

Public Document Pack



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

Julie Muscroft

The Democracy Service

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High Street

Huddersfield

HD1 2TG

Tel: 01484 221000

Please ask for: Jenny Bryce-Chan

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

Monday 7 December 2020

Notice of Meeting

Dear Member

Cabinet Committee - Local Issues

The **Cabinet Committee - Local Issues** will hold a **Virtual Meeting - online** at **11.00 am on Tuesday 15 December 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', on a light-colored background.

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 - 2

To approve the Minutes of the meeting of the Committee held on the 12 October 2020.

3: Interests

3 - 4

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 Friday 11 December 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: Objection to Traffic Regulation Orders for Hightown Lane, Holmfirth

5 - 12

The Committee is asked to consider an objection received to - Kirklees TRO No. 20 Order 2019 - Proposed permit holders only parking and no waiting at any time restrictions

Contact: Ken Major - Principal Engineer (01484) 221000

**9: Objections to Traffic Regulation Orders for New Road,
Netherthong**

13 - 38

The Committee is asked to consider objections received to - Kirklees
TRO No 9 Order 2020 - Proposed "no waiting at any time"
restrictions on New Road and Church Street, Netherthong

Contact: Ken Major - Principal Engineer (01484) 221000

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Contact Officer: Jenny Bryce-Chan

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Monday 12th October 2020

Present: Councillor Peter McBride (Chair)
Councillor Naheed Mather
Councillor Graham Turner

In attendance: Karen North, Senior Technical Officer
Elizabeth Twitchett, Operational Manager, Streetscene & Housing

1 Membership of the Committee

All Committee members were present

2 Minutes of Previous Meeting

That the minutes of the meeting held on the 18 August 2020 be approved as a correct record.

3 Interests

No interests were declared.

4 Admission of the Public

All agenda items were considered in public session.

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

No member questions were received.

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

The Committee considered a report which outlined objections received to - Kirklees TRO No 14 Order 2020 - Proposed No Waiting at Any Time, New Hey Road, Oakes.

The Committee was informed that planning permission has been granted to build a new A1 Food store, with carparking, landscaping and associated works, on the site of the former Oakes Mill off New Hey Road in Oakes. The planning condition required that prior to the development commencing, a detailed scheme for the

Cabinet Committee - Local Issues - 12 October 2020

provision of a right turn lane from New Hey Road into the site and a new pedestrian crossing with associated signing and white lining be submitted to and approved by the Local Planning Authority. The proposed scheme aimed to provide a safe access and egress point into and away from this site.

To ensure the safety of vehicles emerging from the junction, waiting restrictions were also proposed, this was to ensure the required visibility splays, coming out of the new access, was free from parked cars. A Traffic Regulation Order was promoted to implement these restrictions and was advertised between 18 July 2020 to 15 August 2020. In response to the Traffic Regulation Order two objections were received.

The Committee heard representations from the objectors who raised concerns that the proposed parking restrictions and the road improvements would obstruct access to a local business premises and that there would be a reduction in visibility and safety of the amenities of the area in which the road runs. A local resident was concerned that the scheme would have an impact on resident's ability to find parking when all local businesses are open.

The Committee considered the information presented and noted that 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.

RESOLVED

That objections to - Kirklees TRO No 14 Order 2020 - Proposed No Waiting at Any Time, New Hey Road, Oakes be overruled and the Traffic Regulation Order be implemented as advertised.

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: 15 December 2020

Title of report: Objection to Traffic Regulation Order for Hightown Lane, Holmfirth

Purpose of report: To consider an objection received to -
 Kirklees TRO No. 20 Order 2019 - Proposed permit holders only parking and no waiting at any time restrictions

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	Colin Parr - 30.11.20
Is it also signed off by the Service Director Finance?	Eamonn Croston - 27.11.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 27.11.20
Cabinet member portfolio	Councillor Naheed Mather

Electoral wards affected: Holme Valley South

Ward councillors consulted on report: No

Public or private: Public

Has GDPR been considered: Yes

1. Summary

- 1.1 The residents of Hightown Lane, an unadopted road in Holmfirth, approached Kirklees Council as a group and asked if the Council to help them in dealing with a regular problem of people parking in Hightown Lane in order to attend to daily activities in Holmfirth. This ranges from local shop staff parking for the length of their shift to visitors parking in the road while going around Holmfirth.
- 1.2 This is having a significant impact on the residents' day to day lives and means they cannot usually park near their property when they return during the day.
- 1.3 The Council has Cabinet approved (approved 21 June 2011) "Permit Parking Policy" which may be applied under such circumstances and it is considered that this request has met the criteria. This allowed the development of a traffic regulation order for Hightown Lane and two adjacent roads Town Hall Street and part of Wood Lane, see Appendix 1 for scheme plan.
- 1.4 The traffic regulation order was advertised between 21 August 2020 and 21 September 2020 and during that time one objection was received.

