

4 Busker Lane
Skelmanthorpe
Huddersfield
HD8 9EP

Olivia Roberts, Planning Officer
Kirklees Council

By email only: olivia.roberts@kirklees.gov.uk; dc.admin@kirklees.gov.uk

26th May 2022

Dear Ms. Roberts

OBJECTION – Ref: 2022/90861 – Application for Erection of extensions and alternations including formation of external seating and extension of first floor terrace - Windmill Inn PH, 2 Busker Lane, Skelmanthorpe, Huddersfield HD8 9EP

We note that you are the allocated planning case officer and write to OBJECT in relation to the above application.

We should be clear in the first instance, that we do NOT object to the premises being brought back into use. That of itself is in fact welcome and it is good to see because like most we don't want to see village pubs go. We live near a pub. We 'get it'.

Our family business is hospitality and licensed premises security and management; we know pubs and bars/restaurants, their operations and implications very well. We know about licensing and other associated implications, which separately we are monitoring with interest.

The Windmill was a pub in the most traditional sense. However, this application, whilst maybe not different in planning terms, is something different in real terms. In summary, this was a traditional 'drinkers' pub'. the extension and diversification of the pub to being in part an eatery as well as drinking establishment, now proposed over two floors with a terrace, brings a different type of clientele and a different type of user. In many ways, it is a more intense use. A different kind of intense, but more intense nevertheless, as your own EHO even acknowledges (see below).

More specifically, there is an increased generation of noise and more concerningly, there is an increase in the number of vehicles, leading to problem parking in the area.

We live at no. 4 Busker Lane. Our property is the other side of the Bowling Green which the pub also owns. We can see the back of the pub where the new terracing/sit out area is intended to be from out of the windows at our house and hear everything that goes on. We are also very concerned about parking on the verges on Busker Lane and Highbridge Lane.

Noise Concerns

We have seen the consultation response from your EHO colleague Ms. Muff, dated 11th May 2022. Ms. Muff states:

*The proposals include an extension to the first-floor balcony which according to the plans will be used as an outside seating area. It is unclear whether this proposal extends to the upper and lower paved outdoor seating areas, as shown in Drawing (20)003 (dated: 08/03/2022) by orange Design Studio, and this will require further clarification. Our concern is that the noise generated, by people using these outdoor spaces through this **intensification** of use, may affect the **amenity of neighbouring residential properties**. Therefore, it will be necessary for a condition to assess the noise climate at that location and restricting the hours of use of the outside seating areas.*

[Our emphasis]

We are broadly in agreement with the construction works timings proposed – things have got to get built and we don't want to *tie arms behind backs* and for construction work to take any longer than it needs to.

However, restricted hours conditions alone are very unlikely to mitigate against noise and general impact on amenity.

We do take issue with the prospect with people in large number being out on the terraces at 23:00 hours. That is too late, particularly when people have been drinking and are perhaps less aware of their voice projections and other behaviour. Please could this be looked into, particularly with regard to dispersal strategy, to ensure that this is not the case. Perhaps a dispersal and/or other management strategy could come forward as part of a pre-commencement condition or even a planning obligation under Section 106 of the Town and Country Planning Act 1990.

In the alternative, or perhaps even in addition, noise and amenity mitigation, especially against our property as clearly one of the nearest Noise Sensitive Receptors, the Council could consider imposing tree planting measures on either the eastern boundary of the pub car park (adjacent to the Bowling Green) or even within the area of the Bowling Green. It is of course well-known that several tree species will absorb and thereby mitigate noise.

This does not seem unreasonable to impose a planting scheme of suitable species given the concerns of Ms. Muff as set out above. This could again be achieved through a Section 106 planning obligation as the Bowling Green is to our knowledge in the same ownership or could even be achieved through a *Grampian*-type planning condition, such that the planting works would have to be done before either the development commenced, or the use was implemented.

We would add that when competitions take place on the Bowling Green, the pub is naturally used (the Bowling Green does not have its own club house as such and utilises the pub), even more noise generation and activity takes place, leading also to a significant increase in off-site parking, which we now come on to.

Highways and Parking Concerns

We have seen and are disappointed with the consultation response from your Highways colleague, Mr. Turner, dated 16th May 2022.

Our view is that the application has insufficient information (in this case no information) in relation to highways impact and cannot understand how Mr. Turner has concluded as he has on the back of virtually no information.

