1 | 1 |
| 34 | 3 | no | 2 | 2 |
| 35 | 3 | no | 2 | 2 |

Visitor spaces required = 9

Visitor spaces indicated = 1

This would indicate that there is a shortfall of 8 visitor parking spaces within the proposals. Due to the over provision of parking at sites 6, 13, 14 and 16, these sites would provide their own visitor parking spaces and so the visitor parking demand can be dropped to 8 spaces, meaning that the shortfall is now 7 visitor parking spaces. This would lead to on street visitor parking that may cause an obstruction of the highway or the footway and this could be seen as a highway safety concern.

Plots 4 and 8 have no pedestrian access to the front of the dwellings due to the parking spaces occupying the whole space to the front of the dwelling, this should be amended with either a shared pedestrian access with a neighbouring property or the rearrangement of the parking layout for these dwellings.

The location and layout of Plot 6 has been identified as having concerns relating to the junction with the access road and the distance for both fire tender attendance and waste collection.

The intervisibility at the junction with the access road could be obscured to the right by a single species hedge and a tree (as shown on drawing No 0002_2), we would not like to see anything above 1m in height at this location so that the visibility to the right is not impeded, this should be conditioned.

The access to the dwelling at plot 6 is measured at approximately 3.3m width, this would not be suitable for a fire appliance to access (minimum width 3.7m), however the dwelling is approximately 38m from the edge of the highway and this would be within the recommended distance of 45m as provided in access advice note FS-PAN010 provided by West Yorkshire Fire and Rescue.

For waste collection the maximum drag distance is 25m and the driveway length is considerably above this. A collection presentation point needs to be clearly marked on a drawing to the rear of the footway where it is accessible to a collection team but not where it will obstruct the footway or highway for road safety reasons. This should be designed to guidance provided at

<https://www.kirklees.gov.uk/beta/planning-applications/pdf/waste-management-design-guide-new-developments.pdf>

Waste storage and collection points for all the dwellings should be clearly indicated on a drawing, especially as some of the dwellings don't appear to have any bin storage indicated (notably plots No 4, 8 and 11, with plots 4 and 8 not having a clear access from the dwelling to the highway when two vehicles are parked).

A travel plan was provided with the application as it was included as a condition within the outline permission granted at appeal, however it must be noted that the size of the development is below the threshold for a travel plan in Kirklees Travel Plan guidance. We always like to see the inclusion of a travel plan, especially in a low sustainability location like this that would rely on the use of the private car as a primary mode of travel and so we consider that the travel plan should remain in place as submitted, however we would not insist on an annual monitoring fee being added within the s106 and would thus not provide the full level of travel plan support that would be associated with a larger residential site.

In conclusion, without the additional information and changes requested above we cannot fully assess the impacts of the proposal. The information should be provided for approval before we would be able to reach a decision whether to support the application or launch an objection.