



Appeal Decision

Site Visit made on 10 August 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/Z4718/W/21/3273704

Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury WF13 2RU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by A & P Dewsbury Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/90501/E, dated 16 February 2020, was refused by notice dated 19 April 2021.
 - The development proposed is the change of use of trade counter retail unit to function room with store.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021. This document does not however materially change the approach to the main issue arising from this appeal, when compared to its predecessor, and therefore no further comments have been sought from the parties.

Main Issue

3. The main issue is the effect of the proposed development upon highway safety, with particular reference to parking provision.

Reasons

4. A Transport Assessment was submitted with the planning application but there is no comparative data available on the TRICS database that would allow for an approximation of the number of trips and parking demands which would be likely to arise from the proposed use. It is however accepted by both main parties that the 34 on-site spaces proposed would not be adequate to meet the requirements of the development and that there would be a need to absorb surplus parking on-street. Parking demand on surrounding streets is affected by other uses in the area and at the time of my visit on a weekday there was a high level of on-street parking observed. There is also evidence in the submissions of the Highway Authority of historic parking issues arising on roads in the immediate vicinity of the appeal site.
5. The Transport Assessment contains only two parking surveys, one of which was undertaken at an unspecified time on a Friday and the other on a Saturday afternoon, but without reference to an exact time. These therefore provide only

a very limited snapshot of the likely parking demand in the area surrounding the appeal site during the times the proposed use would operate. They also provide no clear indication of what the on-street parking levels might be at the earliest time on which the proposed use would operate on a Saturday, this being 11:00 as per the planning application form, or what the situation would be at the earliest suggested operating time of 17:00 on a Friday. In addition, there is no consideration of any competing demands placed on parking by other uses at other times, such as the adjacent Church and Mosque, and only very limited consideration as to how employees of the proposed use would travel to and from work and if they would have their own car parking requirements.

6. The nearest place to park to the appeal site would be on Pinfold Hill, which is a narrow road leading to the entrance to the appeal site that in effect fulfils the role of being a slip road from and onto the main A644 road. Aside from the fact that this is geographically the most convenient on-street place to park in relation to the appeal property, it may be the only viable possibility if parking were to be unavailable on Central Street and its adjoining roads due to the competing demands of other existing uses. The parking of cars on this narrow stretch of road has the potential to cause unacceptable harm to highway safety, by restricting its already narrow width, and is referred to specifically by the Highway Authority with regard to those historic parking issues that have arisen in the area. There is also potential that inappropriate parking could occur further along Pinfold Hill and on Boothroyd Lane if a lack of on street space was available elsewhere.
7. Although a Parking Management Plan has been provided, there are no parking restrictions in place on Pinfold Hill which would prevent parking of vehicles. There would therefore be a reliance on the goodwill of visitors to repark their car, in a scenario where it became apparent to the parking warden that they had parked there. Furthermore, there may not be a viable alternative to Pinfold Hill if parking is not available elsewhere, which itself increases the likelihood that inappropriate parking could occur on this part of the highway network. These factors lessen the weight I can give to the Parking Management Plan as an effective and enforceable way to prevent parking on Pinfold Hill.
8. The appeal site is relatively close to Dewsbury Train Station and to other public transport infrastructure, but there is no substantive evidence before me to demonstrate that this would be a well-used form of transport to reach the intended use at the appeal site. Furthermore, although there are car parks located within the town centre, these are further from the appeal site than its surrounding streets and would present the visitor with a less favourable and more onerous route to it, in terms of both distance and topography. It is suggested that staff members could utilise bicycles to reach their work, but there are no firm details to suggest that this would be practical or likely.
9. Taking all of these considerations together, there is insufficient information to demonstrate whether the parking demand arising from the proposed use could be absorbed on the surrounding streets in a way that would not cause harm to highway safety. There is also great uncertainty that parking would be able to be prevented on Pinfold Hill or in other locations where it may be inappropriate. It cannot therefore reasonably be concluded that the proposal would not have an unacceptable impact on highway safety or that there would not be a severe residual cumulative impact on the road network.

10. Whilst it is proposed that the permission would initially be granted for a three-year period, this is a substantial period of time for a development which I have found could potentially cause such harm to take place. Therefore, it would not be an appropriate basis on which to allow this appeal. Reference is also made to traffic management restrictions being funded on adjacent roads such as Pinfold Hill, but there is no mechanism before me to suggest how this could be secured or that there would be a reasonable prospect of such restrictions being able to be implemented.
11. In conclusion, the proposal would fail to accord with Policies LP16, LP21 and LP22 of the Kirklees Local Plan Strategy and Policies 2019, where they seek to ensure that developments have regard to the availability of parking and do not cause harm to highway safety. There would also be a conflict with the aims of The Framework, in particular where it seeks to ensure that development does not have an unacceptable impact on highway safety and that there is not a severe residual cumulative impact on the road network.

Other Matters

12. I acknowledge that the appellant engaged with Council Planning Officers during the course of the planning application and that the application was presented before the Planning Committee with a favourable recommendation. This does not however justify a development which I have found to be harmful for the reasons outlined.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR