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**Service Director – Legal, Governance and
Commissioning**

Julie Muscroft

The Democracy Service

Civic Centre 3

High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Jenny Bryce-Chan

Email: jenny.bryce-chan@kirklees.gov.uk

Friday 2 October 2020

Notice of Meeting

Dear Member

Cabinet Committee - Local Issues

Cabinet Committee - Local Issues will hold a **Virtual Meeting - online** at **10.00 am on Monday 12 October 2020.**

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Cabinet Committee - Local Issues members are:-

Member

Councillor Peter McBride
Councillor Naheed Mather
Councillor Graham Turner

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

This is where councillors who are attending as substitutes will say for who they are attending.

2: Minutes of Previous Meeting

1 - 4

To approve the minutes of the meeting of the Committee held on the 18th August 2020.

3: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private

5: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the

Public should provide at least 24 hours' notice of presenting a deputation.

6: Questions by members of the Public (Written Questions)

Due to current Covid-19 restrictions, Elected Members and members of the public may submit written questions to members of Cabinet Committee Local Issues. Any questions should be emailed to executive.governance@kirklees.gov.uk no later than 5pm on Thursday 8 October 2020.

In accordance with Council Procedure Rule 51(10) each person may submit a maximum of 4 written questions.

In accordance with Council Procedure Rule 11(5), the period allowed for the asking and answering of public questions will not exceed 15 minutes.

Members of the Committee will provide an oral response to any questions received, or if they are not able to do so, a written response will be provided.

7: Member Question Time

Cabinet Committee Local Issues will receive any questions from Elected Members (via remote access).

In accordance with Executive Procedure Rule 2.3 (2.3.1.6) a period of up to 30 minutes will be allocated.

8: Objections to Traffic Regulation No 14 Order 2020, Proposed No Waiting At Any Time, Oakes Mill, New Hey Road, Oakes

7 - 30

To consider objections received to - Kirklees TRO No 14 Order 2020 -Proposed No Waiting at Any Time, New Hey Road, Oakes.

Contact: Jonathan Walsh, Principal Engineer, Tel: 01484 221000

Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Tuesday 18th August 2020

Present: Councillor Cathy Scott (Chair)
Councillor Naheed Mather
Councillor Graham Turner

In attendance: Stephen Hanley, Project Manager, Major Projects
Elizabeth Twitchett, Operational Manager, Streetscene & Housing
Paolo Cologiovanni, Group Leader, Economy & Skills

Observers: Ken Major, Principal Engineer
Simon Tidswell, Principal Engineer
Ben Vecsey, Senior Engineer

Apologies: Councillor Peter McBride

1 Membership of the Committee

Apologies were received from Cllr Peter McBride.

Cllr Cathy Scott attended as sub for Cllr McBride and was appointed Chair of the meeting.

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 29 January 2020, be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

The Committee moved briefly into private session prior to announcing the decision in public.

5 Deputations/Petitions

No deputations or petitions were received.

6 Questions by members of the Public (Written Questions)

No written questions were received.

7 Member Question Time (Oral Questions)

No member questions were received.

8 Naming of new street - Land adjacent to 1 Back Lane/Liley Lane, Grange Moor, WF4 4DT

The Committee considered a report which outlined information on the naming of a new street following the suggestions received. The Committee was asked to make a decision on the new street being formed by a development at Land adjacent to 1 Back Lane/Liley Lane, Grange Moor.

In accordance with policy, the service invited suggestions for a new name to be adopted for the proposed development, however no suggestions were received from the wider public. The Post office was consulted and confirmed they had no objections to any of the suggestions.

Generally, policy and convention require the use of names that reflect previous history or use. Existing street names in the vicinity include Clough Gate, Jubilee Court, Shuttle Eye Way which acknowledge the mining history use of the site and coal seams worked. The last known use of the land was as a car repair business by the Taylor family.

The Committee was informed that the service had put forwarded alternative suggestions which included, Liley Fold, Jubilee Gate, Jubilee Fold and Jubilee Court.

In response to the information presented Cllr Turner nominated Jubilee Fold, while Cllrs Scott and Mather agreed with the officer's recommendation and nominated Taylor Fold.

RESOLVED

That the name Taylor Fold for the new street development be approved by the Committee.

9 Objections to Traffic Regulation Orders for Cross Church Street, King Street, Queen Street and Zetland Street, Huddersfield

The Committee considered a report which outlined the objections received to - Kirklees TRO No 10 Order 2020 - Proposed Prohibition of Driving and one way for Cross Church Street, King Street, Queen Street and Zetland Street Huddersfield and; Kirklees TRO No 11 Order 2020 - Proposed No Waiting at Any Time, No Loading at Any Time, Loading Bay and Disabled Bay restrictions for Cross Church Street, King Street, Queen Street and Zetland Street, Huddersfield.

