

142 Huddersfield Road,
Holmfirth. HD9 3AR

12th November 2023

Kirklees Council
Planning and Development Service,
PO Box 1720
Huddersfield. HD1 9EL.

Planning Application No.: 2023/62/93106/W - (Holmfirth Tech. HD9 3AR)

Case Officer: Katie Chew

Dear Katie Chew,

We wish to make you aware of a number of strong objections that we have regarding the application for a change of use for the Holmfirth Tech building, application number referenced above. As an immediate neighbour to the building, we are of the view that the change of use has caused an extensive intensification of the use of the access lane by both pedestrians and vehicles and is having a serious impact on highway safety, pedestrian safety and our standard of living. The last 12 months have seen a number of activities being exercised in the building without planning permission and according to the applicant's website, the current room usage is only at 25% occupancy. Future growth and use of the building following acceptance of the proposed change of use application, will further intensify the issues.

Our objections are on the grounds of: -

1. Extensive intensification of traffic and pedestrian use of the access lane and car park.
2. Access lane dangerous and not fit for purpose.
3. Pedestrians and vehicles interactions, creating dangerous and unsafe conditions.
4. Cycle rack in a dangerous location and creating further access issues.
5. No provision for safe disabled parking.
6. Car park surface unsuitable, uneven, degraded, slippery, drainage poor and spaces not marked out.
7. Limited turning and reversing in car park due to layout and condensed parking.
8. Decrease in living standards and loss of privacy for residents to enjoy their properties.
9. Refuge storage insufficient for the building use.

(1) Extensive Intensification of traffic and pedestrians

Adult Education Centre (Pre 2011 use)

The adult education centre was a formal educational establishment and operated around the educational calendar. The centre was open Monday to Friday during term times and closed weekends, bank holidays and educational holidays.

The car park was used by staff and students attending the centre by which they arrived in the morning and parked for the duration of the day. We cannot locate any information regarding planning permission for the change of use of the land from a school playground to a car park but the area was resurfaced with tarmac, including the access lane, by the Adult Education Centre and was

marked out with parking bays. Designated disabled spaces were also allocated and marked out. Disabled access to the building was at the back of the building.

The previous occupant of No. 142 chained off the lane early evening and unlocked it in the mornings to allow access for the Centre. The lane was chained/locked off over the weekend, evenings and during educational holidays. Other residents had their own keys for the chain if they required it opening / closing.

This has been confirmed by contact with residents who occupied the houses No 144 to 148.

Holmfirth Tech (Current/proposed use)

The applicant's proposal is for the building opening hours to be Monday to Saturday 08:30 - 21:00, Sunday 09:00 - 17:00. This constitutes an 87% increase in days open per annum compared to previous (Pre 2011) open days, which in turn, intensifies the use of the access lane and car park from previous use. (Usage of the access lane and car park is 07:30 – 22:00). The car park is also been rented out to members of the public on a 24/7 basis via a permit system and the 'Hot desk' rental is advertised with 24hr free parking. These activities extend the usage hours even further.

The operation of the Tech is very different to the previous use as a formal educational facility. The use of the access lane by traffic is constant throughout the day, depending on how many groups are booked in. Each group runs 1 – 2 hours and regular incidents occur where cars are coming down the access lane, whilst cars are trying to leave the car park. This causes cars to have to reverse back into a crowded car park area, or reverse back into the highway. In addition to group users there are customers attending the bank facilities, customers using the café takeaway and parents driving down to drop off their children for the Art groups, then returning to pick them up. All these traffic movements are an extensive intensification of the daily use of the access lane and car park from previous use. Alongside the traffic, the rear entrance to the building has now become a regular entrance for people attending the building, rather than its previous disabled access use. This entrance use has created an increase in pedestrians using the access lane, especially parents with prams.

Data logged from our CCTV footage for September 2023 showed that on the two current peak days usage of the applicants building, there was an average of over 90 vehicle trips made on the access lane during the day and over 40 trips made on the access lane by pedestrians.