2. Information required to take a decision

This traffic regulation order covers three streets in Holmfirth -Hightown Lane, Town Hall Street and part of Wood Lane (between Hightown Lane and Huddersfield Road).

Town Hall Street and Wood Lane are adopted public highway but Hightown Lane is unadopted and is classed as a private street. We were approached by the residents of this street who asked the Council to create a traffic regulation order for the street at the expense of the residents.

The scheme put forward involved a permit holder only zone starting at around 28m up Hightown Lane from its junction with Huddersfield Rd. Between Huddersfield Rd and this point "no waiting at any time" restrictions have been included to keep parking away from both the junction and the first bend in Hightown Lane.

The permit parking scheme is intended to improve the opportunity for residents of the zone area to park in Hightown Lane which suffers from parking from non-residents, including both visitors to Holmfirth and other Holmfirth and surrounding area residents. There are approximately 57 properties which front or back on to the zone area, although a small number do have their own off-road parking the majority rely on these roads to park on when at home.

Objection -

An objection has been received from the Secretary of the Holmfirth Business Association on behalf of the Chair

“Their objection is that the changes add additional restrictions to the availability of parking in Holmfirth. Holmfirth is extremely busy town serving both the local community and attracting tourists from all over the world.”

The changes will:

- limit local shoppers from parking forcing them to use local car parks which are expensive and space availability can be difficult at time. This will make the experience of using the services offered by local businesses more inconvenient.
- many local employees who are part time workers to local businesses will have less choice in parking, driving them potentially to use local car parks that are expensive and could make working part time less economical.

A copy of the full objection letter is contained in Appendix 2.

In response:

The installation of the “permit only” zone is in line with our adopted policy and such zones have been introduced in other areas of Kirklees where a “nearby 3rd party influence” i.e. businesses, sports facility, hospital, university, shops / shopping areas impacts on the ability of local residents to park in reasonably close proximity to their homes for the majority of the time”.

While the Holmfirth Business Association believes the ability to park in these streets is vital for staff and visitors, it is considered that the inconvenience this causes to residents outweighs the benefits to the local economy and that these circumstances fit the policy criteria. The residents of Hightown Lane, an unadopted street and therefore not maintainable at public expense, wish to redress the balance so that they are generally free to park at whatever time they return to their property

3. Implications for the Council

3.1 Working with people - The proposed works are considered necessary to protect residents’ desire to park outside their property at any time, on the private street.

3.2 Working with Partners – Not applicable

3.3 Place based Working – Not applicable

3.4 Climate Change and Air Quality – These proposals will not have a detrimental impact on Air Quality or Climate Change.

3.5 Improving outcomes for children- No change.

3.6 Other – The residents have paid for the traffic regulation order process as they live on a private street.

4. Consultees and their opinions

Statutory consultees were consulted on these proposals

The Holme Valley South Parish Council have been consulted on the proposals and have not raised objections.

5. **Next steps and timelines**

Cabinet Committee Local Issues to consider the objection raised during the formal advertising period for the Proposed No Waiting at Any Time restrictions and permit parking only zone and reach a decision on whether the traffic regulation orders should be implemented as advertised.

If Cabinet Committee Local Issues chooses to overrule the objection received the TRO proposals will be implemented after the traffic regulation order is sealed in the next few weeks.

If Cabinet Committee choose to uphold the objections, then the changes will not be made and the residents of Hightown Lane will be informed.

6. **Officer recommendations and reasons**

That the Objection, be overruled. Hightown Lane is a private street which due to its proximity to the centre of Holmfirth suffers from parking by visitors, town centre staff and local residents wishing to go in to the town centre.

This means that parking is very limited for residents at certain times of the day. Under such circumstances we have a permit parking policy which through preparing a traffic regulation order can prevent any one, apart from residents and their visitors, from parking on the road. Despite the concerns raised by the Business Association it is considered that this private street should remain a free for all and parking should be limited to residents.

This is the same level of protection we give to other residents of Kirklees affected by nearby third-party influences i.e. businesses, sports facility, hospital, university, shops/shopping areas.