The Committee was advised that the scheme has been developed for Cross Church St and Queen St, Huddersfield which is aimed at improving the streetscape for pedestrians and cyclists making this area of the Town Centre safer, create a more pleasant environment to shop, eat and socialise, and enhance the public realm by:

- Increasing the available footway widths for pedestrians, and subsequently reduce the available carriageway width. This will naturally reduce the speed of any vehicles authorised to use the road
- Reducing motorised vehicle usage to reduce potential conflicts for cyclists

Cabinet Committee - Local Issues - 18 August 2020

- Using high quality materials in both the footways and on the carriageway to improve the appearance of the whole area,
- Repositioning and renewing street lighting and street furniture
- Provide protection, using PAS68/69 compliant street furniture, from the potential of a Hostile vehicle attack

The scheme will also provide a strategic cycling link as part of the wider cycling network for the town centre, and it is a key component to delivering the aspirations of the Huddersfield Blueprint. The scheme has secured funding via West Yorkshire Combine Authority.

The Committee was informed that two Traffic Regulation Orders (TROs) had been advertised, to facilitate the changes in traffic flows, and achieve the aims of the scheme, one for moving traffic - Kirklees Council Traffic Regulation (No 10) Order 2020 and one for standing traffic Kirklees Council Traffic Regulation (no 11) Order 2020. Both TROs were advertised from 29th June – 20th July 2020) and in response four objections were received. In addition, on the 29th July the Highways Department received a letter objecting to the scheme which had been signed by 22 of the 25 businesses that operate along Cross Church St. The signatures included Huddersfield Taxis, who had formally objected, independently to the TRO, via their Solicitors.

The Committee heard representations from the objectors who outlined their reasons for opposing the proposed scheme. In summary, the reasons included:

- Prohibiting traffic from driving on Queen St, will mean that staff at a local dental practice will no longer access their private car park
- restrictions placed on Cross Church St and Queen St will have an impact on access to the Packhorse service yard due to the proposed vehicle access restrictions on Cross Church Street, and therefore will impact on how the Centre and shops within can operate and trade
- Huddersfield Taxis Limited, who operate out of premises on Cross Church St, raised concern via their legal representative that the restrictions placed on Cross Church St and Queen St will have a severe impact on how they conduct their business

The Committee having considered all the information presented acknowledged that businesses will have concerns, however, was assured that council officers will continue to work with and talk to businesses to address and alleviate their concerns.

RESOLVED – It was agreed, in accordance with officer recommendations, to overrule the objections to Traffic Regulation Orders for Cross Church Street, King Street, Queen Street and Zetland Street, Huddersfield, as per the reasons set out within the report.

KIRKLEES COUNCIL			
COUNCIL/CABINET/COMMITTEE MEETINGS ETC			
DECLARATION OF INTERESTS			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Cabinet Committee - Local Issues
Date: 12 October 2020

Title of report: Objections to Traffic Regulation No 14 Order 2020, Proposed No Waiting At Any Time, Oakes Mill, New Hey Road, Oakes

Purpose of report: To consider objections received to - Kirklees TRO No 14 Order 2020 - Proposed No Waiting at Any Time, New Hey Road, Oakes

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby 21.09.20
Is it also signed off by the Service Director Finance?	Eamonn Croston 20.09.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft 28.09.20
Cabinet member portfolio	Councillor Rob Walker

Electoral wards affected: Lindley

Ward councillors consulted: No

Public or private: Public

Has GDPR been considered: Yes

1. Summary

- 1.1 Planning permission has been granted to build a new A1 Foodstore, with car parking, landscaping and associated works, on the site of the former Oakes Mill off New Hey Road in Oakes (2019/62/91656/W).
- 1.2 Planning Condition 4, of that permission requires that,
“Prior to development commencing, a detailed scheme for the provision of a right turn lane from New Hey Road into the site and new pedestrian crossing with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and transport regulation orders together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use”
(Appendix 1)
- 1.3 The proposed scheme is aimed at providing a safe access and egress point into and away from this site, is shown on plan TF.20.200.254 (Appendix 2) and these works will be implemented through a Section 278 agreement between the developer and the Council, and are required, by planning condition, to be completed before the store can become operational.
- 1.4 To ensure the safety of vehicles emerging from this junction, waiting restrictions have also been proposed, that ensure the required visibility splays, coming out of this new access, are free from parked cars, and a Traffic Regulation Order promoted to implement these restrictions – also shown on Appendix 2
- 1.5 This Traffic Regulation Order was advertised between 18 July 2020 to 15 August 2020 and during that time two objections were received

2. Information required to take a decision

- The ‘No Waiting AT Any Time’ parking restrictions have been proposed to prevent parking within the visibility splays required by the new Foodstore access to ensure safe access and that visibility for all road users turning into and out of the development is maintained.