(2) Dangerous Access

The access lane is not fit for the purpose in which it is been used. It has a steep gradient, very narrow (2.75m) and has very limited visibility where it joins the main Huddersfield Road. The surface of the access lane is degraded with pot holes and loose tarmac which creates an unstable surface.

There is no space for pedestrians to keep out of the way of cars, due to cars taking up the whole width of the lane. Due to the steep gradient, motorists cannot see pedestrians when they enter the lane from the main Huddersfield Road.

The exit onto the main Huddersfield Road does not have adequate visibility splays. To the left-hand side, there is a junction in close proximity. To the right-hand side, there is a blind spot due to parked cars, of 56m. It is always precarious pulling onto the main road. Pedestrians, on the public footpath across the top of the lane, are at risk of being run over. They are not able to see cars coming up the lane until they are upon them. Turning into the access lane from Huddersfield Road, especially from the Huddersfield side, is very difficult. There has been a number of cases where vehicles have misjudged the turn and become wedged between the applicants building and our railings resulting in the vehicles having to reverse back into the oncoming traffic on Huddersfield Road.

(3) Pedestrians and Vehicle interactions

Due to the increased vehicle use and the use of the rear entrance by the public, interactions between vehicles and pedestrians occur frequently on the access lane. We witness near misses on a daily basis where pedestrians step on to the lane and vehicles have to break sharply, or the pedestrians have to step back from the access lane. Children can be seen running up and down the lane and across the car park. The blind exit to Huddersfield Road presents a danger to pedestrians passing across the access entrance. An incident occurred where a cyclist was knocked off their bicycle whilst passing across the entrance, due to a vehicle approaching the exit of the access lane. We have witnessed regular near miss interactions with vehicles approaching the access exit.

As the applicant's business has grown over the past 12 months and the use of the access has intensified, these interactions are becoming more and more regular.

(4) Cycle Rack Location

The cycle rack facility has fairly recently been moved from the original position on the south side of the applicants outbuilding, to the north side of the outbuilding. (Outbuilding is located at the back of the main building). The cycle rack therefore has been located at the bottom of the access lane and causes cyclists to step into the access lane whilst removing the cycles. The new position of the cycle rack was where residents refuse bins were located and these have now been moved forward, creating a blind spot for cyclists removing their cycles and pedestrians entering the access lane from the rear entrance.

(5) Disabled parking

The applicant's facility doesn't have any designated safe disabled parking bays and the only disabled access is at the rear of the applicants building. The car parking directly to the rear of the residents' houses is usually taken by members of the public attending groups and it has been witnessed regularly, disabled attendees having to park on the north section of the car park and then having to navigate wheel chairs over the uneven, unsuitable surface to reach the rear entrance.

(6) Car park standards

The applicant's car park surface is of a poor state, especially the north side car park. The surface is extremely uneven, degraded and unstable under foot. The draining is poor causing large pools of water after rain fall. Due to residents parking directly behind their properties, the entrance to the north car park is narrow. Due to this access width, drivers need to take care when entering and have to drive over a large mound and close to the wall on the river side. This wall is leaning severely and looks like it could fall any time soon, along with the heavy iron fencing. The leaning wall and fence are directly on this access point. The north car park has limited bay markings and therefore doesn't provide indications for where vehicles should be parking. The car park does not meet the national standards for a car park.

(7) Restricted turning and reversing in the car park

It needs to be noted that the group plan submitted, outlining the total area including car parking area (Outlined in Red), shows the parking bays directly to the back of the residential properties incorrectly. The parking bays are further forward towards the residential properties and start in line

with west wall of the Bridge Lane car park. Residents Park along the back of the properties, within the area outlined in Red. By showing these parking bays in such a way, the plan suggests that there is ample space to reverse and park cars. The on-ground reality is that the distances between parked cars in bays and residents parked cars is very restrictive and reduces significantly as they approach the access to the north car park. Reversing out of bays is very difficult with visibility difficult also. There has been a number of incidents with cars reversing into stationary vehicles. Both my partner's and my car have been damaged due to cars reversing, the resident's occupying No. 148 had their car driven into whilst it was stationary and a similar incident occurred with an ADP employee's car. The car park area directly behind the residential properties is the preferred parking area for people attending the groups which means that this area is subject to constant reversing manoeuvres through out the day. It was also stated in the applicant's planning proposal regarding parking spaces, that 'a small proportion of these are owned by the adjoining architecture firm (ADP). ADP have 4 spaces located directly behind their building which is outside of the outlined red area of the plan submitted, this is outlined in the planning application submitted in 2012 (Application 2012/93883). Due to the increased pedestrian usage of the area also, this provides additional complications to the reversing operations.

