

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

25 APRIL 2019

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Planning Application 2018/93781

Item 12 – Page 21

**Change of use of existing post office into living accommodation and erection of new Post Office/General Store (modified proposal 2014/90895) with raised garden area and drive to rear**

**Hightown Post Office, 483, Halifax Road, Hightown, Liversedge, WF15 8HU**

#### 7.0 PUBLIC/LOCAL RESPONSE

Eight objections, including a petition containing four signatures, have been received with respect to the amended plans which raise the following concerns:-

- If the parking to the rear is for shoppers, this will cause issues for the residents of Springfield Drive  
**Response:** *This is a material consideration as it relates to highway safety. However the parking to the rear is not proposed for use by customers. As with the previously approved arrangements, customers would utilise the on-street parking to the front of the site.*
- The shop is completely out of character for the surrounding area  
**Response:** *This is a material consideration as it relates to visual amenity. The amended scheme has reduced the height of part of the building to form a less prominent feature within the street scene. It should also be noted that there is some diversity in the architectural design of the surrounding properties. As such, the reduced scheme would not, in the view of officers, appear significantly out of character with the local area.*
- The plans do not match the approved scheme  
**Response:** *The plans do differ from the approved plans, however, the current application is seeking consideration of the amended design and this has been assessed within the report.*
- The “step” looks absurd  
**Response:** *This is a material consideration as it relates to visual amenity. The impact in terms of visual amenity, with the partial reduction in height of the building, is considered, on balance, to be acceptable from a visual amenity perspective by officers. It should also be acknowledged that the neighbouring property, no.481 Halifax Road which is located to the south of the site (on the opposite side of the access forming Springfield Drive), incorporates a ‘step’ where its extension has been erected. As such, it is the view of officers that this design feature would not appear as an incongruous feature within the street scene.*

- An increase from 86m<sup>2</sup> to 119m<sup>2</sup> (35%) is significant  
**Response:** *The size and scale of the building has been considered within the officer report and, for the reasons set out in the main agenda is, on balance, considered acceptable by officers.*
- Would the original planning have been passed if it was known that the post office was to remain in its present position?  
**Response:** *The previous approval did include the post office in its current position (A S106 Agreement was signed securing this). The store element is being moved into the new building, as was the case with the previous approval.*
- Would the original planning application have been passed if it was stated that it was to be a Tesco's One Stop and not a general store?  
**Response:** *This is not a relevant material planning consideration. There is no distinction within the Town and Country Planning (Use Classes) Order for a general store whether it is operated by an individual or a larger company. Both fall under Class A1 use.*
- There is an off licence and convenience store 200 yards down the road  
**Response:** *The presence of another A1 use within the vicinity is not considered to be material in the determination of this application. Furthermore, the principle of a replacement 'store' has previously been established through the granting of the original planning permission.*
- A sign has been put up in the shop which indicates that there will be daily deliveries to the shop  
**Response:** *The applicant has stated that there will be one delivery per week in their supporting statement dated 2<sup>nd</sup> April 2019. Taking into account the previous approval (reference 2014/90895), where no condition was attached restricting the deliveries to/from the site but having regard for the increased store size and on street parking for customers it is necessary for a condition to control deliveries. This condition will be in the form of a delivery management plan to be approved prior to first use to control the when and frequency of delivery times.*

**Planning Application 2019/90380**

**Item 13 – Page 33**

**Outline application for erection of residential development and associated access.**

**Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA**

***Masterplanning and reason for refusal***

As confirmed at paragraph 6.3 of the committee report, Local Plan policy PLP5 (as modified) is relevant. This requires masterplans to be prepared where appropriate, in consultation with the council, prior to the submission of a planning application. Given that the allocated site relies on, and should be accessed via, land outside its boundaries under the control of other parties, it is considered that a masterplan approach, involving engagement with all these parties, is appropriate for this site. To this end, officers have asked the applicant (at both pre-application and application stages) to explain what efforts had been made to secure access to the site from Wentworth Drive (see further information below). Given that there appears to have been no such engagement with the relevant, adjacent landowners, and given the highways safety concerns detailed in the committee report (of note, part h of policy

PLP5 states that masterplans will be expected to include measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks), it is considered appropriate to refer to policy PLP5 in the recommended reason for refusal, such that it would read:

- 1) The proposed development would intensify vehicular movements on Warburton, which would increase risks to pedestrian safety and the risk of conflicts between drivers, due to the lack of adequate footways, visibility and space for parking. The proposed development would therefore have a detrimental impact on highway safety. This would be contrary to Kirklees Local Plan policies PLP5 and PLP21 (as modified).