7. **Cabinet portfolio holder's recommendations**

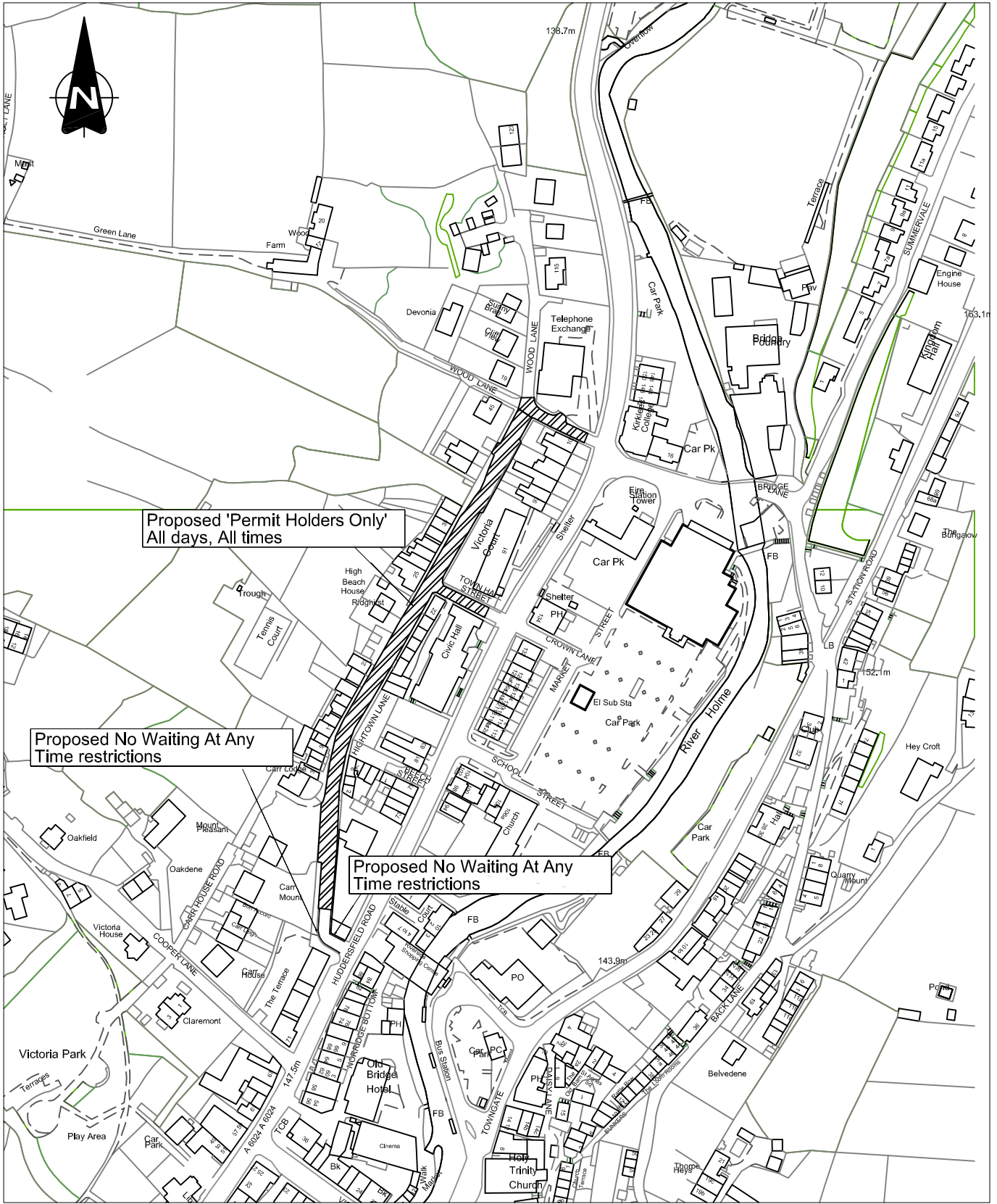
The Cabinet Portfolio Holder supports the Officer recommendation.

8. **Contact officer**

Ken Major -
Principal Engineer
(01484) 221000
ken.major@kirklees.gov.uk

9. **Service Director responsible**

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



Proposed 'Permit Holders Only'
All days, All times

Proposed No Waiting At Any
Time restrictions

Proposed No Waiting At Any
Time restrictions

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Ordnance Survey 100019241



Streetscene & Housing
Flint Street, Fartown
Huddersfield, HD1 6LG

PROPOSED PERMIT PARKING
AND
NO WAITING AT ANY TIME

HIGHTOWN LANE
HOLMFIRTH

Scale

NTS

Drawn
KN

Checked

Section
TRF

Date
AUG 2018

Drawing No. TRF. 2008. 094
Page 9

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[REDACTED]

[REDACTED] | [REDACTED] | [REDACTED]

17th September 2020

Julie Muscroft
Director Legal Governance Commissioning
Kirklees Legal services
2nd Floor High Street Buildings
High Street
Huddersfield HD1 2ND



REF: DEV/JE/D116-2008

Dear Julie Muscroft,

I am writing on behalf of the Chair [REDACTED] of the Holmfirth Business Association to raise objection to the proposed changes in Traffic Regulations No 20 Order 2019. The changes add additional restrictions to the availability of parking in Holmfirth. As you are no doubt aware Holmfirth is extremely busy town serving both the local community and attracting tourists from all over the world.

