

James Hyde
Planning Officer
Development Management
Barnsley Metropolitan Borough Council
PO BOX 604, Barnsley
S70 9FF

28th November 2018

Dear James,

LAND NORTH OF KERESFORTH ROAD, DODWORTH – OUTLINE APPLICATION FOR DEVELOPMENT OF APPROXIMATELY 5 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (ALL MATTERS RESERVED APART FROM MEANS OF ACCESS) – REMOVAL OF PLANNING CONDITION

We write on behalf of our client Southview Developments Ltd to submit a planning application to remove a planning condition attached to the proposed development at the above site in association with the approved outline planning application Ref. 2018/0665: -

“Planning application for the removal condition 13”

The condition we are seeking to remove is that associated with the requirement to deliver the following highway improvement works prior to the occupation of any dwellings at the site: -

- a) Relocating the 30mph speed limit signs to the east of the site.
- b) A gateway feature including signage and road markings on the westbound carriageway where the speed limit changes.
- c) Any other necessary signing and lining.

It is our view that the applicant has submitted robust evidence to demonstrate that the identified highway improvement works are not required to ensure the delivery of a safe and appropriate access/egress to the development site. In turn, no evidence has been provided by the Council to disprove the evidence presented by the applicant or indeed to substantiate their reasoning for the requirement of aforementioned highway works.

The planning application was supported by a highways technical note prepared by independent highways experts, Paragon Highways. The technical note included a review of the highways and access matters associated with the proposed development of the site.

The highways technical note identified that Keresforth Road provides part of a local distributor route (B6099) between Dodworth and Barnsley (via the A6133). The road is subject to moderate traffic volumes throughout the day and generally meets or exceeds the road geometry requirements for a conventional street within the South Yorkshire Residential Design Guide. The road is subject to a 30mph speed limit to the west side site frontage and a 40mph speed limit along the central and east side site frontage, although actual traffic speeds are envisaged to be lower when approaching the site from the east given the bend in the road prior to the Gilroyd Lane junction. The road also contains street lighting to a suitable standard. The note therefore confirmed that Keresforth Road is suitable for the day to day use by pedestrians, cyclists and motorised traffic.

With regards to the proposed site access, the technical note stated that it is situated to the west of the Gilroyd Lane junction and would take the form of a simple junction arrangement that would meet BMBC's requirements within the South Yorkshire Residential Design Guide in terms of horizontal and

vertical alignment. Based on the indicative access location, visibility splays at the access junction with Keresforth Hill Road of 2.4m x 90m could be provided to the west (critical direction), which meets the visibility splay requirements within Design Manual for Roads and Bridges for 30mph speed limit roads (equivalent to actual speeds of 37mph). To the east side of the site visibility splays of around 2.4m x 75m could be provided.

The highways technical note identified that a radar speed survey was carried out at the site access and revealed that the 85th percentile wet weather speed of vehicles approaching from the west is 33.8mph, and 35.8mph approaching from the east, with these readings taken at the decision points. Using the visibility requirements within Design Manual for Roads and Bridges, the actual traffic speeds require splays of 2.4m x 90m in both directions, which is achievable within the critical direction (approaching from the west). It is acknowledged that circa 2.4m x 75m can be provided to the east of the access, therefore only a slight shortfall of 15m in this direction. As traffic speeds are proven to be lower than 37mph it is believed that there is also an argument for Manual for Streets and less onerous visibility standards.

The highways technical note therefore concluded that the development would result in an immaterial impact on the local highway network.

Following the submission of the planning application a site visit was held with a highways officer of the Council to discuss the proposals in further detail on the 14th September 2018. The purpose of the meeting was to consider whether the location of an existing metal crash barrier on the near side channel (looking east) would have an adverse impact on the visibility splays for the development proposals

As agreed at the meeting, an amended layout plan was then submitted to show the position and height of the metal crash barrier and the visibility sight line taken to the near side channel looking east of the site, which was shown to achieve a visibility splay of 2.4m x 79.6m. The applicant's email to the Council dated 14th September 2018 further confirmed that the barrier is lower than 1.05m allowing visibility above as well as below given its construction being supported on legs. The visibility of 79.6 meters (less critical direction) is slightly more than the 75 meters indicated in the Highway Appraisal and the visibility sight line taken to the centre-line of the road would just exceed 90 meters. Finally, the applicant's response states that there is a tree located in the highway verge and that its lower branches partially obscure the sight line, however, crown lifting the tree by removing the lower branches would overcome this. The response concluded that the applicant was able to show that the visibility sight lines on the amended plans can be achieved, in fact slightly improved upon, and are unaffected by the metal crash barrier.

The visibility splays achievable at the site as presented by the applicant's submitted amended layout plan have been accepted by the Council and are included in Condition 4 of the outline planning approval. Thus, confirming that the Council consider that the evidence in support of the visibility splays is robust.

The Council's highways officer's response to both the submitted highways technical note and amended layout plan was provided by email dated 25th October 2018. The following comments were made: -

Traffic (and I would assume that the Police) would like to see a full minimum 7 day tube survey to make a more informed decision about vehicle speeds rather than the 2 hour snap shot that has been provided.