### ***Wentworth Drive ransom strip***

On 18/04/2019 the applicant provided a plan, illustrating four parcels of land (owned by three parties) at the terminus of Wentworth Drive. While this is useful information, officers do not agree with the applicant's commentary that these separate and multiple ownerships render this access point to the site "unviable and unachievable" – to support such an assertion the applicant would need to explain what efforts had been made to secure access over this ransom strip, and what the owners' asking price(s) were, however this information has not been provided. Ransom strips can be bought, and while it is accepted that the multiple ownerships may complicate matters, there is no evidence to demonstrate that providing access from Wentworth Drive would be impossible. It is again considered, therefore, that the relevant requirements of Local Plan policy PLP5 (as modified) have not been met.

### ***Highways***

On 15/04/2019 the applicant provided a response to the comments of the council's Highways Development Management (HDM) officer. This response and earlier correspondence can be made available to Members. The applicant's response refers to the lack of recorded injury accidents along Warburton during the last five years, refers to the "modest" traffic generation of the proposed development, emphasises the benefits of the improvements to Warburton proposed by the applicant, includes a Designer's Response to the 14 problems identified in the applicant's Road Safety Audit, and argues that the proposed development would displace only four cars from the maximum car parking potential along Warburton. The applicant has asserted that the proposals would formalise and improve safety on Warburton for vehicular traffic and vulnerable road users.

HDM officers have responded to the applicant's 13 points as follows:

- 1) There are no footways to both sides of the majority of the length of Warburton.

Contrary to the applicant's comments, Warburton is not a shared surface carriageway or street. A shared surface street would typically include sufficient off-street parking with frequent shifts in alignment and/or traffic calming features to constrain traffic speeds to a design speed of around 15mph. In this way spaces that can genuinely be shared safely by vehicles and pedestrians can be created. Warburton is simply a road without footways.

The Highways Safety section's consultation response for this site expresses concerns regarding the lack of footway provisions along Warburton.

2) There are poor sight lines at the junctions with Green Acres Close and Upper Lane.

The applicant's comments regarding traffic speeds on Warburton and the findings of Manual for Streets are acknowledged. It should, however, be noted that on-street parking on the opposite side of Warburton will push through-traffic over towards the junction which is not in the best interests of highway safety.

It is acknowledged that the proposed improvement works at the junction of Warburton and Upper Lane could provide improved visibility. The applicants have not, however, produced a detailed design and the proposed reduced width of Upper Lane is not dimensioned.

3), 4), 5) and 6) 16 driveways have poor sight lines onto Warburton, there are 15 existing houses with front doors opening directly onto Warburton, and there is on-street parking and 80 existing dwellings with access onto Warburton.

It is not considered that the proposed 600mm hard margins would produce any significant improvements in terms of highway safety.

Whilst it is acknowledged that Warburton has a good accident record this proposal will provide between 44 and 50 additional dwellings. The Transport Statement prepared by Paragon Highways suggests that this would produce an additional 28 to 31 two-way movements in the peak hours, however HDM would estimate this could be 35 to 40 two-way movements. This would result in an increase of between 54% and 62% compared to the existing estimated traffic generated by the existing 80 dwellings. This forecast increase is considered significant when compared to the existing situation and is considered to be to the detriment of highway efficiency and safety given the layout and lack of off-street parking and footways on Warburton.

7) The applicant's Road Safety Audit refers to 14 separate problems associated with the proposed works. No Designer's Response has been provided to address any of the concerns raised.

It is noted that the applicant's Road Safety Audit for the proposed works shows that they do not in themselves produce any serious highway concerns other than the potential risk of vehicles colliding head-on due to a misaligned centre line shown on Upper Lane. The auditors wouldn't have been able to comment on the potential risks associated with reducing the Upper Lane carriageway width given that the dimensions were not provided. An audit of the detailed design may result in this issue being raised as a potential problem.

8) The proposed sight line improvements at the Warburton/Upper Lane junction will reduce the width of the carriageway along Upper Lane to through-traffic. No dimensions are specified on the plans provided but Upper Lane is a classified road (C565) and a bus route and reducing the width at this location may not be in the best interests of highway safety given the potential use by larger vehicles including buses.

It is acknowledged that the proposed improvement works at the junction of Warburton and Upper Lane could provide improved visibility. The applicants have not, however, produced a detailed design and the proposed reduced width of Upper Lane is not dimensioned.

9) The proposed 'H' bar road marking intended to provide space for vehicles to pass along Warburton is not enforceable and would in any case displace parking to other areas of Warburton.

The officer site visits on 03/10/2018 at 18:22 hours witnessed the full length of the recreation ground being parked up and the proposed 'H' bar marking would therefore potentially displace existing parking onto other areas of Warburton which could potentially result in Highway efficiency and safety concerns.