The changes will:

- limit local shoppers from parking forcing them to use local car parks which are expensive and space availability can be difficult at time. This will make the experience of using the services offered by local businesses more inconvenient
- many local employees who are part time workers to local businesses will have less choice in parking, driving them to potentially use local car parks that are expensive and could make working part time less economical.

Taken together these changes will make the experience of visiting and working in Holmfirth less convenient and less welcoming which could have a detrimental effect especially for those wishing to work in Holmfirth or visit which will could harm the Town.

Please let me know what the next steps are going to be.

Yours Sincerely

[REDACTED]

Secretary of the Holmfirth Business Association.

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Name of meeting: Cabinet Committee - Local Issues
Date: 15 December 2020

Title of report: Objection to Traffic Regulation Order for New Road, Netherthong

Purpose of report: To consider objections received to -
 Kirklees TRO No 9 Order 2020 - Proposed “no waiting at any time” restrictions on New Road and Church Street, Netherthong

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 Strategic Director & name	Colin Parr - 30.11.20
Is it also signed off by the Service Director Finance?	Eamonn Croston - 27.11.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 27.11.20
Cabinet member portfolio	Councillor Naheed Mather

Electoral wards affected: Holme Valley South

Ward councillors consulted on report: No

Public or private: Public

Has GDPR been considered: Yes

1. Summary

1.1 Planning permission has been granted, in March 2017, for the erection of 2 detached dwellings (within a Conservation Area) adjacent to 141, Church Street, Netherthong, Holmfirth (2016/62/91356/W), see Appendix 1 for the decision notice for the planning permission.

1.2 Planning condition 14 states “The development shall not commence until a scheme detailing measures to manage parking on Church Street from its junction with New Road to the full frontage of the application site and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the development shall be brought into use until the approved scheme has been implemented.”

1.3 To ensure the safety of vehicles emerging from this access, waiting restrictions have been proposed that ensure the required visibility splays, coming out of this new access are free from parked cars, and a Traffic Regulation Order has been promoted to implement these restrictions – also shown on Appendix 2.

1.4 This Traffic Regulation Order was advertised between 21 August 2020 to 21 September 2020 and during that time four objections were received.

2. Information required to take a decision

Copies of full objection emails/letters can be found in Appendix 3.

Objection 1 -

The objector has until recent times managed to park in the village “without any problem for the majority of the time”. The decision to put double yellow lines in “certain parts of the village roads has made it increasingly hard to find a suitable space at certain times of the day”.

“With your latest proposal, available space will be further restricted and, whilst I accept that some irresponsible parking makes the trip through the village a problem, your solution to that only serves to create another”

In response: The double yellow lines will reduce the available road space for anyone wishing to park but the scheme is for safety improvements relating to a planning permission. By constructing two new properties the number of potential trips has increased off the access and visibility from the access is likely to be compromised if parking takes place close to the access. Therefore, the double yellow line traffic regulation order has been advertised to cover this access and the junction of New Road and Church Street. This is in the interests of the free flow and safety of the highways network.

Objection 2 -

"I wish to object to the above mentioned traffic regulation. At the bottom of New Road there is a sign that states there is 'No Footway for 1/2 mile' yet there is a 'painted on' footway which apparently has been described to other members of the Netherthong community as a 'ghost footway'. I am unable to find the legal status of a 'ghost footway' so am unsure if it can be parked on. If the above mentioned traffic regulation is implemented traffic may still be able to park on the opposite (church) side of the road therefore any road safety improvements would not materialise and could in fact make the situation worse as pedestrians would not be able use the 'ghost footway' on the church side of the road. Also the yellow lines would mean vehicles would have to park elsewhere in a village where parking is already a big issue. One knock on effect, especially at school start and finish times, would be to move the problem further down New Road to the junction with Netherlea Drive. Parking would be permitted once the yellow lines stop meaning downward flowing traffic would proceed on the wrong side of the road. Traffic on the wrong side of the road is extremely difficult to see if you are moving out of the Netherlea Drive junction especially as it is so dark because of the trees in the graveyard and field."

In response: The "ghost footway" is not backed by any existing traffic regulation order so we rely on drivers not parking on it as enforcement is not possible.

