

Map not to scale – for identification purposes only

Electoral wards affected: Birstall and Birkenshaw

Ward Councillors Consulted: No

Public or Private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

1.1 This application is brought to the District-Wide Planning Committee at the request of Ward Councillor Elizabeth Smaje, for the following reasons:

- The installation has caused significant traffic disruptions, especially during peak hours on Leeds Road.
- Delivery vans stopping on Leeds Road create unsafe conditions for both drivers and pedestrians.
- Residents are experiencing difficulties accessing their driveways due to vehicles stopping for deliveries.
- The installation was carried out without prior planning permission.

1.2 The Chair of the District-Wide Planning Committee has confirmed that Councillor Smaje's reasons for the referral to the committee are acceptable having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The site to which this application relates to is 28 – 30 Leeds Road; a two-storey set of semi-detached buildings, finished in stone and roofed with tiles. The ground floor comprises a local convenience store. The site is located on an A-road and customer parking is accessible on-street along Leeds Road.

2.2 The immediate locality is predominantly residential in character, with the exception of a hot food takeaway to the south-west.

3.0 PROPOSAL:

3.1 The application is seeking planning permission for the installation of a click and collect facility. This is already in situ, located adjacent to the western boundary within the front curtilage of the application site.

3.2 Dimensions of Click and Collect Facility:

- Width – 5880 mm
- Depth – 1468 mm
- Height – 4711 mm.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 There is no relevant planning application history relating to the land within the red line boundary of this application site. However, the following application related to land to the rear of 28-30):

2023/90257 – Demolition of existing garage and erection of 2 commercial units with associated hard landscaping (Class E) - Withdrawn

4.2 Relevant enforcement history:

At the application site:

COMP/24/0096 - Alleged unauthorised click and collect facility

At the rear of the application site:

COMP/23/0202 - Commencement of 2023/90257 prior to a decision.

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

- 5.1 No amendments have been requested through the course of the application.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

- 6.2 The site falls in an area within an area identified by the Coal Authority as being at low risk of ground movement as a result of former mining activity.

6.3 Kirklees Local Plan (2019):

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP21 – Highway Safety
- LP22 – Parking Provision
- LP24 – Design
- LP52 – Protection and improvement of environmental quality

6.4 Supplementary Planning Guidance/Document:

- Kirklees Highway Design Guide

6.5 National Planning Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

6.6 The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

- Chapter 9 – Promoting Sustainable Transport
- Chapter 12 – Achieving Well-Designed Places
- Chapter 15 – Conserving and enhancing the natural environment

6.7 Legislation:

- The Town & Country Planning Act 1990 (as amended).
- The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- The Planning & Compulsory Purchase Act 2004

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was publicised in accordance with statutory publicity requirements.

7.2 Neighbour notification letters were sent to all properties directly neighbouring the site.

7.3 Final publicity date expired: 28th November 2024.

7.4 The following comments have been received from the Ward members Councillor Joshua Sheard, Councillor Mark Thompson and Councillor Elizabeth Smaje:

“The objection to planning application 2024/92992 for the click-and-collect box outside the shop on Leeds Road in Birstall highlights significant traffic disruptions caused by its installation without prior planning permission. Delivery vans frequently stop on Leeds Road, creating bottlenecks and unsafe conditions for drivers and pedestrians. Residents also report difficulties accessing their driveways due to vehicles stopping for deliveries. The objection emphasises the need to prioritise road safety and accessibility, urging the refusal of the application and suggesting that a more suitable solution be found to ensure smoother traffic flow without impeding local residents”.

7.5 In response to site publicity, 10 representations have been received from members of the public (6 in objection, 1 general comment and 3 in support). Three of the objections and the general comment were received from the same property. The representations received in objection and the general comment to the application are summarised as follows:

HIGHWAY AND PEDESTRIAN SAFETY

- Significant parking issues, particularly with transit vans blocking adjacent driveways including outside the opening hours of the shop
- The unit's placement near a busy junction exacerbates traffic chaos, and its proximity to the road seems to violate regulations

- The primary issue stems from people using the parcel drop-off or van drivers collecting parcels
- Vehicles parked on the pavement, and crossing the busy road with a young child is hazardous due to obstructed views
- The parking problems have escalated since the unit's installation, causing chaos, especially during peak times
- Issues with people parking on Roebuck Street causing access problems (including Bookers vehicles and couriers) to drop off or pick up parcels, even when space is available on Leeds Road. Despite complaints to Bookers, the issue persists due to delivery notes indicating Roebuck Street as a parking area
- Previous promises to monitor parking have not been fulfilled

RESIDENTIAL AMENITY

- Unit is only inches from the boundary wall and driveway of adjacent property, No.26
- Residents have been disturbed by delivery men emptying the boxes outside the shop's opening hours of 7 am to 10 pm

OTHER MATTERS

- Numerous confrontations with drivers and complaints to delivery companies have not resolved the issue. Requests to move vehicles often result in verbal abuse, which is intimidating. This is causing stress and aggravation to neighbours.
- Litter from the unit ends up in neighbouring gardens.