Objection 1 - Kirklees Council Traffic Regulation (No 14) Order 2020 (Appendix 3)

An objection has been received from a solicitor on behalf of three clients who occupy a separate part of Oakes Mill West. They are objecting to the proposed parking restrictions and the road improvements on the grounds that they believe these works will obstruct access to their business premises. They also believe that there will be a reduction in visibility and safety of the amenity of the area in which the road runs.

In response:

- The approved planning application, shows the whole area to be developed as a Foodstore and includes those buildings that the businesses objecting to this order operate from. On that basis, for this development to proceed it is therefore noted that the developers will have to relocate the existing businesses and demolish Oakes Mill West. As such the three clients objecting to the proposals would no longer be operating from this site when the new access is built and the legal order to remove the parking, if approved, becomes operational.

Taking this information into account, the objectors would no longer be directly adversely affected by these changes. If Cabinet Committee choose to uphold the objections, the proposals to introduce 'No Waiting Restrictions At Any Time' parking restrictions will not go ahead and parking will still be allowed in the vicinity of the new access and the right hand lane. The Local Planning Authority would, under these circumstances be required to confirm, in writing, that this element of the agreed works will not be implemented before the development is first brought into use, and the proposed benefits for improved visibility and road safety will not be realised

Objection 2 - Kirklees Council Traffic Regulation (No 14) Order 2020 (Appendix 4)

An objection has been received from a local resident who believes the scheme will have an impact on resident's ability to find parking when all the local businesses are open again. To try to resolve these concerns the resident has asked if the bus stop and bus shelter number 22491 can be moved to the opposite side of Gibson Street so they are sited within the proposed new 'no parking' zone. The resident believes the shelter and bus stop occupies at least 3 car lengths of pavement which could be freed up for residents and that this would not impact significantly on the traffic flow because they believe not many people use that bus stop and in busy periods traffic travels very slowly. The resident has also asked if the current mixed parking bays (Permit Holders Only/Limited Waiting 2 hours No Return 2 hours) can be changed solely to 'Residents Only' parking bays on New Hey Road at this location. Whilst not received by the Solicitor to the Council, as is legally required, this objection has been considered.

In response

- Officers feel relocating the bus stop would not provide any additional benefits to parking in the area. Currently the bus aligns itself with the kerb by using the entrance to Gibson Street and the bus stop clearway. This allows the clearway to be shorter than standard. If this was moved to the opposite side of Gibson Street it would in officers' opinion reduce the available parking there by at least another vehicle, in addition to the current 3 car lengths. This is because if this went ahead the lead-in to the clearway would then need to be longer to allow for the buses to slow down and align with a new shelter location.
- In response to the second point, there are a number of businesses and community buildings in this area, so it is important to take this into consideration and balance the parking needs of everyone, residents, businesses and community building users here. The parking bays here are a mixture of 'Permit Holders Only' at all times and '2 hours Limited Waiting No Return 2 hours' to try to accommodate the businesses. As other drivers can only park for '2 hours' this results in a turnover of parking giving residents an opportunity to park outside their homes during

business hours. If 'Limited Waiting' was removed from the shared bays then this would be at the detriment of the existing businesses here.

3. Implications for the Council

3.1 Working with people - The proposed works are considered necessary to ensure drivers turning right into the new supermarket can wait safely on New Hey Road until it is safe to turn into the access. The designated right turn lane and waiting restrictions outside of the newly created access will also improve visibility of oncoming vehicles for drivers turning in and out of the access. The improvements to the current footways and pedestrian crossing facilities here will also help improve safety for pedestrians by improving visibility for them when crossing the road.

3.2 Working with Partners – N/A

3.3 Place based Working – The traffic regulation order is needed as part of the planning conditions to allow a new food store to be built here. This will add to the existing amenities available for local people. The aim of the proposals are to improve road safety in this vicinity including improving vehicular, cyclist and pedestrian access along and across New Hey Road for all road users.

3.4 Climate Change and Air Quality – The implementation of improved pedestrian footpaths and crossing points to encourage access to the premises for pedestrians may help improve Air Quality and Climate Change, and provide localised improvements.

