

Chief Planning Officer
Kirklees Metropolitan Council Planning
Planning Investment and Regeneration Service
FAO Lyle Robinson

Our Ref:

Your Ref:

07 June 2021

Dear Lyle

PLANNING APPLICATION REF. 2021/60/91801/E, ERECTION OF PETROL FILLING STATION, 151 HECKMONDWIKE ROAD, DEWSBURY, WF13 3NS

We act on behalf of Horizon Healthcare Homes Ltd, owner and operator of Sandhurst Court the recently opened, residential care home immediately adjoining this planning application site and wish to lodge their strong objection to the proposal to erect a petrol filling station (PFS) and retail store to this site.

Horizon Healthcare Homes is an established company formed to provide residential care in the community and successfully operates care homes throughout West Yorkshire including four established units within Kirklees District at Almondbury, Keldregate, Deighton and Fixby.

This is a very intensive use of a small site formerly occupied by a single dwelling and the use raises issues regarding the effect of the operation of a PFS in this location on the amenity of the occupants of adjoining dwellings and care home residents, and whether the use will or will not lead to harm to highway safety.

We share our clients' view that the proposal will lead to significant harm to the level of amenity which the residents of the care home can reasonably expect to enjoy by virtue of the nature of the proposed use and the attendant comings and goings and to highway safety.

On this basis it is considered that the principle of the development of a PFS at this site is unacceptable and this planning application should be refused consent accordingly. The remainder of this letter explains the basis for objection further. There are further significant short-comings in the submission and these are also addressed below.

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Officers will be aware that this is an outline application with all matters reserved. It is considered, as a matter of principle that this is an unacceptable approach given the use proposed, the site's location in a residential area, and the likely impacts arising.

This fails to provide the local planning authority (LPA) adequate evidence in support of proposed the use of the site as a PFS and is indicative of the general lack of supporting information submitted for this speculative application.

Impact on residential amenity

Officers will be aware that the area surrounding the application site is wholly residential in character with a range of dwelling ages and styles bordering the site. High density residential development fronts Heckmondwike Road opposite the site with more recent dwellings located off Spen View to the north and west, with the latter being at a significantly lower level than the application site from which these houses are overlooked.

Therefore, the introduction of any commercial use in these circumstances requires special justification and careful scrutiny. However, the application is lacking in any supporting evidence to demonstrate the acceptability of the development in any material regard.

In particular, and as a minimum the planning authority should not have registered the application without;

1. Design & Access Statement;
 2. Highway Statement;
 3. Noise Impact Assessment;
 4. Ecology and Arboricultural Impact Assessment;
 5. Operational Statement detailing hours of use and servicing arrangements;
- and,
6. Plans showing a site layout and access arrangement which form part of the planning application for consideration at this stage and not as reserved matters, including swept paths for customers' and service vehicles.

Notwithstanding, the submitted block plan layout show the erection 6no. pumps, 2no. jet wash bays and a 142 sq.m (1529sq.ft) retail store, which while indicative and only for illustrative purposes, are a clear indication of the applicants' intended development.

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Indeed, it is difficult to see any other way in which the site can be laid out for a PFS.

The sales building and compound and store are located immediately adjoining the site boundary with the adjacent care home to the north. A bedroom and assisted bathroom are located within this part of the care home and outdoor amenity space adjoining the boundary. The layout also shows air/water and vacuum facilities sites up against the northern boundary.

Furthermore, the proposed jet wash bays are 'sandwiched' between gardens to dwellings at 25 Spen View to the west and 143 Heckmondwike Road to the south. Because of its orientation, no. 25 Spen View is angled towards the application site and the jet wash bays will be less than 2.0m from the rear corner of this dwelling and its garden. Also, the above ground vents are sited on the west boundary which adjoins the gardens of dwellings on Spen View adding to the inevitable adverse impact on amenity which will arise from noise servicing the PFS and likely fumes.

Given this close proximity we share the view of your authority's Environmental Health – Pollution & Noise Control Officer who has concluded in his planning application consultation response, that he has, **"significant concerns regards the impact this development will have from noise on nearby residential properties."**

The officer has requested the applicant submit a Noise Assessment but has also cautioned **"if the levels predicted in the report are unacceptable, it may be necessary to refuse the application."**

The proximity of the site to the adjoining care home and surrounding dwellings to will undoubtedly lead to noise and disturbance throughout the day and evening by virtue of the introduction of motor vehicles in such close proximity, servicing the PFS and its general operation. The application does not specify opening hours but given the requirement for 24-hour use at the majority of new PFS, the impact on residents will be even more harmful if the site is in use during quieter times of the day.

Indeed it is clear in the objections submitted to date that many local residents share this view.

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Kirklees Local Plan Policy LP24 'Design' seeks to ensure that development does not lead to harm to amenity and requires all proposals provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses.

Paragraph 127 of the NPPF sets out similar guidance requiring that all developments create places that are safe with a high standard of amenity for existing users.

The application clearly fails to meet these policy requirements and in the absence of evidence to the contrary, the proposals should be refused consent on grounds of impact on amenity.

Impact on highway safety

The application is similarly lacking in any consideration of the highway safety and transport related aspects of the development.

Construction of a PFS and retail shop will inevitably lead to increase vehicle movements and significant servicing requirements, and parking requirement for staff and customers, the potential impacts of which have not been assessed.

Therefore, as a minimum, the LPA should require details of the following matters which have not been submitted to date, for consideration at this stage;

- Access arrangements and parking provision and servicing arrangements including swept path analysis of refuse and fuel delivery vehicles;
- Assessment of the existing traffic flows and trip generation of the proposed development during the peak periods;
- Impact of the proposed development on the local highway network;
- Assessment of the parking demand associated with the retail shop; and,
- Accident analysis.

Local Plan Policy LP21 'Highways and Access' requires that all Proposals shall demonstrate they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

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Policy LP22 'Parking' states all proposals shall provide full details of the design and levels of proposed parking provision based on assessment of 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.

Paragraph 109 of the NPPF states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. In the absence of any supporting evidence to demonstrate that demonstrable harm will not arise to highway safety, the application should be refused on these grounds.

Finally, I thought it helpful to provide some comments on the Applicant's submitted Planning Statement as this is the key document submitted in support of the application.

Comment on Applicants' Planning Statement

Para 2.1 The report confirms the B6112 Heckmondwike Road is a "busy" main road into the centre of Heckmondwike but as stated previously, the application fails to address highway safety matters raised.

Para 2.2 The care home referred to has been completed and is now fully occupied.

Para 4.11 Reference to main town centre uses is not relevant as the proposed retail shop falls under the thresholds in the development plan for sequential assessment.

Para 4.14 Omits reference to Local Plan Policy LP22 in respect of parking provision.

Para 5.9 While the planning application does not state any proposed opening hours there is reference here to 24-hour use.

Overall the statement fails to address the key issues raised in respect of impacts on residential amenity and highway safety.

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Conclusion

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Kirklees is the Local Plan Strategy and Policies, adopted February 2019 and key policies are identified above.

There is no reason why a decision on the application should not be made in accordance with development plan policies and therefore planning permission should be refused on the basis of clear conflict with key local plan policies set out above.

Yours sincerely

Bradley Stankler Planning

Bradley Stankler

Copy to;
Horizon Healthcare Homes Ltd.