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

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Tuesday 15 March 2022

Notice of Meeting

Dear Member

Cabinet Committee - Local Issues

The **Cabinet Committee - Local Issues** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Wednesday 23 March 2022**.

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 (Chair)

Councillor Naheed Mather

Councillor Paul Davies

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 - 6

To approve the Minutes of the meeting of the Committee held on the 24 November 2021 and the 24 February 2022.

3: Interests

7 - 8

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: Member Question Time

To receive questions from Councillors.

7: Disposal of Open Space adjacent to 39 Carrside Crescent, Batley

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The Committee will consider the objections received as a result of advertising the Council's intention to dispose of an area of Open Space adjoining 39 Carrside Crescent, Batley, and to determine whether to proceed with the intended disposal of the Open Space.

Contacts:

Corinne Wilson, Disposals and Acquisitions Officer
Stuart Wilson, Technical Development Officer – Homes and Neighbourhoods
Gary Fowler, Team Leader: Disposals & Acquisitions

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES WEDNESDAY 24TH NOVEMBER 2021

Present: Councillor Peter McBride (Chair)
Councillor Paul Davies

In attendance: Ken Major, Principal Engineer - Environment Services
Philip Waddington, Group Engineer – Commercial,
Regulatory and Operational Services.

Apologies: Councillor Naheed Mather

1. **Membership of the Committee**
Apologies were received from Councillor Naheed Mather
2. **Minutes of the Previous Meeting**
The Committee approved the Minutes of the meeting held on 8 October 2021 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. **Public Question Time**
No public questions were asked.
7. **Member Question Time**
No member question were asked.
8. **Objection to the proposed traffic calming features on the junction of Crosland Road and Cowrakes Road, Lindley, Huddersfield.**

The Committee considered a report presented by Ken Major, Principal Engineer – Environment Services and Phil Waddington Group Engineer – Commercial, Regulatory and Operational Services, in respect of 2 objections received to: The Flat

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– Topped Plateau Road Hump to be formed at the junction of Cowrakes and Crosland Road, Lindley, Huddersfield.

The Committee were informed that Cowrakes Road and Crosland Road junction had been identified as a cause for concern regarding personal injury collisions. As a result, funding had been identified within the capital budget to address the collisions through the introduction of traffic calming measures to reduce the speeds of vehicles approaching the junction.

As a part of the investigation, it was identified that a flat-topped road hump was the best solution for the junction. Residents were consulted on the proposed scheme from Wednesday 21st July 2021 through to Wednesday 11th August 2021. The Traffic calming proposals as shown on the Plan were formally advertised between 24 September 21 and 22 October 21, and during that period two objections and one comment were received.

The objections/ comment referred to the best solution for the junction suggesting traffic signals or a mini roundabout as a better alternative to slow down traffic and reduce confusion at the busy junction during peak times.

In response, it was explained that prior to suggesting the flat-topped road hump as a solution, investigation was undertaken into the possibility of traffic signals or a mini roundabout. The traffic signals were rejected, as this option would result in longer delays at the junction, and the mini roundabout was rejected as the dominant direction of traffic flow would mean that any other vehicles from opposing directions would be unlikely to get a safe opportunity to exit increasing the potential for collisions.

The Officers recommendation, which was supported by the Cabinet Portfolio Holder for Environment, was that the objections to the installation of the proposed traffic calming features were overruled, and the proposals were implemented as advertised, to allow the proposed road safety benefits to be realised.

Having considered the information presented both verbally and in writing the committee:

RESOLVED – That the objections be overruled, and the traffic calming measures and TRO proposals are implemented as advertised.

Contact Officer: Jodie Harris

**KIRKLEES COUNCIL
CABINET COMMITTEE - LOCAL ISSUES
WEDNESDAY 24TH FEBRUARY 2022**

Present:

Councillor Peter McBride
Councillor Paul Davies
Councillor Naheed Mather

In Attendance:

Ken Major, Principal Engineer – Environment Services
Karen North, Principal Technical Officer, Highways and Streetscene

Apologies: N/a

1. Membership of the Committee

No apologies were received.

2. Minutes of the Previous Meeting

The Committee were advised that the Minutes of the meeting held 24 November 2021 would be submitted for approval at the next meeting of the Committee.

3. Interests

No interests were declared

4. Admission of the Public

All agenda items were considered in public session

5. Deputations/Petitions

The Committee received a petition from residents of Luck Lane in support of the objection to the length of the double yellow lines in the proposed Luck Lane parking scheme.

RESOLVED: That the petition be registered.

6. Public Question Time

No public questions were asked

7. Member Question Time

No member questions were asked.

**8. Objection to the proposed extension to the 30mph speed limit on
Cumberworth Road and Ponker Lane, Skelmanthorpe.**

The Committee considered a report presented by Ken Major, Principal Engineer – Environment Services, in respect of 1 objection received in response to: the public advertisement of the traffic regulation order for the extension to the 30mph speed limit, and the consequent changes to the start point of the national speed limit, on Cumberworth Road/Ponker Lane, Skelmanthorpe.

The Committee were informed that planning permission was granted, in July 2020, for the erection of 190 dwellings and the associated landscaping and infrastructure at Land to the north of Cumberworth Road, Skelmanthorpe. The planning condition (no. 26) stated that before any dwelling was occupied a detailed scheme for the provision of the new relocation of the 30mph speed limit and any additional traffic calming provision should be submitted to, and approved, in writing by the Local Planning Authority.

The speed limit change proposals were formally advertised between 16 November 21 and 14 December 21, and during that period 1 objection was received. The main concerns raised in the objection were in relation to the current lack of adherence to the 30mph speed limit, and the lack of adherence in the future despite the proposed extension. The objector explained that they believed this was due to the 60mph section of the road and proposed that the 30mph restrictions instead be increased to the full length of the road.