From looking at the 2 hour radar speed survey carried out on Thursday 22 Feb 18 (on a dry day) it showed

	<i>to Barnsley</i>	<i>from Barnsley</i>
<i>Mean</i>	<i>32.612</i>	<i>34.613</i>
<i>85th</i>	<i>36.364</i>	<i>38.298</i>
<i>85th wet?</i>	<i>33.879</i>	<i>35.813</i>

These speeds seem on the low side given the complaints Traffic receive from local residents. Obviously a tube survey should give a better indication that will either confirm the snap shot or ask more questions.

Though the Council's position was based on assumption alone, the applicant requested that Paragon Highways and an additional independent highways expert, Optima Highways, provide a robust response to the Council's comments. Letters provided by both highways consultants were submitted to the Council by email dated 30th October 2018. A combined synopsis of the responses confirms the following with regards to the specific issue being raised: -

"The advice in TD 22 / 81 – Vehicle Speed Measurement on All Purpose Roads state that "it cannot be emphasised too strongly that a small total sample from a radar speed survey is perhaps more useful than a large sample obtained using vehicle detectors or timers". Therefore, the sample provided is much more relevant to the speed of vehicles on the major road and is every bit as important as any large sample reading." (Paragon Highways)

"The aforementioned radar speed survey revealed that the 85th percentile wet weather speed of vehicles approaching from the west is 33.8mph, and 35.8mph approaching from the east, with these readings taken at the decision points." (Paragon Highways)

"I therefore conclude that it is entirely appropriate to apply the design guidance contained within MfS in this location." (Optima Highways)

"Turning to the guidance for provision of visibility splays as contained in Table 7.1 of MfS, reproduced below for ease of reference, it is seen that, for the 85th percentile wet weather speeds derived, visibility splays of 2.4m x 56m are required (assuming the upper speed of 37mph as a robust measure)." (Optima Highways)

"Based on the indicative access location visibility splays at the access junction with Keresforth Hill Road of 2.4m x 90m could be provided to the west (critical direction), which meets the visibility splay requirements within DMRB for 30mph speed limit roads. To the east side of the site visibility splays of around 2.4m x 79.6m can be provided – which was agreed and accepted with the Councils Highway representative on the 14th September site meeting as being suitable for this particular development." (Paragon Highways)

"I have taken a copy of the Outline Proposals Block Plan as was submitted with the planning application and superimposed on to this the required visibility splays (a copy of which is attached) and you will see these can be accommodated within existing highway verge. I also note that there has been a joint site visit where it was agreed with the Council's representative that a 'Y' distance of 79.6m can be achieved for the visibility splay to the left out of the access, which is well in excess of the 56m required." (Optima Highways)

"The proposed access will not lead to an unacceptable impact upon highway safety, and the sight lines available are in line with and meet the requirements within the MfS, therefore, the development should be wholly acceptable in highway safety terms." (Paragon Highways)

"In summary, I consider that it is possible to provide a safe and acceptable access into this development which meets the requirements of appropriate design guidance and therefore there should be no requirement for any additional work to be carried out in this regard." (Optima Highways)

Importantly, both of the letters provided by Paragon Highways and Optima Highways conclude that the development would be more than acceptable in respect of Paragraph 109 of the NPPF 18 without the requirement for any highways improvement works.

When taking into account the conclusions of the originally submitted highways technical note documentation; the positive on-site meeting with BMBC's highways officer to which the applicant provided an amended layout plan; and the further responses provided by Paragon Highways and Optima Highways, it is our client's view that robust evidence has been provided to demonstrate that the highway improvement works required by Condition 13 of the approved outline planning permission are simply not required.

The retention of the condition would delay the delivery of new homes at the site for approximately an 18 month period. Whilst the Local Plan remains unadopted, the Council's housing land supply position remains less than 5 years. As it has for a number of years now. Windfall sites (such as this one) can play an important role in meeting the Borough's housing land supply requirements. They also provide an opportunity for small building firms and individuals to construct properties within the Borough as well as contributing to the required housing target, often in doing so providing a wider choice of property type and design than the house types constructed by the major house builders. Unfortunately, it is also these size of developers which are hit the most by delays in the planning process.

The justified removal of the condition would therefore accelerate the delivery of new homes from the site.

On account of the evidence submitted alongside the planning application and the lack of any evidence provided by the Council to either disprove the evidence presented by the applicant or to substantiate their reasoning for the requirement of aforementioned highway works, we respectfully request that Condition 13 attached to the approved outline planning permission at the site be removed.

We can confirm that we are submitting the following documentation in relation to this planning application:-

Forms and Certificates

- Completed Planning Application Form
- A Planning Application Fee

Supporting Documentation

- Site Location Plan
- Paragon Highways Technical Note – 16th March 2018
- Applicant email dated 14th September 2018
- Amended Layout Plan
- Applicant email dated 30th October 2018 - incorporating Council email dated 25th October 2018
- Optima Highways letter dated 26th October 2018
- Paragon Highways letter dated 29th October 2018

We trust that this meets the Council's requirements in order that this application can be validated immediately. Should you wish to discuss any of the above, please do not hesitate to contact me.

Yours sincerely,



PAUL BUTLER
Director