For the above reasons, we do not agree with the applicant's statement that the proposals would not give rise to any additional highway safety issues, or that the development would not give rise to intensification of the use of the car park and access lane. It is noted that the footprint and number of parking bays have not changed from its previous use as an Adult Education Centre. However, the proposed change of use of the facility is significantly different to how the building was originally used. The introduction of businesses, hourly groups, baby groups etc has extensively intensified the use of the access and car park, creating intensified short-stay parking, as opposed to the previous long-stay parking by attendees of the Adult Education Centre. The operational opening days and times have also been extended from previous, due to the change of use, which further intensifies the usage of access lane and car park. We believe therefore, that the proposals contravene Local Plan Policies LP20, LP21 and LP22, the aims of Chapter 9 in the NPPF and Policy 11 in the HVNDP.

Kirklees local plan policy LP20: Sustainable Travel

'The requirement of a travel plan will also be considered on case-by-case basis where the proposed development falls below the major application category where it has the potential to generate significant transport movements and/or has insufficient off-street parking within the vicinity of a stressed part of the highway network'

'Proposals will be required to facilitate the needs of the following user hierarchy:

- a. pedestrians***
- b. cyclists***
- c. public transport***
- d. private vehicles'***

Kirklees local plan policy LP21: Highways and Access

'Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

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;*

Kirklees local plan policy LP22: Parking

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

Previous planning application: -

2006/94971 – Change of use of dwelling to office/business use (Listed building within a conservation area) at 148/150 Huddersfield Road, Holmfirth, HD9 3AR

Decision: Refused - 1. The proposal would involve the intensification of a shared access to Huddersfield

Road that is substandard in terms of its width and gradient, to the detriment of highway safety, contrary to the aims of Policy T10 of the Unitary Development Plan.

(8) Decrease in Living Standards and loss of privacy

Whilst the residents have become accustomed to the car park and access usage not been used by the applicants building due to its closure in 2011, it would be unacceptable and not feasible to suggest this continues. However, previous use and open days/times of the building provided respite for residents to enjoy their properties on an evening and weekends. The proposals for a change in use of the facilities removes this respite. The intensification of the usage, witnessing near miss collisions with vehicles, pedestrians and residents, damage to our property and vehicles, all contribute to increased stress levels. The intensification of the number of vehicles using the access lane and car park is also contributing to an increase in exhaust emissions in the area, noise from cars and motorcycles and disturbance from headlights shining into our houses. A previous complaint was raised regarding high noise levels from a drumming group which was located in the north basement room, directly next to our property. This was resolved informally, with the applicant relocating the group to the south of the building. This has since been returned to the north side basement room by the applicant, which has reinstated the noise issue. All these factors are having a detrimental effect to our health and wellbeing and are greatly affecting our standard of living. The proposals for increasing the usage to 7 days, evenings and 24hr parking usage, further increases these effects. The area to the rear of the residential properties is a peaceful and tranquil riverside area which affords to a thriving wildlife ecosystem. Such spaces within close proximity to town centres are rarely present. The previous use of the applicants building allowed for residents to appreciate this rare commodity.

Paragraph 185 in the NPPF, states that,

‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or to the wider area to impacts that could arise from the development.’