7.6 In response to publicity, three supporting comments were received. The comments raised within these supporting documents are summarised as follows:

- There has been no noticeable increase in traffic due to the site, with ample parking available on Leeds Road.
- The driveways reportedly being blocked are further down the road and not affected by the drop-off site.
- People can choose quieter times to visit.
- The 7-10 shop and a nearby fish shop are in close proximity, and they have encountered more parking issues with the fish shop than the 7-10 shop.
- The 7-10 shop has been part of the community for many years and needs to evolve to stay competitive.
- There is a post box outside, with no objections to Royal Mail's out-of-hours collections.

- Recommend imposing collection time restrictions rather than driving the shop away.
- There is a need for such facilities due to the rise in internet shopping and the convenience of posting parcels outside normal working hours.
- The shop has addressed parking issues by putting up signs and cones.

8.0 CONSULTATION RESPONSES:

8.1 Below is a summary of the consultee responses received in relation to the application. Where appropriate, these are expanded on in the main assessment.

KC Environmental Health – do not consider there to be any significant environmental health impacts with this development and no objections to permission being granted for this development.

KC Highways Development Management – The application seeks approval for a click and collect facility at 28-30 Leeds Road, Birstall, where a local convenience store currently operates. Customer's park on Leeds Road, which has a 30mph speed limit and is 7.8m wide, accommodating on-street parking without compromising road safety. "No waiting at any time" restrictions and keep clear bar markings protect the junction with Upper Batley Lane and adjacent driveways. Although the proposal will increase vehicle movements, it is not expected to significantly exceed current levels, making it difficult to object on highway safety grounds. Consequently, Highways DM have no objection to the proposal.

9.0 MAIN ISSUES:

- Principle of development
- Impact on visual amenity
- Impact on residential amenity
- Impact on highway safety
- Other matters
- Representations

10.0 APPRAISAL:

Principle of Development:

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety.
- 10.3 These issues along with other policy considerations will be addressed below.

Visual Amenity

- 10.4 Chapter 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.
- 10.5 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:
- 'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that 'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*
- 10.6 The Inpost click and collect facility would have a width of approximately 5880mm, an overall height of approximately 4711mm and a depth of 1468mm and would be grey in colour. Given the scale, design and position together with the surroundings, the proposed click and collect facility would have no significant impact in terms of visual amenity.
- 10.7 Having taken the above into account, the proposal is considered to be appropriate in size, scale and design in this location, and would comply with Policy LP24 of the KLP and the aims of chapter 12 of the NPPF.

Impact on Residential Amenity

- 10.8 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: -
- 'Proposals should 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 incorporating means of screening where necessary'.*
- 10.9 Policy LP52 is also relevant which seeks to protect the amenity of surrounding properties.
- 10.10 The click and collect facility would be sited across the front elevation toward the western boundary within the front curtilage of the application site. The click and collect facility is sited approximately 1135mm away from the shared boundary with number 26 Leeds Road.
- 10.11 The size and scale of the proposal and nature of the development is such that it would not be unduly oppressive / overbearing, lead to overshadowing or impact upon the privacy of neighbouring occupiers and accords with Local Plan Policy LP24.

- 10.12 Given the location within the curtilage of the host 'commercial' property and its size/scale, it is concluded that the installation of the click and collect facility would not result in any undue impacts of overbearing or overshadowing for the occupiers of the neighbouring property, and it would not result in significant harm to their privacy in any way.
- 10.13 In respect to noise disturbance, KC Environmental Health were consulted on the application and do not consider there to be any significant environmental health impacts with this development and raise no objections to permission being granted.
- 10.14 Having considered the above factors, the proposals are considered not to result in any adverse impact upon the residential amenity of any surrounding neighbouring occupants, thereby complying with Policy LP24 of the KLP (b) in terms of the amenities of neighbouring properties and Paragraph 127 (f) of the NPPF.

