

Planning Application 2009/1143, dated 1st September 2009.

Erection of 2-story office block, on land off Duke Street, Hoyland.

Summarising the sequence of events.

- This application is a revised application of reference 2008/1221 which was refused on the 8th September 2008, the main points of objection being that it was considered too large in size and scale.
- The original application indicated the size as being 401.77 m². and was originally planned to be let to other occupants as well as re-siting of our own office to make way for further development of social housing.
- A revised application was submitted as referenced above, with careful consideration to size and the comments made by the authority previously.
- We decided that we were only to provide for new offices for occupation by ourselves, with a maximum occupation of 4 persons. In such this vastly reduced the size and scale to now only 163m², a reduction of 60% from the original plan.
- The authorities letter dated the 7th September 2009 confirmed acceptance of our application and stated that we should receive a decision by the 29th October 2009, unless we have agreed in writing to an extension.
- These conditions do not appear to have been adhered to.
- We received a telephone call, 26th October 2009 to our office by Mr Kirkham, requesting a site meeting to discuss as stated "minor issues" before the application is presented to the board for approval.
- A meeting was arranged for Thursday 29th October 2009.
- At this meeting I informed Mr Kirkham that our architect was away, but Mr Kirkham stated that it was very urgent to have the amendments as the application was to be put forward to the forthcoming planning committee for approval if amendments were made.
- Mr Kirkham even stated that he would collect the amended plan from me early the following week to save time. This was supplied to Mr Kirkham on the 4th November 2009.
- My letter dated the 4th November 2009 confirms all the issues that were discussed and agreed and 3 copies of revised plans were submitted, the details of the "minor amendments were as follows:
 - *The re - siting of the Bin store to the front of the site.*
 - *The reduction of the entrance to 4.1m to enable the building, fronting Duke street to be slightly lengthened, thus allowing for more car parking space.*
 - *Details of the office area and staff employment to the adjacent offices of "Riversdale"*
 - *An "indicative" car parking allocation for the adjacent offices of Riversdale*
 - *The submission of a "certificate B".*

At this stage there was never any indication or suggestion that the Authority considered that the plans submitted constituted an overdevelopment of the site.

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- I received an e-mail on the 7th December 2009, this being the first contact since we submitted our revised plans as agreed, on the 4th November 2009. The e mail stated:

I refer to planning application made for the office development at Duke Street. I appreciate that the plans have been amended to address initial concerns however, there still remains some issues with the proposed parking provision. The indicative parking layout to serve Riversdale identifies 6 parking bays all of which appear to be substandard in size (i.e. below 2.5m x 5m), to address this I would proposed that it is amended in accordance with the attached plan. This would result in the loss of one parking space (cumulatively) between the development and Riversdale but it would appear that Highways would not object to this.

- It should be noted that the request from the Authority was merely for an "indication" of possible parking arrangements that were possible and not a specific layout plan identifying such arrangements.
- Equally we provided the Authority with the office floor area encumbered within "Riversdale" property of 144m², which using the Authorities guidance requires 5 car park spaces to be provided.
- We also provided the Authority with an approximation of the staff count (which fluctuates) employed within "Riversdale" property.
- Clearly as the content of the e-mail states the cumulative requirement in respect of car parking spaces to be provided as a whole and to serve both the applicant and the occupiers of "Riversdale" is 10.
- The requirement to provide 10 car parking spaces also meets the Authorities guidance.

This information was provided to assist the Authority in its decision on our proposed plans given that the applicant and the occupier of "Riversdale" jointly use the site in respect of access

- Having discussed with our Architect the plan attached in the e- mail from Mr Kirkham, we reluctantly provided a revised layout plan as suggested on the 9th December 2009.

At this point there was never any indication of any issues with the parking spaces to the front of the building, which provided for disabled parking.

- An e-mail was sent to Mr Kirkham on the 14th December 2009, requesting an update of the application since submission of revised plans and Mr Kirkham replied;

I can confirm receipt of the amended drawing, this has since been forwarded to colleagues in the highways department for comment, I will update you in due course.

Thanks

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- To my amazement and astonishment I received an e mail from Mr Kirkham dated 24th December 2009 stating:

I refer to your application made for office development at Duke Street in Hoyland. The recent amendments have now been reviewed and having discussed the development with consultees it is considered that the proposal represents an overdevelopment of the site. As such the recommendation to planning board will therefore be for refusal.

There are no objections to the redevelopment of the site in principle but it is considered that any scheme would have to be of a reduced scale to that currently proposed. The main considerations are the access and parking arrangements and the relationship of the building with adjoining uses which at present is considered to be unacceptable.

Development of the site is difficult given its modest size and it is not considered that the access and parking arrangements (on the present proposal) can be further improved above that identified on the recent amended plan. It is therefore considered that the footprint of the building needs to be reduced and sited towards Duke Street. This would remove the parking to the front (which at present have poor visibility splays) and would ultimately improve the parking and service arrangements for both the proposed development and Riversdale. It is important that any proposal can successfully accommodate suitable vehicle manoeuvring arrangements so that they can safely manoeuvre within the site and egress in a forward motion.

