

Planning Services
Kirklees Council
Huddersfield
HD1 9EL

23rd August 2024

Dear Ms Helliwell

Planning objection – 11 Wood Street 4 no. Residential Dwellings - Planning Application reference 2024/62/91934/E

I am writing to **object** to the granting of planning permission reference 2024/62/91934/E, the proposal submitted fails to achieve the minimum policy requirements specifically in relation to; **Highways, Environment, and Amenity.**

Paragraph 115 of the NPPF states that development that has an unacceptable effect on highway safety should be refused. Kirklees Council Local Plan 2019 Policy LP21 goes further than the NPPF. **The proposed layout does not provide sufficient visibility to enable a vehicle travelling on Wood Street to stop should a vehicle leave the development access as proposed.** Based on the actual available visibility, not that suggested by ATTP in the Highway Statement.

115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
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Figure 1 – NPPF Paragraph 115 – Key Highway Test (NPPF December 2023)

Policy LP21

Highways and access

Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of development are not severe.

Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.

All proposals shall:

- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;
- b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;
- c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;
- d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;
- e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;
- f. take into account access for emergency, service and refuse collection vehicles;
- g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.

Figure 2 – Kirklees Council Local Plan 2019 LP21– Key Highway Test (Source; KC Local Plan 2019)

Paragraph 135 states that development should function well, delivery vehicles reversing the entire length of **the proposed development does not meet this test**, nor does designing a layout where vehicle headlights and errant vehicle protection would be necessary to make the development acceptable.

135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

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- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Figure 3 – NPPF Paragraph 135 – Key Character Test (NPPF December 2023)

Policy LP2

Place shaping

All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below:

Figure 4 – Kirklees Council Local Plan 2019 LP2– Key Place Shaping Test (Source; KC Local Plan 2019)

Furthermore, the risk to the established TPO'd trees on Wood Street is significant, because of the proposed layout, and proposal to reduce the height of the wall by an amount that still does not achieve visibility requirements. This is exacerbated by the visibility splay drawn by the applicant's consultant, which goes straight through the trunk of a TPO'd tree, this makes the loss of these trees more likely, **which would not be**

sympathetic to local character and history. The submitted information is difficult to be considered reliable due to the conflicting information. This is especially obvious in relation to the trees, which have been discussed as part of an application earlier this year and the loss of these trees would not meet policy requirements and I do not consider that there is any opportunity to look at planning balance, so it is imperative that each element of the development meets all necessary policy requirements on their own merits.

Environment

The trees within the site on the Wood Street boundary were previously assessed by Kirklees Council and are subject to a Tree Preservation Order (TPO), these trees assist in maintaining the local environment and provide a positive contribution to the local character and habitats on Wood Street.

The proposal as submitted proposes to retain the trees whilst also removing a large section of retaining wall that contains the ground that supports the tree root structure. The visibility splay submitted by the applicant demonstrates that the tree cannot remain and the height of the wall should be reduced further to achieve the visibility splay requirements.

Application reference 2023/62/91649/E specifically considered the loss of trees on this site and following expert advice the trees shown on the proposed plan were considered necessary to be retained. Based on the submitted plans it is not clear that these can be retained and I am not confident that these trees will remain as presented by the applicant.

Highways

Access

As instructed by the applicant, ATTP have produced a Highway Statement, where it states that the “level of visibility is achievable at the site access”, this statement is incorrect and the evidence to support my statement is presented by ATTP at Appendix C in the Highway Statement April 2024, detailed below;

1.5	The speed limit on Wood Street, from which the site is accessed, is 30mph and as such, as per the guidance set out within the Manual for Streets, a visibility splay of 2.4m x 43m is recommended at the site access. However, it is highly unlikely vehicles will be travelling at this speed due to the nature of Wood Street. As demonstrated on the drawing attached at Appendix C , the level of visibility is achievable at the proposed site access.
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Figure 5 – Extract from ATTP Statement April 2024.

Appendix C contains a visibility splay diagram that shows that the tree trunk immediately adjacent to the access blocking visibility in the critical direction.

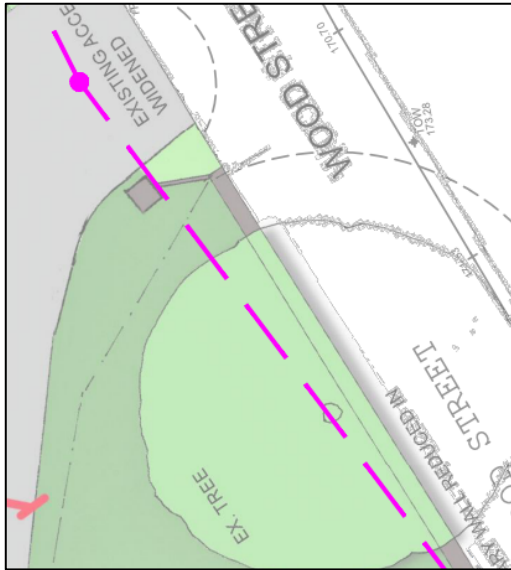


Figure 6 – Splay being impeded by existing tree (Source ATTP Appendix C HS April 2024)