We believe that the proposed development is a direct contravention of Paragraph 185 in the NPPF. The operation of the proposed change of use does not afford adequate privacy for the residential properties, particularly with regard to their right to the quiet enjoyment of garden amenities. We would urge you to consider the responsibilities of the council under the Human Rights Act in particular Protocol 1, Article 1 which states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. We believe that the proposed development change of use will have a dominating impact on us and our right to the quiet enjoyment of our property. Article 8 of the Human Rights Act states that a person has the substantive right to respect for their private and family life. Private and family life therefore encompasses not only the home but also the surroundings.

(9) Refuge Storage

The current refuge storage for the applicant's generated refuse from operations is already insufficient, leading to bags being stored on top and at the side of the bins. The proposal for change of use, incorporating shops, pop up restaurants etc and the potential growth of the business, will further add to this problem. The loose bags will also attract vermin to the area and lead to unhygienic situations.

Summary

Whilst we have highlighted a number of objections regarding the proposal, the objections are related to the surrounding area of the applicants building. We are not objecting to the change of use of the building per se, and would support the change of use, as we are of the opinion that buildings should be repurposed and brought back to use in the local communities. We do however, ask that the planning department would seriously consider the above, and that the council consider using its powers to enforce controlled hours of operation and other restrictions that might help make the area safer and reduce the impact on residents, the applicant, users of the building and the overall community.

It is important to note that Holmfirth Civic Hall operates a similar business model as Holmfirth Tech and the building does not have a car park. Attendees make use of the council car parks and alternative travel and this operates successfully.

Possible solutions

1. Limiting the use of the parking to long stay users required for operation of the business only as per Local Plan LP22. Attendees to groups, banking facilities, baby groups, dropping off etc and other short-stay parking to make use of 'pay and Display' car parks close by. This would dramatically reduce the access usage, encourage use of alternative means of transport and would allow for growth of the business, without increasing intensity of the access lane in the future.
2. Use the north larger car park area for long stay parking. This area has steps leading to the highway so opening up the steps would allow pedestrians to leave the car park via the steps and eliminate the need to walk across the car park and up the access lane. The area directly behind the residential properties could be used for disabled parking which would need marking up, as this is closest to the rear of the Tech.

3. Use the rear entrance of the Tech building for disabled access only as previously used. Visitors/users to use the main front entrance only. This eliminates the requirement for pedestrians to walk down the access lane and dramatically reduces the vehicle/pedestrian interactions on the lane.
4. Reduce the usage of the car park and access lane to Monday to Friday office hour usage. This is in line with the previous usage as an Adult Education Centre and would allow residents to enjoy their properties, help with wellbeing and also allow the local wildlife to continue to flourish. The current usage outside these times is by attendees to groups and group leaders for short stay parking. This usage is not essential for the operation of the business and users could make use of the 'Pay and Display' parking without any detriment towards the business.
5. Residents to return to parking in the Tech car park as previous. This will open up the area behind the houses, reduce congestion, open up the access to the north car park and create adequate space for turning and reversing of vehicles.
6. Resurfacing the access lane, preferably with a non-slip surface. Providing signage and markings to warn pedestrians on the Huddersfield Road pavement of the concealed entrance.
7. Ideally the car parking areas would need resurfacing. This is obviously a huge expense and is probably unfeasible at this time, due to finances but should be done if this is to be used for public parking. The wall and fence at the north car park access area needs repairing or making safe as soon as possible and the drains of the north car park need unblocking to stop surface water pooling.
8. The cycle rack can be returned to its original location on the south side of the outbuilding. This would provide a safe and secure location for bicycles and also allow the residents bins to be pushed back to their original location and open up the bottom of the access lane, allowing vehicles to exit safer.
9. Obtain additional refuge bins or trade bins.

Adopting these suggestions would greatly increase the highway safety of the area and would also maintain a safety level. It would also ease the burden to the residents and allow the building and residents to operate in harmony, which was the case when the building was open previously. This would be the case, irrespective of the growth and increased use of the applicant's building.

We would be grateful if the council would take our objections into consideration when deciding this application. We would welcome the opportunity to meet with a representative of the planning department at our home to illustrate our objections at first hand. Should the application require submitting to the Planning Committee then we would like to be considered for attending the council meeting if possible.

Sincerely,