10) Hard margins discourage vehicles from travelling close to the carriageway edge and potentially provide an area for a pedestrian to step out but this is what happens in reality now vehicles tend not to drive close to walls and hedges.

Applicant's comments are noted.

11) Vehicles are likely to park on the proposed hardened verge to the frontage of the recreational fields.

Applicant's comments are noted.

12) The works at the junction with Green Acres Lane and Warburton provide minimal improvements to visibility from the junction and reduce the width of the carriageway where vehicles park opposite.

Contrary to the applicant's comments, the issue of visibility at this junction was raised in the audit as visibility is also restricted due to the vegetation at adjacent properties. No recommendations were made in the applicant's audit and no measures are proposed in the Designer's Response. The proposed 'H' bars could displace parking towards this junction which may not be in the best interests of highway efficiency and safety.

13) The public footpaths shown to be improved emerge onto Upper Lane at locations where no nearside footway is available and where visibility of approaching traffic will be limited. There is therefore no place of safety for pedestrians to stand when emerging onto Upper Lane.

The applicant's comments are noted, however it is still considered that the footpaths emerge onto Upper Lane at locations where there are no nearside footways available, and where visibility of approaching traffic is limited.

### ***Member of Parliament objection***

Paula Sherriff MP objected to the application, stating that the proposed access to the site is completely inadequate for 44 homes and the associated traffic movements, and that the proposed development would affect residents of Warburton in a way that the proposed alterations (to Warburton) cannot mitigate. Existing conditions and pedestrian movement along Warburton, inaccuracies in the applicant's description of Emley's amenities, the lack of local school capacity, and on-street parking at peak times were noted. Due to the site's access constraints, the application has failed to meet the council's and the Local Plan Inspector's requirements for safe and sound access.

### ***Education contribution***

In response to Cllr Simpson's query (summarised at paragraph 8.3 of the committee report) regarding allocation of the necessary education contribution, the council's School Organisation and Planning Team advised that contributions are calculated in accordance with the current policy Providing for Education Needs Generated by New Housing (viewable online at: [www.kirklees.gov.uk/beta/planning-applications/pdf/providing-for-education-needs.pdf](http://www.kirklees.gov.uk/beta/planning-applications/pdf/providing-for-education-needs.pdf)). Using projected numbers for the 2020/1 academic year (including numbers of children generated by the proposed development), Emley First School and Shelley College would not be at capacity therefore, no education contribution for those institutions could be sought. Kirkburton Middle School would, however, exceed its capacity, hence the need for a £62,055 education contribution.

### ***Millennium Green***

A representative of Emley Millennium Green has written to the council, advising that they have not been asked, and have not given permission, to allow the developer to access or carry out any drainage or other works in or across the Millennium Green.

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**Planning Application 2018/91866**

**Item 14 – Page 59**

### **Demolition of existing dwelling and erection of 4 dwellings**

**1, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9EP**

#### **2.0 SITE AND SURROUNDINGS:**

2.4 A footpath is located to the south of the site, however this is not a recorded Public Right of Way. In any case, Officers do not consider that users of the footpath would be impacted upon by the development due to the distance of Plot 4 from the southern boundary of the site (separated by the proposed driveway of Plot 4).

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history)**

4.1 2009/93195 – Erection of one detached dwelling – approved (not implemented)

**Erection of detached dwelling and associated site works**

**adj, 93, Stocks Bank Road, Mirfield, WF14 9QB**

The applicant has requested that the application is deferred until the next committee to allow Officers to consider amended plans that have been submitted. The amended plans reduce the overall scale of the dwelling to address some comments raised by objectors.

As well as this, the applicant would like to re-engage their planning consultant to speak at the next committee meeting.

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**Erection of two storey and single storey rear extension, single storey front extension and alterations, and detached double garage with store and formation of access to Fir Grove**

**21, Fir Parade, Ravensthorpe, Dewsbury, WF13 3BH**

**5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

The applicant has submitted an updated proposed block plan, in addition to a Supporting Statement relating to the vehicular use of Fir Grove, and to confirm that they propose to use Fir Grove to access the proposed garage only, and not for parking. They state that this would be consistent with the existing arrangement for neighbouring dwellings.

**7.0 PUBLIC/LOCAL RESPONSE**

Two further representations have been received since the publication of the committee report. These raise no new issues over and above those which have already been reported in the main agenda.

**8.0 CONSULTATION RESPONSES:**

Kirklees Neighbourhood Housing have been consulted with regard to the provision of a new vehicular access from Fir Grove. There are some concerns that the applicant may park on Fir Grove. However, there are no current restrictions in terms of parking on Fir Grove and this area would be outside the control of the applicant. Furthermore, as set out above, the applicant has confirmed that they would only use Fir Grove to access the proposed garage and not for parking.

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