Mr. Turner states in his consultation response:

Although Kirklees no longer has prescriptive parking standards, the levels of parking associated with a site should be justified. In this instance, the extant use of the site must be taken into account and the present building could reopen as a public house without any need for planning permission. As such, the changes to the access and the realignment of the car park are seen as improvements to the existing layout. Given the extant use and the proposed alterations to the outdoor space, Highways DM has no wish to raise objection to the scheme.

Mr. Turner with the greatest of respect has not distinguished between what this facility was and what this facility is going to be, which in fairness your EHO Ms. Muff does, as can clearly be seen further above. There is also no reference to intensity in parking when competitions take place on the bowling green.

There is a simple fact that more people tend to drive to these types of facilities. 13 spaces are very highly unlikely to be enough for this type of operation.

Put simply, there are three concerns from our side:

- 1) The first is the parking overspill onto the verges on the south side of Busker Lane and (possibly to a lesser extent) the north side of Highbridge Lane.
- 2) Following 1, above, the visibility splays on our egress from our property onto Busker Lane and to Highbridge Lane – our property can access and egress on both sides.
- 3) Not specifically related to highways safety as such, but when people park on those grassed soft verges, then tyre marks and other damage follows, particularly in more inclement weather.

We can't purely look at this through the prism of our own property. An overspill of parking onto the highway, particularly on the verges and kerbs, will create a more dangerous situation, or at least less safe situation in the case of highways safety, given the increase in collision traffic.

We would if we could place rocks or boulders on the verge to prevent parking, which would also preserve the look and functionality of the verges, but obviously accept that this is something that we could not do on the public highway without the necessary consent or agreement under the Highways Act 1980 from the Council – though incidentally if the Council is interested in talking to us about this then it should make contact.

Whilst Mr. Turner proposes a condition that will see improvements to surfacing, marking and drainage, the fact is that, like our property, when egressing from the Windmill car park egressing on to Busker Lane, the visibility splay to the east will be significantly compromised where vehicles are parked on the southernmost verge in particular.

The same is true of our property where we would egress onto Busker Lane and the visibility would be compromised to the west due to the same vehicle parking, or on Highbridge Lane to the west/northwest where vehicles are parked on the northernmost verge on Highbridge Lane.

The fact is that, due to the type of service that this premises is evolving into, there will be an overspill not infrequently and customers will naturally look to park on the verges, particularly on the Busker Lane side.

It is accepted that this is a development that will and arguably needs to go ahead. This village needs it to come back in to use. We again don't dispute this.

However, there is clearly going to be an overspill and more patrons will use car transport to the facility. There will undoubtedly be a problem with highways and parking on the verges, which

compromises safety. Mr. Turner is respectfully again reviewing this on the basis that it will be the same facility, which is simply not correct.

It would seem that the best way of mitigating this, is to impose some form of parking restrictions on/around the areas of the verges on Busker Lane at least. This could be in the form of a Traffic Regulation Order ('TRO') - for example marking double-yellow lines adjacent to the verges restricting parking. This could again be achieved through a condition, but if the Council wanted this to be paid for it could obtain monies for this purpose through a Section 106 planning obligation contribution towards a TRO, which would be required as a result of the proposed development and directly related to it and would in the circumstances be reasonably related in scale and kind to the proposed development.

We hope that our objection will be noted and given the weight that it deserves considering the issues involved. We have copied all our local Councillors in the hope that they may raise this directly with you or at least raise these issues with whomsoever they might need to.

Summary

Again, we understand and even welcome this building coming back into use. We do not object to that *per se*. Our objection relates specifically to impact from noise on amenity and to highways as a result of the proposed development – more specifically the impact on parking on the verges on Busker Lane in particular and Highbridge Lane.

However, we have in the above provided relatively simple and un-arduous solutions in the circumstances. We hope that the Council will factor these things carefully in the determination of this application.

Good luck to the applicants overall. This building needs to come back into use. Our objection is however focused on aspects which are of concern to us, but which we have provided relatively simple prospective solutions for, which would not compromise the build or aspirations for the business.

Yours sincerely

No. 4 Busker Lane, Skelmanthorpe

Cc. (by email only), local councillors: tim.bamford@kirklees.gov.uk; will.simpson@kirklees.gov.uk; and michael.watson@kirklees.gov.uk