Impact on Highway Safety

- 10.15 Paragraph 116 of the NPPF 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.
- 10.16 Policies LP21 and LP22 of the Kirklees Local Plan relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.
- 10.17 Whilst the proposal may attract more users, the net gain or loss of space is considered to be negligible. The proposed scheme would not alter the existing parking arrangements at the site or access to and from the adjoining highway.
- 10.18 The property functions as a local convenience store, with customers utilising parking available on Leeds Road. Leeds Road has a 30mph speed limit and measures approximately 7.8 metres in width, can accommodate on-street parking without compromising road safety. "No waiting at any time" restrictions protect the junction of Leeds Road and Upper Batley Lane, and clear bar markings across adjacent driveways ensure unobstructed access is maintained. Although the proposal may lead to an increase in vehicular movements, it is not anticipated that these will be significantly higher than current levels, and as such, Officers do not consider that this would be sufficient to warrant a reason for refusal on highway safety grounds.
- 10.19 In turn, the proposal would appropriately accord with Chapter 9 of the NPPF, and Policies LP21 and LP22 of the Kirklees Local Plan.

Other Matters

Climate Change:

- 10.20 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy

includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.21 Given the nature of the proposal, it is not deemed reasonable to require the applicant to implement specific resilience measures in this instance; the proposal is a small-scale development to an existing building. As such, no special measures are required in terms of the planning application with regards to carbon emissions.

10.22 There are no other matters relevant to the consideration of this application.

Representations

10.23 The comments received in representations are addressed as follows:

10.24 Ward Member comments:

Ward members Councillor Joshua Sheard, Councillor Mark Thompson and Councillor Elizabeth Smaje:

"The objection to planning application 2024/92992 for the click-and-collect box outside the shop on Leeds Road in Birstall highlights significant traffic disruptions caused by its installation without prior planning permission. Delivery vans frequently stop on Leeds Road, creating bottlenecks and unsafe conditions for drivers and pedestrians. Residents also report difficulties accessing their driveways due to vehicles stopping for deliveries. The objection emphasises the need to prioritise road safety and accessibility, urging the refusal of the application and suggesting that a more suitable solution be found to ensure smoother traffic flow without impeding local residents".

Officer Response:

After a thorough review of the application and associated details, officers have carefully considered the concerns raised in the objection. Officers have assessed the proposal against relevant policies to ensure that it meets the relevant criteria. The proposal relates to an existing convenience store and is not considered to result in a significant intensification in use of the site that would warrant a reason for refusal on highway safety grounds. The existing parking arrangements along Leeds Road are within the acceptable safety standards.

10.25 Representations received from members of the public:

HIGHWAY AND PEDESTRIAN SAFETY

- Significant parking issues, particularly with transit vans blocking adjacent driveways including outside the opening hours of the shop
- The unit's placement near a busy junction exacerbates traffic chaos, and its proximity to the road seems to violate regulations

- The primary issue stems from people using the parcel drop-off or van drivers collecting parcels
- Vehicles parked on the pavement, and crossing the busy road with a young child is hazardous due to obstructed views
- The parking problems have escalated since the unit's installation, causing chaos, especially during peak times
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- Previous promises to monitor parking have not been fulfilled

Officer Response:

The proposal relates to an existing convenience store and is not considered to result in a significant intensification in use of the site that would warrant a reason for refusal on highway safety grounds.

RESIDENTIAL AMENITY

- Unit is only inches from the boundary wall and driveway of adjacent property, No.26
- Residents have been disturbed by delivery men emptying the boxes outside the shop's opening hours of 7 am to 10 pm

Officer Response

The submitted plans demonstrate that the click-and-collect facility is located at least one metre away from the shared boundary with No.26, the front elevation of which is set back significantly in relation to the proposal. Furthermore, the driveway of No.26 provides a degree of separation between the neighbouring property and application site. KC Environmental Health have raised no objections to the proposal. On this basis, the proposal is considered to have an acceptable impact on residential amenity.

OTHER MATTERS

- Numerous confrontations with drivers and complaints to delivery companies have not resolved the issue. Requests to move vehicles often result in verbal abuse, which is intimidating. This is causing stress and aggravation to neighbours.
- Litter from the unit ends up in neighbouring gardens.

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Officer Response:

These comments are noted, however following assessment of the proposal in relation to the relevant local and national policies, Officers do not consider there to be sufficient grounds for refusal of the proposal pertaining to visual, residential and highway safety.

10.26 The supporting comments are noted.

11.0 Conclusion

11.1 This application for the installation of a click and collect facility has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

1. Development to be carried out in accordance with approved plans and specifications

Background Papers:

Application Details:

[Planning application details | Kirklees Council](#)

Certificate of Ownership: Certificate A signed 16th October 2024