

## **KIKLEES LOCAL PLAN**

### **HEARING STATEMENT – STAGE 4**

#### **SITE NO. H489 – MATTER 37 – MIQ’S** **BATLEY & SPEN HOUSING ALLOCATIONS – GREEN BELT RELEASES**

**Issue** – Are the proposed Green Belt release housing allocations in the Batley & Spen Sub-Area justified effective, developable/deliverable and consistent with national policy?

- **H489 – land at 7 Church Lane, Gomersal, Cleckheaton (22 dwellings)**

#### **General**

**b) Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?**

The development of Site H489, Matter 37, is ineffective, undevelopable, inappropriate and undeliverable due to the following constraints:

1. Great Crested Newts (GCN) in the Spring and ‘Wet’ area on Site H489 – Survey needed
2. Natural Ground Subsidence to the proposed development and nearby properties on Site H489
3. Potential Flooding due to a spring and underground watercourse on Site H489 (Appendix I)
4. Insufficient Visibility Splays on Church Lane for development lorry access (Appendix II)
5. No Lay-by provision for pick up and drop off of pupils at Gomersal Middle School.

1. Great Crested Newts (GCN)

**The law** - Great crested newts and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. A Survey needs to be undertaken on the Spring and ‘wet’ land on Site H489 to ensure the Law is followed.

2. Natural Ground Subsidence and Flooding (due to Gomersal Colliery Excavations)

The Coal Authority report on 15 Church Lane, backing onto Site H489 (Groundsure Ref: 51001315293001, Dated 12 December 2016, states:

“Section 5.7 Natural Ground Subsidence [Extract]:

... there is some potential for natural ground movement to occur but that is only likely to be of concern if significant changes are made to the ground or use of it. For example, this could include planting trees, changing drainage or building work – before doing anything like this we recommend that you seek professional advice.

“The terms “Subsidence” refers to the ground movement that could cause **damage to foundations in domestic or other properties.**”

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**(Continued)**

6.2BGS Non-Coal Mining Hazards [Extract]:

...the possibility of the existence of other sub-surface excavations such as wells, cess pits, follies, air raid shelters/bunkers and other military structures etc. that could effect surface ground stability but which are outside the scope of this dataset. ...Where extraction of such minerals has taken place in workings close to the surface (meaning approximately 50m depth) the workings can pose a subsidence risk because they sometimes cause surface collapse. Old mine shafts and other mine openings in such areas can also lead to unexpected surface collapse.

Natural Ground Subsidence and Flooding (due to Gomersal Colliery Excavations) – (Continued)

Gomersal Colliery closed in 1973 because it had become uneconomic and there were worries about water deep under the ground. Extract from [www.geocaching.com](http://www.geocaching.com)

“Despite Gomersal Colliery being in profit for most of its working life, from 1969 to 1973 it had been running at a loss. Then in March 1973, at the Lofthouse Colliery near Wakefield, disaster struck when old wet mine workings flooded into a developing face. The subsequent loss of life alerted the National Coal Board to the high dangers of running a mine in an area riddled with old workings, particularly in a wet area like Gomersal. After consultations between management and Unions, the mine was run down and in June 1973 was finally closed.”

Building on Site H489 will induce further and devastating subsidence and flooding to the surrounding properties and fields. Current subsidence evidence available on 15 Church Lane (backing onto Site H489).

3. Watercourse on Site H489 – Evidence in Conveyance of 15 Church Lane – Appendix I

The attached Conveyance to 15 Church Lane shows an underground spring and watercourse plus a sink hole on the boundary of Site H489, In accordance with the Ordnance Survey re the Conveyance:

- A ‘flow arrow; is positioned alongside a watercourse to indicate the direction of the flow
- At the start of a watercourse the word “Spring” or ‘Issues” may be applied
- Where a watercourse disappears underground, e.g. at a sink hole, the word ‘Sinks” is applied.

Site H489 is unsuitable for development due to the wetness, sink hole and low-lying land.

