

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by A & P Dewsbury Ltd. against the refusal of planning permission, by
Kirklees Council, for Change of Use and alterations to convert trade counter
retail unit to function room and store

APPEAL REFERENCE: APP/Z4718/W/21/3273704

APPLICATION No.: 2020/62/90501/E

STATEMENT ON BEHALF OF THE LOCAL HIGHWAY AUTHORITY

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1.0 INTRODUCTION

- 1.1 This is an appeal by A & P Dewsbury Ltd. against the refusal of planning permission by Kirklees Council for Change of Use and alterations to convert trade counter retail unit to function room and store at Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury. This statement sets out the background, policy context and the case of the Local Highway Authority.

2.0 APPEAL SITE AND LOCAL HIGHWAY NETWORK

- 2.1 The appeal site is located to the west of Dewsbury town center and previously served as a retail trade warehouse for electrical supplies.
- 2.2 The site is located between A644 Huddersfield Road, Central Street and the Manchester to Leeds railway line. There are two gated points of access one from A644 Huddersfield Road and one from Central Street.
- 2.3 At the point of access A644 is a main distributor dual carriageway allowing for one-way movements only (left in/left out). Adjacent to this access is the junction with Pinfold Hill, this is a narrow (approximately 4.5m width) and steep one-way road acting as a sliproad on to A644. The A644 has No Waiting at Any Time TROs and turns to a Clearway just to the east of the access junction, yellow keep clear hatched markings are present at the site access/Pinfold Hill junction due to traffic queues from the signalised junction with Dewsbury Ring Road. Both roads are 30mph and have footways and street lighting present. The A644 carries a high frequency bus route with services serving Leeds, Huddersfield, Dewsbury, Pudsey and Cleckheaton. The closest stops are approximately 310m to the west, although there is no safe pedestrian route to the westbound stop.
- 2.4 Central Street is a 30mph two-way single carriageway local distributor road of approximately 6.75m width, with footways on both sides and street lighting present. There are No Waiting at Any Time TRO restrictions, Keep Clear H bars across accesses and a bus stop marking. There are approximately 24 on street parking spaces available on Central Street in the vicinity of the proposal site and these appear to be frequently fully parked up, the presence of H bars suggest there may be an oversubscription of parking spaces leading to parking issues at some time in the past. The road hosts a medium frequency bus route with services providing an hourly service between Dewsbury and Morley via Batley. The closest stops are approximately 200m from the building entrance, however, the pedestrian route to them is through an industrial estate yard and access without pedestrian segregation.
- 2.5 Consultation with the Kirklees Highway Safety Team (Appendix HW1) as part of the initial application at this site (2019/90155) indicated that there are existing parking issues in the area around the site resulting in the Police being required on several occasions due to drivers blocking Pinfold Hill. There have

been complaints concerning parking on the TRO restriction markings at the junction of Boothroyd Lane and Pinfold Hill and double parking on Central Street causing obstruction and access issues. There have been police concerns regarding the number of damage only collisions on Pinfold Hill/Webster Hill.

- 2.6 The proposals include a 34-space car park located within the development site with access from both A644 Huddersfield Road and Central Street.

3.0 RELEVANT PLANNING HISTORY

- 3.1 This appeal is a revised version of a previous application (2019/90155) at the site for the change of use and alterations to convert the existing trade counter retail unit to a function room with a capacity of 400; the supporting information states that this would be used for birthday parties, weddings, parties generally and other celebratory events. This previous application was withdrawn by the applicant.
- 3.2 The revised proposals the subject of this appeal, are for alterations to convert the trade counter retail unit to a wedding function room with a capacity of 200 and a store area. The proposals are for a predominantly Asian wedding venue with no licensed bar and no food prepared on site.
- 3.3 The current appeal application was to be limited to 200 guests with physical changes within the premises and changes to the red line boundary to reduce the capacity to this number, an event and car park management plan was proposed, with a temporary approval for 3 years, in order to monitor the impact of the application on the surrounding highway network.
- 3.4 The decision to refuse the application on highways grounds was made by Members of the Heavy Woollen Planning Committee on 14th April 2021.