If you wish for the application to be determined in its present form then it will be presented at the board meeting on the 12th January. Prior to the meeting you will be able to see the report you can then address members at this meeting and put forward a case of support. Alternatively you may wish to withdraw the application pending the submission of an amended scheme.

I will contact you in the early New Year to discuss this in more detail.

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- The e mail was not received until the 31st December 2009, However a reply was sent to Mr Kirkham stating the following:

I refer to your e mail dated 24th December 2009, (14.58).

Due to the Christmas break I have only read this today.

I wish to confirm my disappointment at the content of your e mail, but more so are extremely confused with your comments made.

I am also disappointed that your timing of sending your e mail.

Given that, following our initial site meeting on the 29th October 2009, where you stated that there were only 'minor' amendment required to take the application to acceptance, with no reference to the size of the scheme or any reference to the scheme being considered as an "overdevelopment of the site".

I then complied fully with your recommendations and submitted a revised drawing and at the same time provided you with additional information regarding the adjacent 'Riversdale' property.

I informed you at the time that our architect was away, but you stated that it was very urgent to have the amendments as the application was to be put forward for approval.

You even stated that you would collect the drawing from me early the following week to save time. This was supplied to you on the 4th November 2009.

Surprisingly you then e mailed me on the 7th December 2009 attaching a drawing indicating further revision of the carparking arrangements which you stated would be more favourable to you and would not receive any objections from Highways dept and requested that we submit another revised drawing on the lines of your proposals and recommendations.

Having discussed this with my architect, we reluctantly submitted another revised drawing as you requested, with the full indication from you that our scheme would be approved if we complied with your suggested layout.

I now find that this is not the case, even though I have followed your advise explicitly and submitted all amendments as you have requested.

Further more you have never indicated that you consider the scheme/site to be overdeveloped in any way.

I am really at a 'total loss' as to why this situation has arisen as stated previously, "totally confused" with its progress.

I will discuss your comments with colleagues and come back to you as soon as possible in the New Year with possibly further information and or revisions, but look forward to hearing from you as you indicate.

Perhaps a further meeting with you would be appropriate.

Finally, I would not wish the application to be presented to the planning board on the 12th January 2010 with the recommendation of refusal.

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- Having further discussed the plans with our Architect and other colleagues, we decided to take on board the comments made in the e mail from Mr Kirkham dated 24th December 2009.
- I e mailed Mr Kirkham on the 7th January 2009 and informed him of the following:

I am e mailing to let you know that we have now considered all the points raised in your e mail of the 24th December 2009, to which I replied to you on the 31st December 2009.

We have revised the plan again, and feel that we have now fully complied with all your requirements and have improved the plan layout accordingly.

We have also collated further information, which should be of assistance to you and are providing an additional drawing of this information.

I will be writing to you on Friday the 8th January 2010, enclosing all the information and revised plans, which I trust you will consider further.

You should receive the information on Monday 11th January 2010

Would you be kind enough to acknowledge this e-mail and confirm when you have recieved the documents.

- Mr Kirkham acknowledged this e-mail.
- Clearly the consideration of the site being “overdeveloped” is merely based upon the access and parking arrangements shown to the revised plan dated 9th December 2009 and provided as suggested and requested by Mr Kirkham.
- The reference made, as “the relationship of the building with adjoining uses” being considered as unacceptable requires to be explained further as we fail to recognise the meaning.
- It can be clearly seen from our newly submitted block plan of the street plan that adjoining uses, if this is the meaning, comprises of surrounding area occupied by predominantly commercial and business.
- There are only 3 private dwellings that are accessed from Duke Street, one of which is the home of the car repair business at the head of Duke Street, which incidentally appears to have some dispensation to cone off the whole of the top of the highway for parking cars awaiting repair! This clearly restricts the use of the highway.
- Access and parking can clearly be improved from the suggested layout by Mr Kirkham and this is shown to our further revised plan.
- Given the acceptance that we require to provide a total number of 10 parking spaces for the size of the office layout and in compliance with planning document 32, this is clearly shown to our revised plan. All access and parking arrangements are now such that manoeuvring arrangements are both safe and all vehicles can now egress in a forward motion.

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- With reference to the parking to the front of the building. This is provided mainly for access by a disabled person, which gives easy access to the building from the front entrance without having to make way from the rear. An approach that we consider the authority should be encouraging.
- However, given the comments made we have revised the layout to the front to give better visibility, but it should be noted that this particular street/highway has footpaths of 2.75metres in width (over half the width of an average car before reaching the highway) and a highway width of 10.1 metres, well in excess of the normal provision.
- Clearly safe access and egress from this site is evident and proved particularly when in full consideration that the street is predominantly used simply for parking with vehicles generally moving very slowly if not parked.
- Our additional drawing showing the block plan of Duke Street also shows the provisions already there for car parking. It also shows the relationship of all the surrounding occupants, which clearly indicates that the development does not detract away from the surroundings but enhances the area.
- The block plan also shows that the provision of the disabled parking to the front of the site will not in anyway caused concern regarding safe access and egress onto the road.
- If necessary and to assist the authority we can provide further details and photographs of parking arrangements for new apartments that have been approved and accepted by the authority recently in Hoyland where vehicle reverse out of parking spaces directly onto a very busy Highway. In such this seriously brings into question the authorities consistency in matters of car parking provisions and safety.