3.5 Improving outcomes for children- These proposals are aimed at controlling vehicle movements and parking in order to make the roads a safer place to cycle and walk for all users, including children.

3.6 Other implications (HR/Legal/Financial etc) – The developers are paying for the design and construction of all highway works required under their planning conditions, under Section 278 of the Highways Act. This includes all costs associated with the development and implementation, if approved, of this Traffic Regulation Order

4. Consultees and their opinions

Statutory consultees have been consulted on these proposals.

The Lindley Ward Councillors have been consulted on the proposals and have not raised any objections.

All known businesses within the roads concerned were consulted during the design stages of this scheme and their operational needs catered for, as much as possible, without compromising the overall aims of the scheme.

5. Next steps and timelines

Cabinet Committee Local Issues to consider the objections raised during the formal advertising period for the installation of proposed No Waiting at Any Time restrictions,

and reach a decision on whether the traffic regulation orders are to be implemented as advertised.

If Cabinet Committee Local Issues chooses to overrule the objections received, the scheme, will be implemented as advertised and the improvements to footways and the carriageway will continue, as designed.

If Cabinet Committee choose to uphold the objections, the proposals to introduce 'No Waiting Restrictions At Any Time' parking restrictions will not go ahead and parking will still be allowed in the vicinity of the new access and the right hand lane. The Local Planning Authority would, under these circumstances be required to confirm, in writing, that this element of the agreed works will not be implemented before the development is first brought into use, and the proposed benefits for improved visibility and road safety will not be realised. ..

6. Officer recommendations and reasons

Officer recommendation is that the objections to the proposed waiting restriction be overruled and the Traffic Regulation Order be implemented as advertised, to allow the road safety expected benefits to be realised provided, that implementation of the proposals to introduce 'No Waiting Restrictions At Any Time' parking restrictions will not go ahead and parking will still be allowed in the vicinity of the new access and the right hand lane until development has commenced

Reason In order for the food store to become operational a planning condition determined that it would be necessary to construct a new access off New Hey Road. This included the introduction of provision for right turning vehicles, and the introduction of "transport regulations", i.e. waiting restrictions, to remove on street parking in the vicinity of the new junction. This was aimed at helping to improve visibility and safety for all users.

7. Cabinet portfolio holder's recommendations

The Cabinet Portfolio Holder supports the Officer recommendation.

8. Contact officer

Jonathan Walsh
Principal Engineer
(01484) 221000
jonathan.walsh@kirklees.gov.uk

9. Service Director responsible

Sue Procter -
Service Director - Environment
(01484) 221000
sue.procter@kirklees.gov.uk

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**Town and Country Planning (Development Management Procedure) (England)
Order 2015**

PLANNING PERMISSION FOR DEVELOPMENT

**NOTE: This approval should be read in conjunction with an Agreement made
under Section 106 of the Town and Country Planning Act 1990**

Application Number: 2019/62/91656/W

To: Will Rogers,
Planning Potential
14-15, Regent Parade
Harrogate
HG1 5AW

For: Aldi Stores Ltd

**In pursuance of its powers under the above-mentioned Act and Order the
KIRKLEES COUNCIL (hereinafter called "The Council") as Local Planning
Authority hereby permits:-**

ERECTION OF A1 FOODSTORE WITH CAR PARKING, LANDSCAPING AND
ASSOCIATED WORKS

At: FORMER OAKES MILL, NEW HEY ROAD, OAKES, HUDDERSFIELD, HD3 4DD

**In accordance with the plan(s) and applications submitted to the Council on
17-May-2019, subject to the condition(s) specified hereunder:-**

1. The development shall be begun not later than the expiration of three years beginning
with the date on which permission is granted.

Reason: Pursuant to Section 91 of the Town and Country Planning Act 1990, as
amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice except as may be required by other conditions attached to this permission, which in all cases shall take precedence.

Reason: So as to ensure the satisfactory completion and operation of the development in the interests of visual and residential amenity and highway safety and to accord with Policies LP24 and LP21 of the Kirklees Local Plan and guidance in the National Planning Policy Framework.

3. Other than demolition and site clearance works no development shall commence until samples of facing and roofing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved facing and roofing materials.

Reason: In the interests of visual amenity and to accord with Kirklees Local Plan Policy LP24 and Section 12 of the National Planning Policy Framework.

4. Prior to development commencing, a detailed scheme for the provision of a right turn lane from New Hey Road into the site and new pedestrian crossing with associated signing and white lining shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes and transport regulation orders together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interest of highway safety and to accord with Kirklees Local Plan Policies LP21 and LP22.