4.0 REASONS FOR REFUSAL

- 4.1 The reason for refusal given in the decision notice states:

‘The applicant has failed to demonstrate that the proposals would not have an unacceptable adverse impact on highway safety and the operation of the local highway network. The proposals are therefore considered to be contrary to the requirements of Policies LP16, LP21 and LP22 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.’

- 4.2 This statement will demonstrate that the proposal, due to its inability to provide adequate parking provision would have a detrimental impact on highway safety in the locality.

5.0 **POLICY** (text in bold is my emphasis)

5.1 Local Policy - Kirklees Local Plan (KLP):

The application was refused on the basis of Local Plan policies LP21 and LP22

5.2 LP21 – Highway safety

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.

5.3 LP22 - Parking

The provision of parking will be based on the following principles:

- a) in town, district and local centres, car parks close to the main shopping area will be for short-stay use and peripheral car parks for long stay use;
- b) long stay parking in town centres will be reduced progressively in conjunction with improvements to sustainable transport opportunities, where

appropriate;

c) provision of private non-residential parking in town centres will not be permitted unless it can be demonstrated that it is required for operational reasons. Where such provision is permitted appropriate arrangements will need to be put in place to provide management arrangements consistent with public parking in the centre;

d) provision of residential parking schemes within town centres for private vehicles/motorcycles/and cycles will be permitted, where appropriate and where schemes can be shown to enhance residential developments in the town centre;

e) car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;

f) new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off-street parking in accordance with current guidance;

g) provision will be made to meet the needs of cyclists for cycling parking in new developments;

h) provision will be made to accommodate the needs of disabled people for the parking of vehicles.

All proposals shall provide full details of the design and levels of proposed parking provision. They should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.

5.3 National Policy - National Planning Policy Framework (NPPF)

Paragraph 108 of this document states that; 'In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'

Paragraph 109 states that; '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.'

6.0 MAIN ISSUES

6.1 The main areas of concern are.

- The inability to accurately predict the trip generation of the site due to the lack of suitable examples on the TRICS database and the added difficulties in carrying out a traffic survey at a similar local site.
- The inadequate off-street parking provision provided at the application site and the concerns over the impacts that the unfulfilled parking demand would have on the operation of the surrounding highway network and on highway safety. Concerns that are exacerbated by the existing parking and road safety issues recorded within the area and the road safety issues observed at other similar developments within the area, where parking, obstruction and traffic problems are frequently reported during use.
- The ability to monitor and enforce the limit on the number of guests to 200 and the usefulness of the Parking/Event Management Plan.

6.2 Trip Generation:

No vehicle trip figures were provided within the application that used existing or observed trips in order to estimate a trip generation for the proposals. Instead, a “first principles” (applicant’s term) approach was used based on the car ownership levels in Dewsbury (69%) and the assumption that each car would carry an average of three guests. Given the lack of TRICS trip rate data this process was viewed as being not unreasonable, but it was noted that the figures would be expected to produce trips at a more beneficial level to the applicant than would likely be expected on the ground.

If the calculations were done using car ownership levels for Kirklees as a whole (based on the assumption that not all wedding guests may be from Dewsbury), then the ownership levels rise to 73.6% and would increase the numbers of trips accordingly.

The calculations also assume that the non-car owning guests (31% based on Dewsbury figures) would travel by public transport or walk. Given the nature of the development it would be more reasonable to assume that these would either car share with other guests or get a lift or use a taxi. Either of these methods of travel would again increase the number of trips generated by the proposals, with a more conservative estimation of trips being based on the maximum occupation (200) being divided by the assumed number of vehicle occupants (3), which would push the trip numbers up to approximately 67 trips for a maximum occupation of 200 guests.

This also assumes that the total number of guests is a fixed number and excludes the possibility that guests may come and go at various times during the celebration, which is typical at these types of events, where more than 200 guests may attend during the day but in maximum levels of 200 at a time. This has the propensity to generate significantly higher numbers of trips but may not

be reflected with a similar level of increase in the demand for parking spaces depending on the arrival and departure times of guests. An increase in parking demand from a set 200 guests would nevertheless occur.

As the developer submitted figures are an estimate based on assumptions rather than empirical evidence there may be fluctuations and the actual parking demand is expected to be above these figures and on occasion may lead to parking and obstruction issues. In response to this the applicant has offered to fund any traffic management measures required to address such issues that may arise within the first three years after the first event. However, no further details of this offer have been made, such as possible mitigation measures or any financial limits to this mitigation.

