

## Appeal Decision

Hearing Held on 20 March 2018

Site visit made on 21 March 2018

**by Matthew Birkinshaw BA(Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31<sup>st</sup> May 2018**

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**Appeal Ref: APP/Z4718/W/17/3191803**

**Land off A6024 Woodhead Road, Brockholes, Holmfirth, HD9 6PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Tim Williams (Miller Homes Limited) against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2017/60/93326/W, dated 27 September 2017, was refused by notice dated 14 December 2017.
  - The development proposed is a residential development, including provision of open space, affordable housing and new access to A6024 Woodhead Road.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The application was submitted in outline with all matters reserved except for access. I have therefore determined the appeal on the same basis, treating the appearance, landscaping, layout and scale of development as indicative.
3. At the appeal stage a Unilateral Undertaking was submitted by the appellant. The Council confirms that it meets the requirements of the Community Infrastructure Levy Regulations, and subject to minor alterations, satisfies the second reason for refusal.
4. Following the hearing a revised undertaking was provided. Despite being received after the event, the amended undertaking is not significantly different in terms of its provisions. The original was also made available prior to, and discussed throughout the hearing, including the proposed changes. As it would not prejudice the interests of any parties I have therefore taken the revised undertaking into account in reaching my decision.

### Main Issue

5. The main issue is the effect of the proposal on the safe and efficient operation of the A6024 Woodhead Road.

### Reasons

6. The appeal site forms part of a wider parcel of land identified for residential development in the emerging *Publication Draft Kirklees Local Plan*. Access to the proposed development would be taken from a new priority junction following the re-alignment of Woodhead Road.
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7. Woodhead Road is a main strategic route between Huddersfield and Holmfirth. The annual average daily traffic flow ('AADT') is around 10,200 vehicles, with a relatively steady flow throughout the day. During the morning peak 439 vehicles have been recorded passing the site on the northbound carriageway, with 530 on the southbound side during the evening rush-hour.
8. Evidence provided by the Council demonstrates that the managed release of traffic from junctions to the north and south of the site leads to 'platooning' on Woodhead Road, with groups of vehicles travelling in both directions. At the hearing it was argued this would provide breaks in the traffic for potential future occupants to manoeuvre in and out of the site. However, whilst some drivers would be able to leave the highway easily, the submitted evidence shows that over a 30-minute period traffic stopped 20 times behind right turning vehicles into neighbouring Smithy Place Lane. I also observed traffic stopping on Woodhead Road before turning right during my site inspection, and drivers slowing down to let vehicles out of the junction.
9. Although the number of additional vehicle movements would be far less than Smithy Place Lane, the agreed TRICS data suggests that the proposal would still generate around 48 two-way flows during the AM peak, and 51 two-way flows during the PM peak. This equates to roughly one per minute. When taking into account the volume and grouping of vehicles on Woodhead Road it is therefore likely that northbound drivers would have to stop and wait for a gap in the traffic before entering the site. In doing so, there would be an adverse impact on the efficient operation of the highway.
10. Critically, the proposed access would also be at the end of a sweeping bend on a downhill section of Woodhead Road where speeds have been recorded in excess of 40mph. In the location proposed it would fail to achieve the recommended forward Stopping Sight Distance for northbound traffic of 120m. Based on observations at my site visit drivers leaving the bend and coming out of the tree canopy onto a straight, downhill section of the A6024 would not expect to find stationary vehicles in the road. Traffic braking or waiting to turn right into the appeal site would directly increase the risk of shunt accidents occurring.
11. Similar concerns were identified in the Stage 1 Road Safety Audit, which specifically highlighted the use of a priority junction as a problem. The Audit team considered the case 'in detail', including past collision data and an on-site assessment. In summary, they found that *"...a simple priority junction will be an under provision based on the flows provided and as such there could be an inherent collision risk (though small based on data provided for the A6024) associated with the design proposed resulting in shunt type collisions."* The Audit substantiates concerns raised by the Council and local residents that a priority junction would be unsafe in this location.
12. Guidance on the design of junctions between major and minor roads is provided in the *Design Manual for Roads and Bridges* ('DMRB') TD 42/95. Paragraph 2.15 recommends that simple priority junctions should only be used on rural roads where the AADT flow on the minor arm would not exceed around 300 vehicles two-way, and the major road does not exceed 13,000. In 2016 the AADT of Woodhead Road was 10,200, below the threshold in the DMRB. However, based on TRICS data the 12-hour flows from the appeal site would be 308. Although this is 'about 300', it does not represent the AADT flow,

which would also account for movements to and from the site at other times of the day. The number of daily two-way trips would therefore comfortably exceed 300.