The new double yellow lines will have an impact on existing available parking, but they do provide an improvement to the free flow of traffic on New Road, as well as providing visibility improvement at the access. The double yellow lines may displace some parking further south and parents will have to park at least 80m further away from the school if they do wish to park on New Road. There is a risk that some parents may park close to the junction with Netherlea Drive but the Highway Code advises drivers to not park within 10m of a junction. This is in the interests of the free flow and safety of the highways network.

Objection 3 -

"Why has it taken so long to bring this proposal? It has been needed for years. However, your colleagues in planning are continually making the situation worse by approving more housing in what is no longer a discrete village. The parking in this area is always extremely bad at school times including Miry Lane and Dean Brook Road and you need to consider the potential knock on effects to those roads. It is not sufficient to simply move the problem further down the road or elsewhere"

In response: The traffic regulation order is a requirement of the planning condition imposed in the interests of the free flow and safety of the highways network and as such the double yellow lines are required to satisfy the requirements of the planning permission. Unfortunately, there is a finite amount of space for parking in the village which means installing these double yellow lines may lead to displacement further down the road, but this will always be the case unless there is no parking at all, which is not desirable on balance.

Objection 4 –

I completely agree with the double yellows on New Road and I'm delighted that this is being implemented. Although it will just push people who park for school further down the road. Is there any provision for this?

Do you know if the speed limit/bumps will be looked at due to school children walking up this road and the possibility of signage to deter HGV's? There are no signs on New Road at the top to suggest this is a rural walkway for school children and a lot of vehicles go at such a speed we get pinned against already falling walls. I think these things also need to be considered especially at a time when we are trying to promote walking to school.

In response: The traffic regulation order is a requirement of the planning condition in the interests of the free flow and safety of the highways network and as such we need to install the double yellow lines to meet the requirements of the planning permission. Unfortunately there is a finite amount of space for parking in the village which means installing these double yellow lines may lead to displacement further down the road but this will always be the case unless we eradicate parking totally, which is not desirable.

3. Implications for the Council

3.1 Working with people – The proposed works are necessary to ensure safe egress from the new development.

3.2 Working with Partners – N/A

3.3 Place based Working – The traffic regulation order is needed as part of a planning condition to allow two new properties to be built.

3.4 Climate Change and Air Quality – No change

3.5 Improving outcomes for children- No Change

3.6 Other – The developer has paid for the legal process associated with this traffic regulation order and if the objections are upheld will be expected to pay the installation costs.

4. Consultees and their opinions

Statutory consultees were consulted on these proposals

The Holme Valley South Parish Council has been consulted on the proposals and has not raised objections.

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.

Reason This traffic regulation order is a condition of the planning permission granted in March 2017 and is needed to fulfil the road safety requirements for this development. While there may be some displacement to parking, the risk caused by this is considered minimal.

7. **Cabinet portfolio holder's recommendations**

The Cabinet Portfolio Holder supports the Officer recommendation.

8. **Contact officer**

Ken Major -
Principal Engineer
(01484) 221000
ken.major@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 Act 1990

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

PLANNING PERMISSION FOR DEVELOPMENT

Application Number: 2016/62/91356/W

To: Michael Owens,
Fibre Architects Ltd
Buckden Mount
8, Thornhill Road
Edgerton
Huddersfield
HD3 3AU

For: Mr & Mrs Farmiloe

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 2 DETACHED DWELLINGS (WITHIN A CONSERVATION AREA)

At: ADJ 141, CHURCH STREET, NETHERTHONG, HOLMFIRTH, HD9 3EA

In accordance with the plan(s) and applications submitted to the Council on 29-Apr-2016, subject to the condition(s) specified hereunder:-

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 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 specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2, BE5, BE12, T10, EP11 and NE9 of the Kirklees Unitary Development Plan and Government policy in the National Planning Policy Framework.

3. Prior to first occupation of the dwellings, the approved vehicle parking areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded; and retained thereafter.

Reason: In the interest of highway safety, sustainable drainage, and to ensure adequate space within the site for vehicle movements and parking and in accordance with Kirklees Unitary Development Plan Policy T10 and chapter 10 of the National Planning Policy Framework.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that order) no gates or barriers shall be erected across the vehicular access from New Road that serves the approved development at any time.

Reason: In the interests of highway safety and to avoid the need for vehicles to wait in the highway and to accord with Policy T10 of the Kirklees Unitary Development Plan.

5. No dwelling shall be first occupied until sightlines of 2 metres x 33 metres along the site frontage onto New Road have been cleared of all obstructions to visibility exceeding 900 millimetres in height above the level of the adjacent carriageway and these shall be retained free of any such obstruction.

Reason: To ensure adequate visibility in the interests of highway safety and to accord with Policy T10 of the Kirklees Unitary Development Plan.

6. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arboricultural Impact Assessment and Method Statement, reference (Coppice Landscapes AIA/SW/AIA5) as amended 24/01/2017). These shall be implemented and maintained throughout the construction phase and retained thereafter.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

7. Details of any additional tree works required during the construction process, that is not identified within the submitted information, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

8. Before first occupation, the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in section 7.1 of the Arboricultural Method Statement, reference (Coppice Landscapes AIA/SW/AIA5) as amended 24/01/2017), was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.

Reason: To protect trees in the interests of visual amenity and to accord with the requirements of Policy NE9 of the Kirklees Unitary Development Plan.

9. Samples of all facing and roofing materials shall be inspected by and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwellings commence. Thereafter the dwellings shall be constructed of the approved materials and be retained.

Reason: In the interests of visual amenity and to protect the character and appearance of the Netherthong Conservation Area and to accord with Policies BE1, BE2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

10. No walls or fences for boundaries, screens or retaining walls shall be erected until details of the siting, design and materials have been submitted to and approved in writing by the Local Planning Authority. The approved walls / fences shall be erected before the dwelling and extension are first occupied and shall thereafter be retained.

Reason: To protect the character and appearance of the Netherthong Conservation Area and to safeguard the amenity of neighbouring residents and to accord with Policies BE1, BE2, BE5 and D2 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

11. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B, C or D of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site and in the interests of protecting the character and appearance of the Netherthong Conservation Area, the architectural significance of the adjoining listed building, and the amenity of neighbouring residential properties and to accord with Policies D2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

12. Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Class E of Part 1 of Schedule 2 to that Order shall be carried out.

Reason: To avoid an overdevelopment of the site and in the interests of protecting the character and appearance of the Netherthong Conservation Area, the architectural significance of the adjoining listed building, and the amenity of neighbouring residential properties and to accord with Policies D2 and BE5 of the Kirklees Unitary Development Plan and chapter 12 of the National Planning Policy Framework.

13. Prior to first occupation of the dwellings an electric vehicle recharging point shall be installed in the curtilage of each dwelling. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

Reason: In the interests of promoting modes of transport with ultra-low emissions and to accord with the sustainability principles of the National Planning Policy Framework.

14. The development shall not commence until a scheme detailing measures to manage parking on Church Street from its junction with New Road to the full frontage of the application site and all associated works, together with appropriate Safety Audits has been submitted to and approved in writing by The Local Planning Authority. Unless otherwise agreed in writing no part of the development shall be brought into use until the approved scheme has been implemented.

Reason: In the interests of highway safety and to achieve a satisfactory layout and to accord with Policy T10 of the Kirklees Unitary Development Plan.

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, Civic Centre 3, Market Street, Huddersfield (Kirklees Highway Design: 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: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00 hours Saturdays

With no working Sundays or Public Holidays. In some cases, different site specific hours of operation may be appropriate. Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location and Site Plan as Existing	EX0002		29.04.16
Partial Site Plan as Existing	EX0003		29.04.16
Site Plan as Proposed	AL0101	D	02.11.16
Partial Site Plan as Proposed	AL0106	D	02.11.16
Proposed Works to Entrance Gate Posts	AL0160		29.04.16
House Type A – Proposed Plans	AL0117	B	02.11.16

Plan Type	Reference	Version	Date Received
House Type A – Proposed Elevations	AL0118	B	02.11.16
House Type B – Proposed Plans	AL0119	B	02.11.16
House Type B – Proposed Elevations	AL0120	B	02.11.16
Proposed Street Elevations	AL0150	D	02.11.16
3D Image			03.02.16
Design and Access Statement			29.04.16
Planning Statement			29.04.16
Heritage Assessment			29.04.16
Arboricultural Report	AIA/SW/AIA5		27.01.17
Tree Constraints Plan	EX0005		29.04.16
Transport Assessment	1117		29.04.16
Bat Survey	160748/141 Garden		11.08.16

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. The case officer undertook negotiations with the applicant to secure a reduction in the number of dwellings from three to two, revisions to the siting of the dwellings to address the impact on the protected trees, and revisions to the scale and elevation treatment of the dwellings to address the impact on the Conservation Area.

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 Tel No: (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://acp.planninginspectorate.gov.uk> . 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: 16-Mar-2017

Signed: 

Jacqui Gedman
Director of Place

Decision Documents

The decision notice indicates which documents relate to the decision. These documents can be viewed online at the Planning Services website at www.kirklees.gov.uk/planning, and by clicking on the 'search planning applications and decisions' and by searching for application number 2016/62/91356/W.