The wall is reduced to 900mm in height and MfS states that visibility must be clear between 600mm and 2000mm, the proposed wall height (900mm) would prevent the splay being achieved as submitted, at 900mm small children cannot be seen, this gets worse closer to the access as the level on Wood Street reduces.

to 2 m (for lorry drivers). Drivers need to be able to see obstructions 2 m high down to a point 600 mm above the carriageway. The latter dimension is used to ensure small children can be seen (Fig. 7.17).

Figure 7 – Splay requirements set out by MfS (Source; Manual for Streets Paragraph 7.6.3)



Figure 8 – Splay being impeded by wall (Source ATTP Appendix C HS April 2024)

In the non-critical direction, the splay is taken across land outside of the blue and red line provided by the applicant. Based on the submitted information the applicant has no control over this land, at present this area of private garden is contained by a fence in excess of 2m in height, blocking any visibility splay to Wood Street. This land is not contained within either the blue or red line and until it is demonstrated that this is the case the splay cannot be delivered and should not be relied upon to be available or provided now or in the future.



Figure 9 – Telegraph Pole (TP) and Lamp Post (LP) and 3rd party fence at the existing access (Source; Private Photo 26/8/24).

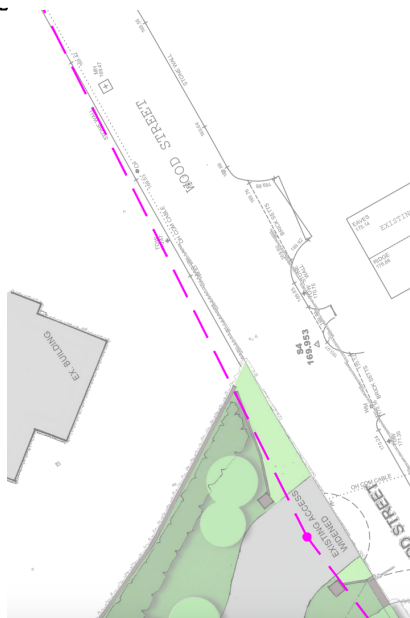


Figure 10 – Splay crossing 3rd party land not covered by red or blue boundary included in application (Source ATP Appendix C HS April 2024).

Based on the above, the visibility splay requirements set out by MfS related to the legal speed limit on Wood Street cannot be achieved by the applicant in reality or on paper and

as a result a vehicle leaving this site could be involved in a collision. A vehicle with right of way travelling on Wood Street may not have sufficient time to stop to avoid a collision. The vehicle speeds in the critical direction benefit from no egress points and a downhill gradient with good forward visibility prior to this existing access, so are likely to be greater than the non-critical direction.

ATTP guesses vehicle speeds, no survey data is provided to quantify why 15 mph was selected and not 20 or 30 mph, as an average vehicle speed in proximity to this access. MfS sets out visibility splay requirements for 15 mph in table 7.1 as 17m, the access provides 5m visibility with the proposed alteration to the wall and widened access. Even 15 mph is too fast for the presented visibility and this is being generous by reducing the x distance to 2.0m to reflect trip generation rather than 2.4m presented by ATTP.



Figure 11 – ATTP PDF Appendix C taken into CAD, (scaled to suit detailed dimension 13.3m.)

The visibility provided to the wall in the critical direction is 5.2m and in the non-critical direction 12.3m, limited by the 3rd party land. The 5.2m available visibility is half that required for 10mph, so the speed of vehicles on Wood Street would need to be 5mph, to be able to stop prior to colliding with an emerging vehicle. This is not realistic and is therefore not safe.

to several residential dwellings so vehicular trips are minimal and it is unlikely that the speeds of the vehicles using it would exceed circa 15mph due to the nature of the road. This arrangement is what currently occurs on Wood Street with no concerns raised by any party previously and no history of any accidents occurring.

Figure 12 – Estimated vehicle speeds (Source ATTP HS April 2024).

The probability of a vehicle leaving this access at present is 4 times lower than the proposed situation. The probability of a vehicle emerging from this access is 400% greater than existing and as a direct result of the minimum visibility splay requirement not being achieved highway safety is very likely to be compromised, failing to achieve both NPPF and local policy requirements.