5. Notwithstanding the details shown on the approved plan 2729-100 rev B, a scheme detailing arrangements and specification for the parking layout shall be submitted to and approved in writing by the Local Planning Authority before works on that part of the site commence. Before any building is occupied the development shall be completed in accordance with the approved scheme and retained thereafter.

Reason: In the interest of highway safety and to accord with Kirklees Local Plan Policies LP21 and LP22.

6. Prior to demolition/ construction works commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, demolition/construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of demolition/ construction.

Reason: In the interests of highway safety and to accord with Kirklees Local Plan Policies LP21 and LP22.

7. Other than demolition and site clearance works, no development shall commence until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail: - phasing of the development and phasing of temporary drainage provision, - include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented. The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

8. Other than demolition and site clearance works no development shall commence until a report has been submitted to and approved in writing by the Local Planning Authority detailing site investigation works into the presence of any water courses within the site. The report shall include details of any mitigation measures required should a water course be detected.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

9. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: To ensure adequate drainage provision is made to accommodate foul and surface water drainage from the site and to accord with Kirklees Publication Draft Local Plan Policies LP27 and LP28 and Section 14 of the National Planning Policy Framework.

10. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) Evidence of existing positive drainage to public sewer and the current points of connection; and
- c) The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to accord with Kirklees Local Plan Policy LP27 and Section 14 of the National Planning Policy Framework.

11. Surface water run-off from the proposed hardstanding areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To ensure that existing drainage, surface water and ground water regimes are not contaminated and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework.

12. Groundworks (other than those required for a site investigation report and demolition) shall not commence until a further Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority. The report shall address the issues highlighted in Section 7 of the supporting Geo-Environmental Assessment (Ref: P18-365).

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

13. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (12) further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

14. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (13). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and Section 15 of the National Planning Policy Framework.

15. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any on site contamination is satisfactorily dealt with and to accord with Kirklees Local Plan Policy LP53 and section 15 of the National Planning Policy Framework.

16. The use hereby permitted shall operate as follows:

The store shall not be open to customers outside the hours of 08:00 to 22:00 Monday to Saturday and 10:00 to 16:00 Sundays

There shall be no deliveries to or dispatches from the premises outside the hours of 07:00 and 22:00 Monday to Saturday and 09:00 and 18:00 Sundays

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

17. The use hereby permitted shall not be brought into use until details of the installation and/or erection of extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions have been submitted and approved in writing by the Local Planning Authority and the works specified in the approved scheme have been installed. Such works shall thereafter be retained, operated at all times when the supermarket is in use and maintained in accordance with the manufacturer's instructions.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

18. The use hereby permitted shall not be brought into use until a noise management plan has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specify how noise associated with deliveries will be managed including any mitigation measures to ensure that the occupants of nearby residential properties are not significantly affected. The approved noise management plan shall be fully implemented and retained during the lifetime of this planning permission.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

19. Prior to development commencing a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall describe in detail the actions that will be taken to minimise adverse impacts on occupiers of nearby properties by effectively controlling:-

- Noise & vibration arising from all demolition/construction related activities to. This should also include suitable restrictions on the hours of working on the site including times of deliveries;
- Dust arising from all demolition/construction related activities;
- Artificial lighting used in connection with all demolition/construction related activities and security of the construction site.

The agreed plan shall be adhered to throughout the demolition/construction of the development.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

20. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:-

- A minimum of one Standard Electric Vehicle Charging Point for every 10 parking spaces

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: To encourage the use of sustainable modes of transport and to accord with section 9 of the National Planning Policy Framework and Policies PLP24 and PLP51 of the Kirklees Local Plan.

21. The site shall be landscaped in accordance with the details included on plan V2729-L01 Rev A in the first planting season following completion of the construction of the store. Notwithstanding the soft landscaping specification detailed on the aforementioned plan any trees or shrubs which fail during the first 5 years following planting shall be replaced during the next available planting season.

Reason: In the interest of visual amenity and to enhance local biodiversity and to accord with Kirklees Local Plan Policies LP30 and LP52 and Section 15 of the National Planning Policy Framework

22. No development shall commence until a scheme has been submitted to and approved in writing which details the measures to be included to mitigate against the impact of this development on local bat populations.

Reason: In the interest of enhancing local biodiversity and to accord with Kirklees Local Plan Policy LP30 and Section 15 of the National Planning Policy Framework..