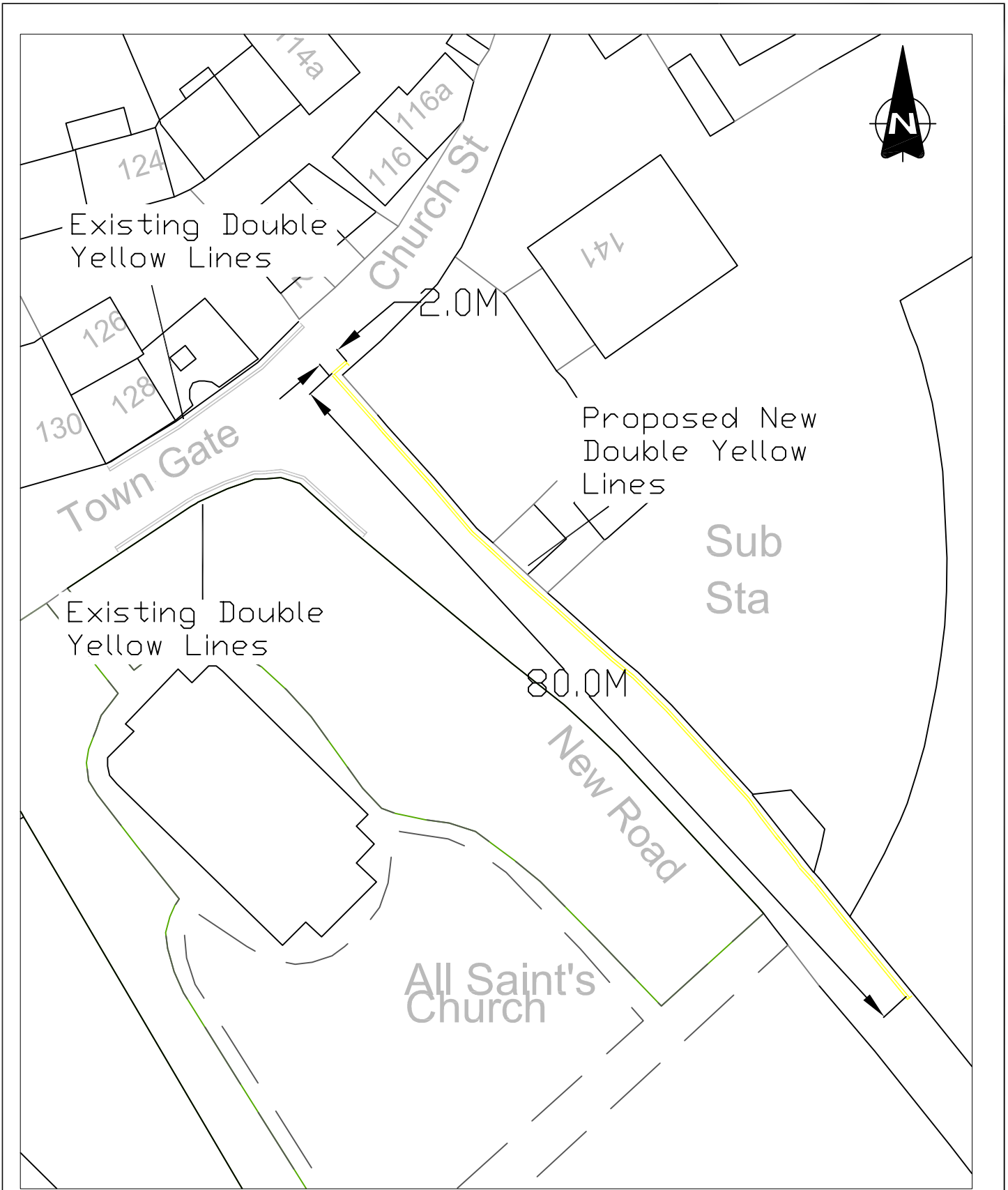
If a paper copy of the decision notice or decided plans are required please email planning.contactcentre@kirklees.gov.uk or telephone 01484 414746 with the application number. There may be a charge for this service.

All communications should be sent to one of the following address:


E-mail: planning.contactcentre@kirklees.gov.uk

Write to: Planning Services
Investment and Regeneration
PO Box B93
Civic Centre III
Off Market Street
Huddersfield
HD1 2JR

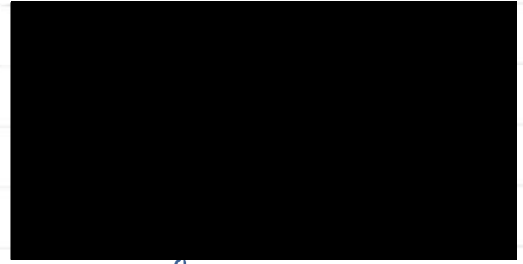
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Ordnance Survey 100019241

	New Road Netherthong	Scale 1:500	
		Drawn MMS	Checked
Streetscene & Housing Flint Street, Fartown Huddersfield, HD1 6LG	Proposed Double Yellow Lines	Section Safety	Date May 18
		Drawing No. F 18.200.289 revision 0	

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17 SEPTEMBER 2020

Yool Ref: DEV/TE/D116-2009

Dear Sir/Madam,

I have resided in the village of Netherthong for over 50 years and managed to access parking without any problem for the majority of the time.