13. The DMRB also confirms that the type of right turn facility will depend on the particular characteristics of a site. In this case reviewing accident data from 2012-17 identifies three recorded collisions around the junction of Woodhead Road/Smithy Place Lane/Hagg Wood Road. One accident included a vehicle stopped on Woodhead Road waiting to turn right. An approaching driver failed to react to the stationary traffic and collided with those in front (Ref 37U1460). Whilst Smithy Place Lane operates differently to the proposed development, all three accidents included manoeuvres associated with a minor arm junction from the A6024.
14. In 2017 another accident occurred at the junction with Lancaster Lane as a result of a driver seeking to turn right from Woodhead Road (Ref 4821111). Elsewhere five collisions have also taken place at the Woodhead Road/Miry Lane/Thong Lane junction, and four collisions around Eastgate and Station Road. The evidence therefore clearly identifies safety issues associated with this stretch of road. Given the number of collisions that have taken place, the traffic associated with the proposal and the likelihood of right-turning vehicles having to stop in the road, I consider that the design and layout of the access would prejudice highway safety. Whether or not other similar junctions exist elsewhere, this does not justify allowing an access that would be unsafe.
15. In addition, as part of the re-alignment of Woodhead Road the existing cycle lane would be terminated approximately 117m further north. At present the cycle lane provides some protection and makes drivers aware of cyclists on the approach to the sweeping bend before signage and road markings aim to slow traffic down. Removing such a large section of the cycle lane would further increase the risk of accidents and collisions with vulnerable road users. Although the risk would be modest, when taking into account that nearly half of the accidents referred to by the Council have involved cyclists, it would still be material. Combined with the use of a priority junction the cumulative risk to highway safety would be unacceptable.
16. In reaching this view I have taken into account comments that alternative off-road provision could be made for cyclists. However, in the absence of any detailed information having been provided I am not persuaded that this would be sufficient to overcome the risks identified by the Council, or that it would be used in the same way as the existing cycle lane.
17. It has also been suggested that warning signs could be used to alert drivers of stationary vehicles, and I note that the visibility of oncoming traffic from the junction would meet the recommended minimum distance of 2.4m x 120m from the centre line of the road. But signage, road markings and changes in the road surface already exist along Woodhead Road yet several accidents have still been recorded since 2012. Based on the evidence provided new warning signs, the use of a splitter island and additional road markings would not mitigate the risk of shunts and collisions with cyclists.
18. I also note the appellant's comments regarding meetings with the Council and suggestions that the principle of a priority junction had previously been agreed. However, the Officers' initial responses to the planning application are not a matter for me. Instead, I am required to consider the proposal on its merits

and I have determined the appeal on that basis. Moreover, the minutes of the meeting confirm that comments were made on a without prejudice basis and that consultation responses were outstanding, including from a range of highway disciplines.

19. I therefore conclude that the proposal would prejudice the safe and efficient operation of the A6024 Woodhead Road. As a result, it conflicts with *Kirklees Unitary Development Plan* ('UDP') Policy T10 which states that new development will not normally be permitted if it will create or materially add to highway safety problems. The scheme also conflicts with UDP Policy BE1 which requires all development to contribute to a built environment which promotes safety including a reduction of hazards to highway users. Of the policies referred to by the Council these are the most relevant. By failing to provide a safe and suitable access to the site for all people the scheme is also contrary to paragraph 32 of the National Planning Policy Framework ('the Framework').

#### *Other Matters*

20. The Planning Officer's Report confirms that until the emerging Local Plan has gone through examination the Council is currently unable to demonstrate a five-year supply of deliverable housing land. As a consequence, it refers to the requirements set out in paragraph 14 of the Framework.
21. I recognise that up to 62 new dwellings would boost the supply of market and affordable housing in the area. The Council raises no objections to the principle of development, which would create and sustain 93 full-time equivalent jobs during construction. It would also generate a New Homes Bonus of roughly £445,000, in addition to around £9.3m from construction and have a wider economic spend of approximately £14.4m. Expenditure from potential future occupants would help to support local shops and services, several of which are within walking distance or accessible by cycling and public transport.
22. Providing more housing choice would allow families to stay in the area and help meet needs whilst avoiding more environmentally sensitive parts of the borough. In addition, no other concerns that have been raised by Council relating to matters such as design quality, trees and landscaping, crime prevention, pedestrian accessibility, contributions to education provision, ecology or public open space.
23. Nevertheless, the scheme would have a substandard access arrangement that would prejudice highway safety. It therefore fails to achieve the social dimension of sustainable development which seeks to create a high quality built environment. Allowing the appeal would directly increase the risks of accidents occurring and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal conflicts with adopted development plan policy, and this conflict is not outweighed by other material considerations, including the provisions contained in the Framework.
24. Finally, at the appeal stage the appellant has provided a Unilateral Undertaking which includes provisions for affordable housing, contributions to education infrastructure and public open space. The Council agrees that the obligation satisfies the second reason for refusal. Nonetheless, given that I have concluded that the appeal should be dismissed for other reasons, it has not been necessary for me to determine whether it is necessary in this instance.

**Conclusion**

25. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Matthew Birkinshaw*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

Bradley Stankler	Planning Consultant, Bradley Stankler Planning Consultants
Aimee Hanson	Highways Consultant, AT Transport Planning
Tim Williams	Appellant, Miller Homes
Simon England	Landowner

### **FOR THE LOCAL PLANNING AUTHORITY:**

Peter Firth	AECOM
Matthew Woodward	Senior Planning Officer

### **INTERESTED PERSONS:**

John Cunningham	Local Resident
A Hosseini-Nami	Local Resident

## **HEARING DOCUMENTS**

HD1	Tree Preservation Order No.26 1992
HD2	Email correspondence between Aimee Hanson and Steve Sampson
HD3	Outline Planning Permission 2013/60/93373/W