From:
Sent: 25 October 2024 11:29
To: Nina Sayers <Nina.Sayers@kirklees.gov.uk>; Kirsty Nicholls <Kirsty.Nicholls@kirklees.gov.uk>
Cc: Julia Steadman <Julia.Steadman@kirklees.gov.uk>
Subject: Marsh Lane, Shepley 2024/91202
Importance: High

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Good morning Nina and Kirsty,

I'm afraid we have a serious issue with this application, and this is all the more pertinent given the intention to report this to the committee next Thursday.

The eastern visibility splay cannot be achieved, as a matter of fact. This confirmed the following and I attach a hand drawn plan to illustrate the points, following a professional measured survey yesterday in my role as a Chartered Surveyor.

As you will appreciate, this means that the recommendation for approval is cast into serious doubt - given that this raises serious highway safety matters, that could result in serious accidents if this development is permitted to go ahead next week.

The available visibility splays are either 2.1m x 43m or 2.4m x 18.4m, neither of which comply with Manual for Streets. This is because the splay is impeded by a gate post (not the gate post owned by the applicant) and wall belonging to the neighbouring dwelling, and which are 1.4m above ground level.

Please also refer to the enclosed photographs.

Photo 1 – taken from the 43m horizontal point, looking back past the impeding wall / gatepost.
Photos 2 and 3 showing the height of the gate post and wall not within the control of the applicant – also shown on the Google streetview below.

The committee report at 10.41 states “It is noted that representation raised concerns regarding the gateposts adjacent to the access. It would be conditioned that the visibility splays are cleared of any obstruction.”

Such a condition cannot be imposed because it is impossible to achieve clearance of obstructions given the wall and the easternmost gatepost are fully outside the applicant's legal ownership control.

I am afraid we had our suspicions given that the 2.4 x 43m splay appeared to rather conveniently *just* work on the recently amended plans with the position of the neighbouring wall, and bearing in mind the plans have been difficult to trust from the beginning due to omissions and inaccuracies.

The latest deliberate manipulation of the plans relates to the mature tree that we pointed out was 'missing' for a considerable period of time. You will note that the crown/route spread of the tree shown on the proposed layout plan has been reduced from that shown on the professional Tree Survey. This is misleading the public and it is misleading the Council. The impacts of the development on this tree, together with the impacts of the tree on the development of long-term, cannot be properly assessed until the true extent of this tree's root and canopy spread has been accurately transposed onto the proposed layout plan.

We would also like to raise other objections arising from the latest plans:

1) There is no explanation within the report why normal highway width standards are deviated form and justified as per Manual for Streets and the Council's Highways SPD – i.e. the original plans showed a 5.5 m carriageway (and alleged 2m footways – again shown to be inaccurate), which have now been reduced to service margins only. Where in the committee report is the justification for this deviation to a shared street arrangement ? How have the needs of pedestrians – in particular children and vulnerable adults – been taken into account in the decision to remove formal footways ?

2) The safety of the access and visibility splays (in terms of the lack of internal turning and implications for safety of vehicles potentially reversing straight out onto Marsh Lane) for the proposed plot (Plot 1) fronting Marsh Lane does not appear to have been addressed in the committee report. Has the wall height of the neighbouring property to the west been measured to check it doesn't impede visibility splays ? What would prevent the neighbouring plots erecting fencing / walls to visibility splays block for plot one ?

3) Related to the above, the issue of on street parking blocking visibility splays has not been addressed. How will this be resolved? What are the implications of a TRO if this was what was required to safeguard the visibility splays?

4) The issues we have raised in relation to not being able to drain the site via gravity have not been addressed in the committee report. How will the site be drained is the key unresolved question.

Kind Regards

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