The access is widened to aid pedestrian visibility, this is a positive, however the relocation of the existing Telegraph Pole and Lighting Column will need further consideration as this will add cost/risk which the applicant must commit to now, both items are shown on the topographical survey under the ATTP drawing;

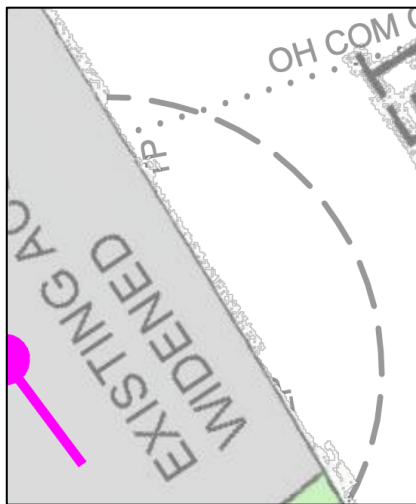


Figure 13 – Telegraph Pole (TP) and Lamp Post (LP) both require relocation to provide the widened access (Source ATTP Appendix C HS April 2024).

The Highway Statement produced by ATTP includes swept path analysis at Appendix B, this confirms that a vehicle cannot enter and exit the 4 no. dwelling development simultaneously. This will lead to vehicles waiting on the highway whilst a vehicle exiting the site leaves to provide space for a vehicle to enter. This is not ideal and may not be expected, as noted by ATTP it is possible for two vehicles to pass on Wood Street and this section does not include parked vehicles, so a vehicle stopping on Wood Street to allow a vehicle to exit, could be passed by a following vehicle/cycle leading to a collision.



Figure 14 – Swept paths by vehicles entering the site do not leave sufficient space for a vehicle to wait to exit whilst a vehicle enters the site (Source ATTP Appendix B HS April 2024).

The probability of a vehicle waiting on Wood Street is increased as a result of increasing the number of dwellings that would block entry to this site when they leave. This is a highway safety issue and contrary to NPPF and local policy LP21.

Layout

The site layout introduces a number of safety concerns, which support an objection on policy grounds, these are set out below;

The turning head for delivery vehicles is at the entrance to the site, maximising the distance a vehicle has to reverse to service the site, this should be minimised.

Swept path analysis is required to show a typical delivery vehicle (7m long) can enter and exit in a forward gear. Delivery vehicles may enter the development and reverse into Wood Street when they cannot turn, or they may park on Wood Street, affecting the visibility splay, either blocking two way flow or opposite existing driveways.

The level difference between the proposed turning head and the gardens related to the neighbouring residential property is significant, errant vehicle protection would be required to prevent vehicles using the prescribed turning area and ending up in the hedge or in the neighbours garden.

The road layout is made up of various radii, this increases the swept path requirements for vehicles, reducing the potential to pass parked and moving vehicles. This increases the propensity for vehicles to park on Wood Street rather than on-site.

The road width behind the driveways is narrower than 6m, therefore parking space widths must be increased.

The existing hedge between the house and existing dwellings to the east has been reduced in width, no additional measures are proposed to reduce headlights on vehicles using the proposed access road and turning head from causing nuisance at ground and first floor on existing neighbouring dwellings.

The turning area location maximises the reversing movement on-site, is in a location where errant vehicle protection is necessary and light from vehicle headlights is likely to interfere with existing dwellings where there is limited risk at present, this is contrary to NPPF and Policy

Parking and Servicing

At paragraph 1.6 ATTP recognise that the width of Wood Street is restricted

The proposal appears to provide 2 no. spaces per dwelling, this is in accordance with policy, however visitor parking will likely increase and it would be beneficial if the layout included additional visitor parking, Wood Street is narrow and on-street parking at this end of Wood Street is rare as there are only 3 no. dwellings and all have off street parking. This proposal doubles the number of dwellings at this end of Wood Street, increasing the risk of on street parking, safe opportunities are limited due to existing driveways and the downhill section, which is difficult to pass two cars due to the restricted width.

As with the existing residential dwellings on Wood Street KC refuse department will service the proposed dwelling from Wood Street roadside. The occupiers will be required to bring their bin to the bottom of the private drive on bin day.

Figure 15 – Refuse Collection Proposal

There is space within the site to accommodate a bin store within the carry distance set out by Kirklees Council, which would remove the need to store 3 no. further bins on Wood Street on the day of collection, which would likely interfere with visibility splays and would affect the potential for two vehicles to pass.

Kirklees Council issued Waste Management and Collection Guidance in April 2020, this states that Bin Storage areas shall not be located in the highway or where visibility would be reduced. They even go as far to state that on collection day, Bin presentation areas shall not be located in the highway or where visibility would be reduced. Wheelie Bins can be located up to 8m from Wood Street and adhere to the guidance.

Finally, I do not object to the principle of additional dwellings on this site, in this location, however the site constraints must be recognised and the proposal should be safe. As submitted there are too many points which fail to meet minimum policy requirements (NPPF, Local Plan policies LP2 and LP21), this alone justifies a refusal.

This site is well located and with changes to the layout could accommodate a denser residential development than existing, but it must protect and enhance the local

character of the area and deliver quality development, with no adverse risk to existing users on Wood Street.

Kind Regards,