23. The development shall not be brought into use until details of the boundary walls and fences have been submitted to and approved in writing by the Local Planning

Authority. The development shall be completed in accordance with the approved boundary treatments which shall be retained fit for purpose.

Reason: In the interest of visual amenity and to accord with Kirklees Local Plan Policy LP52 and Section 15 of the National Planning Policy Framework

24. Before the installation of external artificial lighting commences a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should include the following information:-

- a) The proposed hours of operation of the lighting
- b) The location and specification of all of the luminaires
- c) The proposed design level of maintained average horizontal illuminance for the areas that needs to be illuminated.
- d) The predicted vertical illuminance that will be caused by the proposed lighting when measured at windows of any properties in the vicinity.
- e) The measures that will be taken to minimise or eliminate glare and stray light arising from the use of the lighting that is caused beyond the boundary of the site
- f) The methods of switching and controlling the lighting so that it is only operated at the permitted times and at times when it is required.

The external artificial lighting shall be installed and operated thereafter in accordance with the approved scheme.

Reason: In the interests of local amenity and to accord with Kirklees Local Plan Policy LP52 and to accord with Section 15 of the National Planning Policy Framework.

Note: *The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.*

Note: *A Standard electric vehicle charging point is one which is capable of providing a continuous supply of at least 16A (3.5kW). A 32A (7kW) is however more likely to be futureproof*

- *At non-residential developments, the requirement for one electric vehicle charging point for every 10 parking spaces may initially be reduced to one charging point for every 20 parking spaces with the remainder provided at an agreed trigger point.*
- *For developments where some or all of the parking is likely to be used for shorter stay parking (30mins to 4 hours) then Fast (7-23kW) or Rapid (43kW+) charging points may be more appropriate. If Fast or Rapid charging points are proposed together with restrictions on the times that vehicles are allowed to be parked at these points then a lower number of charging points may be acceptable.*
- *The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.*
- *The installation must comply with all applicable electrical requirements in force at the time of installation.*

Note: *Noisy construction related activities should not take place outside the hours of: 07.30 to 18.30 hours Mondays to Fridays 08.00 to 13.00hours , Saturdays With no noisy activities on Sundays or Public Holidays.*

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	2729-050	Rev. A	20.05.2019
Proposed ground floor layout	2729-101		20.05.2019
Proposed roof plan	2729-104		20.05.2019
Tree constraints plan	DR-3865-01		20.05.2019
Topographical plan			20.05.2019
Tree survey	AR-3865-01		20.05.2019
Proposed elevations	2729-102	Rev. A	25.09.2019
Proposed elevations/sections	2729-103	Rev. A	25.09.2019
Proposed highway works	AMA/40023/SK/005		18.11.2019
Swept path Analysis	AMA/40023/SK/003		18.11.2019
Landscape Plan	V2729/L01	Rev. A	18.11.2019
Proposed Site layout	2729-100	Rev. B	20.11.2019
Air Quality Assessment	2735r2		20.05.2019
Phase I geo-environmental assessment	P18-365/DS		20.05.2019
Phase II geo-environmental assessment	P18-365		20.05.2019
Interim Travel Plan	40023-002		20.05.2019
Transport assessment	40023-001		20.05.2019
Noise assessment	ADT 2842/ENIA		20.05.2019
Flood risk assessment	P18-0365-3E-00-XX-RP-C-9000		20.05.2019
Design and access statement	2729 GOLD-DAS 01		20.05.2019
Planning and retail statement	18/4412		03.06.2019
Bat emergence survey	R-3865-02		01.07.2019
Construction management plan			05.08.2019
Updated Preliminary Ecological Appraisal	R-3865-01		03.09.2019
Supplementary retail impact assessment	4412		17.10.2019
Emissions mitigation plan	2735-1r3		21.11.2019

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Negotiations associated with this application have resulted in:

Agreement to use of natural stone on the prominent elevations of the development.

The submission of further information regarding site drainage

Supplementary information regarding Retail Impact Assessment

Building Regulations Approval is required for most work involving building operations and/or structural alterations. It is the applicant's responsibility to find out if the work permitted by this planning permission needs approval under the Building Regulations, and if necessary to submit an application. If you are not

the applicant can you please ensure the applicant is aware of this requirement. Contact Building Control on Telephone: (01484) 221550 for more information.

It is the applicant's responsibility to find out whether any works approved by this planning permission, which involve excavating or working near public highway and any highway structures including retaining walls, will require written approval from the Council's Highways Structures Section. Please contact the Highways Structures Section on Tel No. 01484-221000 Ext 74199 for further advice on this matter.