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**(Continued)**

#### **4. Visibility Splays - 7 Church Lane – Site H489 – Appendix II**

##### **Visibility Splays – Outside of Site Entrance Site H489 - See \* below**

'The Department of Trade Manual for Streets' requires Visibility Splays at 7 Church Lane. The site entrance is too close to Gomersal Hill Top Traffic Lights for adequate visibility on entering the site. Church Lane is very busy with traffic queuing at the lights and speeding cars. Drivers fly over Hill Top down Church Lane when the lights are at green. Frustrated drivers turn around to drive up the rat run of Craven Lane onto Oxford Road because of queuing at the lights (directly opposite the site entrance).

##### **Development Control Advice Note 15 (2<sup>nd</sup> Edition). The Planning Service, Vehicular Service Access Standards. Department of the Environment. August 1999 \***

- 1.1** The Departments Planning Policy Statement 3 "Development Control: Roads Considerations" (PPS3) refers to the Department's standards for vehicular accesses. This Development Control advice Note (DCAN) sets out and explains those standards.

Further information should be provided on access points and local highway improvements regarding Site H489.

#### **5. Gomersal Middle School – Congestion re setting down and picking up of pupils**

Excerpt from the Kirklees Plan: "... the access layout shall be in accordance with Section 10 above. Significant congestions can be caused by the setting down and picking - up of pupils and adequate facilities for this activity shall be provided in the form of a lay-by with a turning area if necessary."

Church Lane is dangerous with traffic and Hill Top in particular is very dangerous for such large amounts of pupils coming out of the school gates in Oxford Road (close to Hill top traffic lights). There is NO Lay-by for setting down and picking up of pupils as required by the Kirklees Plan.

##### **To make the Plan Sound**

Amendment and wording to make the Kirklees Plan sound regarding Matter No. 37:

"Site H489, a 'wet' area, is unfit for development due to an underground watercourse on the Site and is a conservation area (GCN). Subsidence is a risk to the proposed development and properties bordering the site. Site H489 is too close to major traffic lights in a congested area and with insufficient Visibility Splays in accordance with Planning Service, Vehicular Service Access Standards. There is no Lay-by for pick up and setting down of pupils at Gomersal Middle School, Hill Top, bordering Site H489, a requirement of the Kirklees Plan. Site H489 is to be taken out of the Kirklees Plan for development."