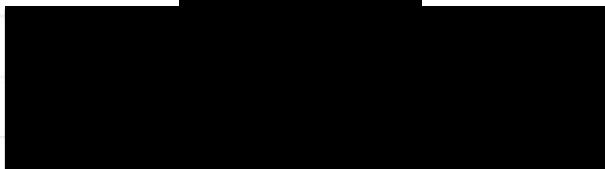
However, during recent times the decision to "double yellow" certain parts of the village roads has made it increasingly hard to find a suitable space at certain times of the day.

With your latest proposal, available space will be further restricted and, whilst I accept that some irresponsible parkers make the trip through the village a problem, your solution to that only serves to create another.

I would ask, therefore, who is responsible for the provision of suitable parking spaces in this case? Is it the Council or are we resorting to a free for all to just park anywhere where there are no double yellows? If I know anything about human nature, people will still park stupidly unless suitable space is given over to resolve the issue.

Any suggestions??

Yours faithfully



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Objection 2

Subject: Yellow lines - New Road, Netherthong - Ref: DEV/JE/D116-2009

Dear Sir/Madam,

Traffic Regulation (No.9) Order 2020 - New Road, Netherthong

Ref: DEV/JE/D116-2009

I wish to object to the above mentioned traffic regulation. At the bottom of New Road there is a sign that states there is 'No Footway for 1/2 mile' yet there is a 'painted on' footway which apparently has been described to other members of the Netherthong community as a 'ghost footway'. I am unable to find the legal status of a 'ghost footway' so am unsure if it can be parked on. If the above mentioned traffic regulation is implemented traffic may still be able to park on the opposite (church) side of the road therefore any road safety improvements would not materialise and could in fact make the situation worse as pedestrians would not be able use the 'ghost footway' on the church side of the road. Also the yellow lines would mean vehicles would have to park elsewhere in a village where parking is already a big issue. One knock on effect, especially at school start and finish times, would be to move the problem further down New Road to the junction with Netherlea Drive. Parking would be permitted once the yellow lines stop meaning downward flowing traffic would proceed on the wrong side of the road. Traffic on the wrong side of the road is extremely difficult to see if you are moving out of the Netherlea Drive junction especially as it is so dark because of the trees in the graveyard and field.

There needs to be clarity about the status of the 'ghost footway' and whether it can be legally parked on. If the 'ghost footway' can not be parked on the yellow lines need to be extended to 10 metres below the Netherlea Drive junction so maximum visibility out of Netherlea Drive can be maintained and Rule 234 of the Highway Code (Do not stop or park: opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space) is complied with.

There is currently a keep clear solid white line at the end of Holmleigh Manor's drive, which services three properties, yet residents of Netherlea Drive (82 properties) also struggle now with their junction and it will get worse with the knock on effect of these proposed yellow lines.

On another matter, New Road has recently been resurfaced but the existing yellow lines have not been put back exactly as shown in your plan. They need extending slightly along Towngate, on the church side.

I would like a reply to this email and my issues addressed.

Thank you for your time

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Subject: DE V/JE/D116-2009 New Road ,Netherthong

Good Morning,

Why has it taken so long to bring this proposal? It has been needed for years. However, your colleagues in planning are continually making the situation worse by approving more housing in what is no longer a discrete village.

The parking in this area is always extremely bad at school times including Miry Lane and Dean Brook Road and you need to consider the potential knock on effects to those roads. It is not sufficient to simply move the problem further down the road or elsewhere

Regards

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Objection 4

Subject: DEV/JE/D116-2009

I completely agree with the double yellows on New Road and I'm delighted that this is being implemented. Although it will just push people who park for school further down the road. Is there any provision for this?

Do you know if the speed limit/bumps will be looked at due to school children walking up this road and the possibility of signage to deter HGV's? There are no signs on New Road at the top to suggest this is a rural walkway for school children and a lot vehicles go at such a speed we get pinned against already falling walls. I think these things also need to be considered especially at a time when we are trying to promote walking to school.

In addition does anyone know if either side (of the road) of the dry stone wall will be fixed? On the side where the pedestrian walkway is it actually pushes you into the road over the white line which isn't very safe.

Many thanks

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