Details Reserved by Condition

- This permission has been granted subject to conditions. Some of the conditions may require you to submit further details. These conditions normally contain the wording "submitted to and approved in writing by the Local Planning Authority".
- You can apply online for approval of these details at the Planning Portals website at www.planningportal.gov.uk. Alternatively the forms and supporting guidance for submitting an application can be found online at www.kirklees.gov.uk/planning.
- This Authority recognises the need to ensure that you are able to develop the site as effectively and flexibly as possible. However, at the same time it must ensure that development is in accordance with the terms of the planning conditions and legal agreement and the expectations of elected members and local residents set through the decision process.
- You should note the triggers for compliance with the conditions of this planning permission. This Authority is committed to processing applications to discharge conditions in a timely manner. It is important to ensure that submissions are made as far in advance of the trigger to allow time for adequate consultation, discussion and in some circumstances publicity.
- It is important that applications to discharge conditions are accompanied by sufficient information to enable this Authority and its consultees to fully consider and determine the proposals. Whilst officers will endeavour to negotiate solutions, failure to provide a comprehensive submission may result in delay and refusal of the application.
- If you commence work without discharging conditions you are at risk of enforcement action and invalidating your permission if the planning condition is a pre commencement condition.

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is

encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

The application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within:
 - i) 28 days of the date of service of the enforcement notice, or
 - ii) within the specified period, starting on the date of this notice,whichever period expires earlier.
- If you want to appeal against your Local Planning Authority's decision then you must do so within the specified period, starting on the date of this notice.
- The "specified period" is 12 weeks where the development relates to a "minor commercial application" as defined within the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), or 6 months in any other case.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- You must use the correct Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the type of application that the appeal relates to so they can send you the appeal form you require.

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Please note, only the applicant possesses the right of appeal.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 29-Jan-2020

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Application Plans

The decision notice indicates which plan/s relate to the decision.

Plans can be viewed on the Planning and Building Control web site:

<http://www.kirklees.gov.uk/business/planning/planning.asp>

If a paper copy of the decided plan is required please email:

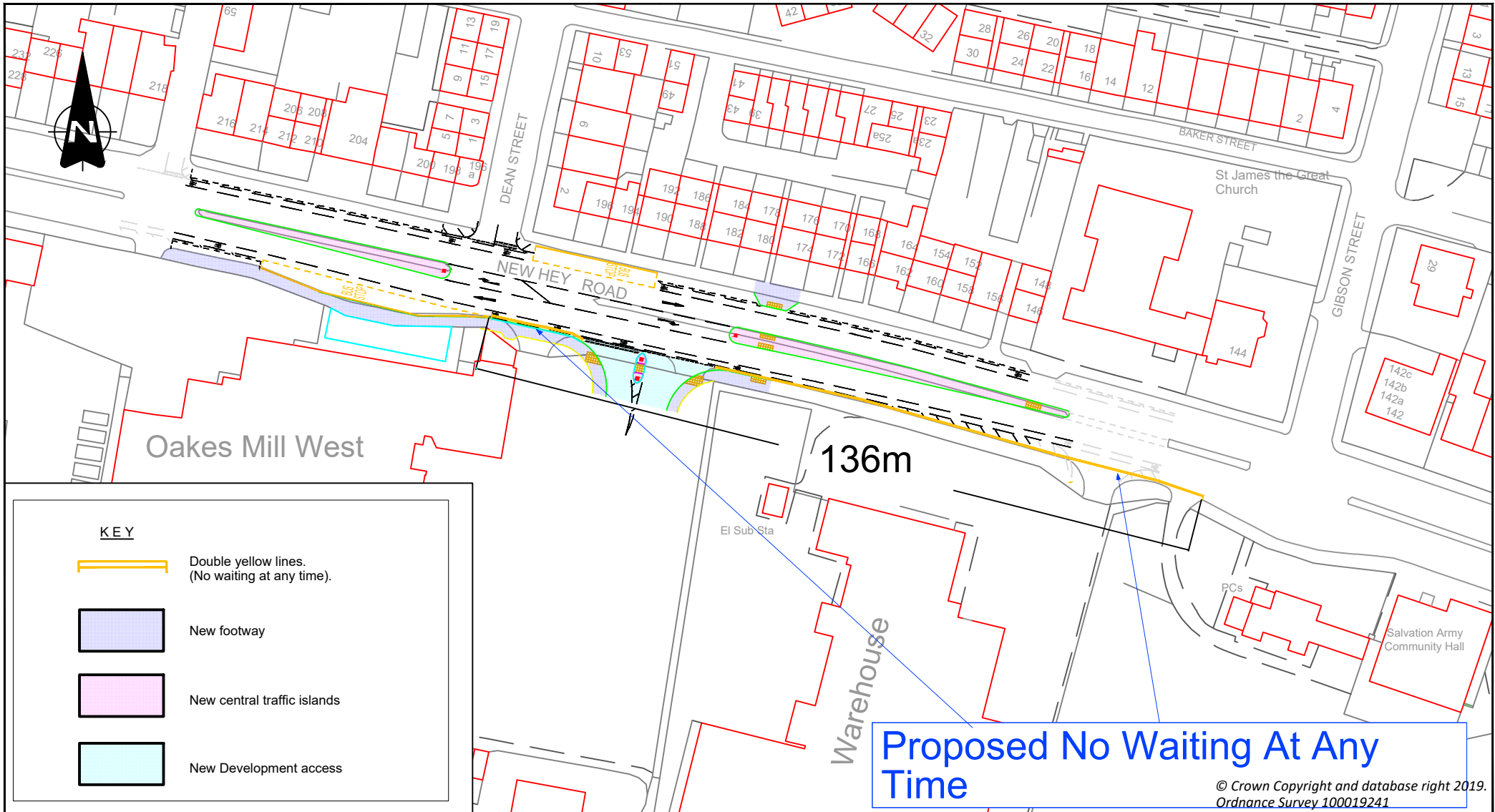
dc.admin@kirklees.gov.uk





or telephone 01484 414746 with the application number.


There may be a charge for this service.

Address to which all communications should be sent:

Planning, Strategic Investment Service,
PO Box B93, Civic Centre 3, Off Market Street, Huddersfield, HD1 2JR



KEY	
	Double yellow lines. (No waiting at any time).
	New footway
	New central traffic islands
	New Development access

 <p>Kirklees COUNCIL</p>	Project	PROPOSED NO WAITING AT ANY TIME	Scale	1:1000
	Streetscene & Housing Flint Street, Fartown Huddersfield, HD1 6LG	Title OAKS MILL NEW HEY ROAD OAKES	Drawn	Checked
KN				
Section			Date	
		TRF	JUNE 2020	
		Drawing No.	TF.20.200.254	

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Our Ref : PSB/JEE/702126-2
Your Ref : H&T/KMC/CSR569055

23 July 2020

Mr Jon Walsh, Principal Engineer
Kirklees Council
Environment Service
Highway Development
Flint Street
Fartown
Huddersfield
HD1 6LG

Dear Sir

Our Clients - Wilbest Engineering Company Limited, KJP Fabrications Limited and Oaks Exhibition & Joinery Contractors Limited

We act for Wilbest Engineering Company Limited, KJP Fabrications Limited and Oaks Exhibition & Joinery Contractors Limited all of whom occupy separate parts of Oakes Mill West, New Hey Road, Oakes, Huddersfield, HD3 4DD.

We hereby give notice that our clients object to the construction of a new access from New Hey Road, the installation of waiting restrictions to remove on street parking and the other alterations which are evidently proposed.

The grounds of our clients' objections are that the proposed works will greatly interfere with and obstruct the access which our clients, their workforce, their suppliers and visitors are able to obtain to our clients' business premises. This will yet further prejudice the ability of our clients to undertake their business and to continue to provide employment. Our clients cannot see that there will, in those circumstances, be any improvement in visibility or safety, and there will be a reduction, rather than improvement, of the amenity of the area in which the road runs.

Yours faithfully

Ramsdens Solicitors

Direct Tel: 01484 415684
Direct Fax: 01484 558083

Ramsdens
Oakley House
1 Hungerford Road
Edgerton
Huddersfield
HD3 3AL

www.ramsdens.co.uk
Fax: 01484 558083
DX 740960 Huddersfield 15

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Dear Sir/Madam

Subject: Traffic regulation DEV/JE/D116-2014

I would like to register my concern about how the the suggested changes to parking along New Hey Road will impact on residents. It can be difficult to find parking especially when all the businesses and community buildings are up and running again.

To reduce the impact of the proposed changes could I make a couple of suggestions:

Could bus stop and bus shelter number 22491 be moved to the opposite side of Gibson Street so they are sited within the proposed new 'no parking' zone? Currently the shelter and bus stop occupy at least 3 car lengths of pavement which could be freed up again. This would not impact significantly on the traffic flow because not many people use that stop and in busy periods traffic travels very slowly.

Could parking become residents only - as it is on the streets behind New Hey Road. Currently non-residents can park for up to 2 hours.

I look forward to hearing from you

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