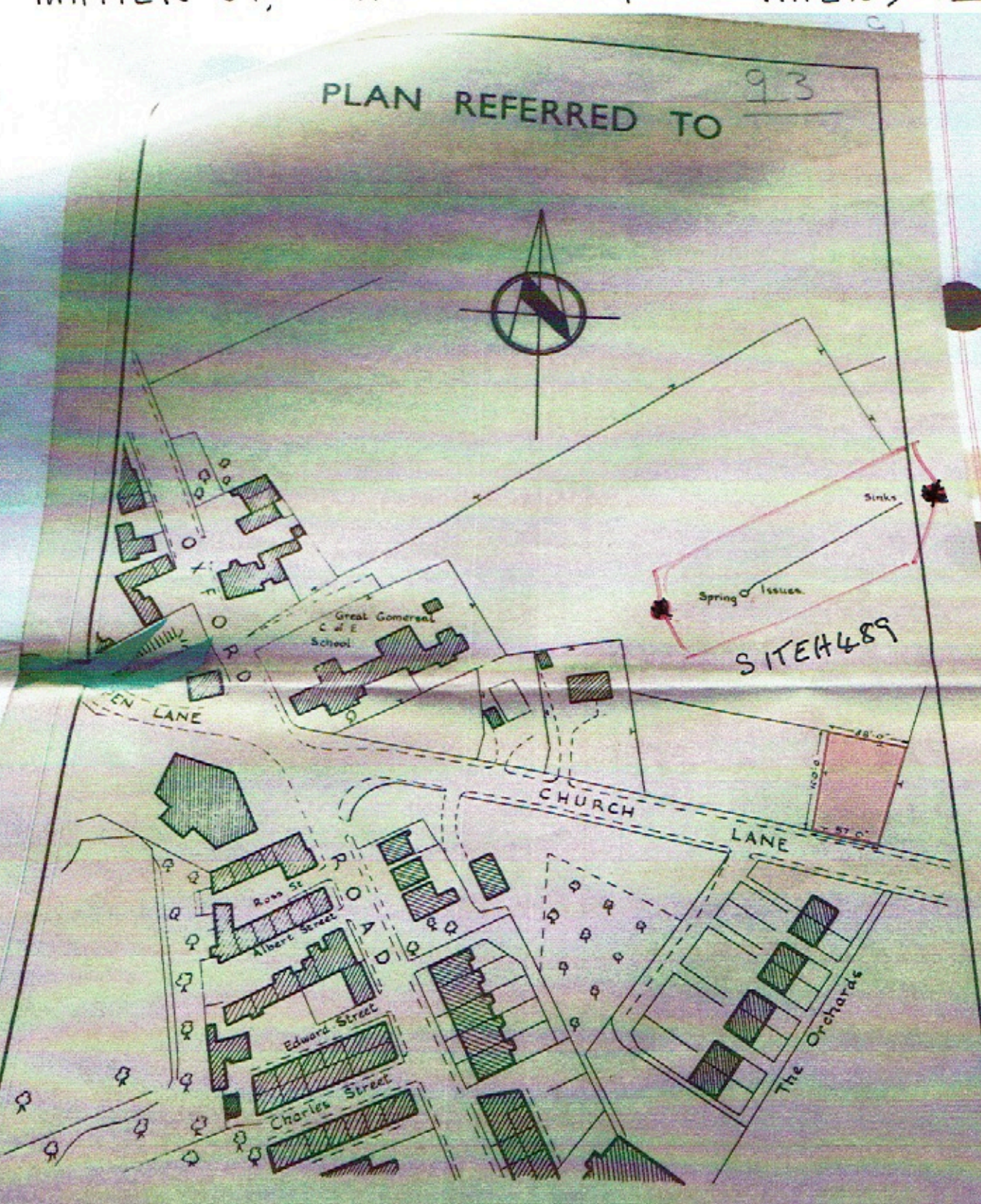
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PLAN REFERRED TO

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Area edged red approx. 700 sq. yds.

SCALE 1/1250



### *Visibility - Other Requirements*

- 4.1 The area within visibility splays (both those beside the minor road and those required for forward visibility) must be cleared to provide a surface no higher than some 250mm above the level of the adjacent carriageway. Minor departures from this requirement, such as the retention of a single slender pole or column, may be permitted at the discretion of the Department as long as visibility is not materially affected. Once provided, visibility splays must be retained and kept clear. In this regard it will be helpful for trees and shrubs to be planted at least 3m to the rear of the visibility splay to allow for future growth. However, where there is existing hedge/bank or amenity is a consideration, a hawthorn or natural species hedge may be required 0.5m behind the visibility splay to maintain the character of the rural area. To reduce the impact of an access on the countryside, its location and design must be carefully considered and existing access, including lanes, should be used where possible. Further guidance on fitting new buildings into the landscape can be found in Department's 'Design Guide for Rural Northern Ireland'<sup>6</sup>.
- 4.2 Visibility in a vertical plane must normally be provided from a driver's eye height of 1.05m to 2.00m to an object height between 0.26m and 1.05m. For a minor access carrying less than 250 vehicles per day the minimum object height may be relaxed to 1.05m provided there is no relaxation of the distance given in Table B.
- 4.3 The Department will not introduce a speed limit simply to facilitate a new access.

### *Right Turning Lanes*

- 5.1 A right turning lane consists of local widening of the priority road with associated carriageway markings to define a deceleration taper and dedicated waiting area for vehicles intending to turn right into the minor road. Design shall be in accordance with TD 42/95 - Geometric Design of Major/Minor Junctions set out in the Design Manual for Roads and Bridges (DMRB<sup>4</sup>) - Volume 6.
- 5.2 A right turning lane will often be required where the priority road is a primary, district or local distributor (as defined in the Layout of Housing Roads - Design Guide<sup>2</sup>) or a main traffic route as defined in PPS3<sup>1</sup>: "Development Control: Roads Consideration".