6.3 **Parking:**

The applicant submitted drawing number 18-144-35 "Site Plan as Proposed" as part of the application and this shows a total of 34 off street parking spaces are to be provided with the application. This was deemed insufficient for the expected demand based on the applicant's optimistic trip rates. The plan had been amended since it was first submitted as part of application 2019/90155, partly due to topography of the site and partly to allow for the safe passage of a "stretch limo" through the car park to drop off guests within the site. Without this amendment to the layout there was a concern that any of the wedding party wishing to arrive by limousine would need to be dropped off on A644 Huddersfield Road, which was unsuitable for highway safety reasons and would be against the clearway TRO in place on this section of highway.

It was always accepted that the car parking provision was below demand even based on the applicant's trip generation figures and with the occupancy of the venue limited to 200. This would have resulted in a number of vehicles having to find parking either on the highway or in local car parks.

The use of local car parks was viewed as being unlikely mainly due to their location and the pedestrian links between them and the proposal site not being attractive routes, especially at the points where they pass under the railway line on either A644 or George Street where the footway width is very limited (down to approximately 1m on Huddersfield Road).

Concerns were expressed with the number of on street parking spaces that were available within the local area. Most of the overflow parking was expected to have been focused on the roads to the north of the site, Central Street, George Street, Wormald Street, High Street, Vulcan Road and Boothroyd Lane. These roads have limited parking spaces, and these are shared with competing land uses such as the industrial units off Vulcan Street and Central Street, the Council Depot on Wormald Street and the church and mosque on High Street as well as residential demand within the area. These competing land uses generate a high parking demand at various times throughout the day.

Any additional parking on Pinfold Hill would be unacceptable from a highway safety perspective, in the past inconsiderate parking here has caused obstruction resulting in damage to vehicles and has resulted in the police being

called to resolve the matter (Highway Safety Comments Appendix HW1). It was suggested that the applicant may wish to consider measures to manage parking along Pinfold Hill, however no firm details or suggestions were forthcoming from the applicant.

6.4 Monitoring and Enforcement:

The original application (2019/90155) was for 400 guests and this was considered to cause an unacceptable impact on the highway due to trip generation and subsequent parking demand and so the applicant then considered limiting the occupancy to 200 guests in order to cut the trip generation and parking demand by half. The Kirklees Planning Enforcement team indicated that enforcement of this would be very problematical and were of the view that without detailed agreed procedures such a condition would be difficult to enforce.

As a result of this, the suggestion to physically reduce the size of the function room so it can only fit tables for 200 guests was put forward as was the suggestion for a temporary permission for three years to allow monitoring of the surrounding highway network for parking issues caused by the operation of the site.

No firm details were provided of how this monitoring would be carried out, by who, and what the level of recorded disruption would there have to be in order to not renew the application after the three-year period. Without these definitions it is considered that it would be difficult to monitor the situation and identify which of the issues that have been reported to the council are directly related to the operation of the venue as opposed to other users, malicious callers or competing venues in the local area.

The Kirklees Highway Safety team are responsible for recording and investigating parking and highway safety complaints, but they can only work in a retrospective manner, reacting to complaints after the incident has taken place, and because of this they feel that the level of detail, especially relating to the factors causing the issues, cannot be fully ascertained or attributed to specific land uses.

These issues were put to the applicant, but no suitable suggestions that satisfied both parties were forthcoming.

7.0 CONCLUSIONS

- 7.1 It is considered that the appeal proposals would result in an intensification of use of the site, which fails to provide adequate parking provision resulting in an increase in on street parking within the area, leading to conditions detrimental to highway and pedestrian safety, resulting in an unacceptable impact on highway safety,

- 7.2 It is considered that the applicant has not offered sufficient proposals to mitigate against the impacts of the proposals on the operation and efficiency of the surrounding highway network and road safety. Contrary to local plan policy LP21 the proposals fail to demonstrate adequate information and mitigation measures to avoid a detrimental impact on the highway safety of the local highway network
- 7.3 It is considered that the use of highway parking and incident monitoring will be ineffective and difficult to monitor and enforce in a fair and meaningful manner.
- 7.3 The Inspector is therefore respectfully requested to dismiss the appeal.