In response, Ken Major explained that the extension of the 30mph section by a distance of 100 metres was specifically to move the start of the speed limit to an appropriate point before the new access road into the housing development. The position of the new speed limit change was to be outside the built-up area and placed at the transition point between a rural road and the village. The remainder of Ponker Lane was intended to remain national speed limit and under Department for Transport guidance – Setting Local Speed Limits - 01/2013, this was the appropriate speed limit for a road of such nature.

The Officers recommendation was that the proposed extension to the 30mph speed limit was to facilitate the safe operation of the access to the new housing development site, and to ensure that it was located within a suitable distance beyond the start of the 30mph. For these reasons, the Officer recommendation was that the objection to the extension be overruled, and the proposals be implemented as advertised.

The Committee confirmed that national Department for Transport Guidance was being applied and the Officer recommendations, supported by the Cabinet Member for Environment, would allow the road safety benefits to be realised. Having considered the information presented both verbally and in writing the committee:

RESOLVED: That the objection to the extension be overruled, and the proposals are implemented as advertised.

9. Objection to the proposed parking permit parking and 'no waiting at any time restrictions on Luck Lane, Huddersfield.

The Committee considered a report presented by Ken Major, Principal Engineer – Environment Services, in respect of one objection received to the double yellow lines, and consequently the remaining space for the permit parking bay, on Luck Lane, Huddersfield.

An application was made by the residents of Luck Lane for the introduction of a residents only permit parking bay outside their properties to help with the problem of parking due to people visiting and working in the shops on New Hey Road and the mill building on Luck Lane. The application was approved and in addition to this, new sections of double yellow line restrictions were included in the scheme to prevent any displaced parking in unsafe locations such as around the various accesses off Luck Lane.

The traffic regulation order was advertised in the local press, notices were placed on site and on the Councils website. The objection period covered 20 August 2021 to 20 September 2021, during which time 1 objection was received.

The Objector, David Richardson was in attendance and was invited by the Chair to explain their reasons for the objection. The Committee were informed that the objection related mainly to the double yellow line's element of the scheme, due to the consequent shortening of the available parking area. The Objector highlighted that 'Keep clear markings' were a preferred alternative measure for Luck Lane. It was further requested, if possible, that the Committee direct highways to revisit the scheme as residents felt that the proposed scheme no longer met their needs.

Ken Major responded to advise that 'Keep Clear Markings' were partially effective, but there was opportunity to implement double yellow lines and those parking restrictions would be enforceable by Kirklees's own enforcement team. Whilst accepting that this would shorten the available parking, the double yellow lines alongside the permit scheme would guarantee a degree of parking. In accordance with guidance in the highway code the 10-metre length would be required to achieve visibility from the accesses, and to prevent parking too near too them.

The Committee confirmed that in the officers view the double yellow lines were necessary for the scheme to be implemented. Ken Major confirmed and added that to amend the scheme, a new order with new information would need to be formally advertised.

The Committee further highlighted that the scheme safeguarded the visibility and ensured enforcement opportunities but did acknowledge that there was always an element of compromise required when implementing new schemes.

Upon hearing the Committee and officers' comments, the objector advised that residents of Luck Lane may prefer not to have a permit parking scheme. This was supported by a petition signed by residents of Luck Lane which was submitted to the Committee (under item 5) supporting the objection to the proposed double yellow lines and by alliance the parking permit scheme which included them.

The Committee felt that the decision to implement the scheme or not should be made following further consultation with residents highlighting that the scheme was requested by residents, and therefore it was important to get it right.

Karen North Principal Technical Officer, Highways and Streetscene agreed that further consultation was to be held with affected residents that set out clear details of the scheme and asked again if the resident was in favour of the scheme or not. The details of the consultation would then be presented to the Cabinet.

Having considered the information presented both verbally and in writing the committee:

RESOLVED: Agreed that the scheme be deferred until further consultation be held with residents and that the details of the consultation should be provided to the Cabinet.

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
Date: 23 March 2022
Title of report: Disposal of Open Space adj 39 Carrside Crescent, Batley

Purpose of report

The purpose of this report is for Cabinet to consider the objections received as a result of advertising the Council's intention to dispose of an area of Open Space adjoining 39 Carrside Crescent, Batley, shown edged red on the plan, 20-0344, contained within Appendix 1 and to determine whether to proceed with the intended disposal of the Open Space.

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 <u>Council's Forward Plan (key decisions and private reports?)</u>	No
The Decision - Is it eligible for call in by Scrutiny?	
Date signed off by Strategic Director and name	David Shepherd – 2 February 2022
Is it also signed off by the Service Director - Finance, IT and Transactional Services?	Joanne Bartholomew - 25 January 2022 Eamonn Croston – 26 January 2022
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft – 27 January 2022
Cabinet member for Corporate	Cllr Paul Davies – 9 February 2022

Electoral wards affected: Batley East

Ward councillors consulted: Cllr Mahmood Akhtar, Cllr Fazila Loonat, Cllr Habiban Zaman

Public or private: Public

1. Summary

Cabinet Committee are asked to consider the objections received in response to the advertisement of disposal of open space adjoining 39 Carrside Crescent, Batley and to determine if the intended disposal should proceed.

2. Information required to take a decision

Approval to dispose of the land was granted by Housing, following consultation with local ward members and residents subject to advertising the proposed disposal of Open Space under Section 123(2A) of the Local Government Act 1972 and planning permission for change of use of the land to garden first being approved.

Notices advertising the intention to dispose of this Open Space were placed in the newspapers circulating in the area the Reporter Series” on 21 October and 28 October 2021, with a deadline for objections to be received by no later than 11 November 2021

The land is unallocated in the Local Development Plan. No application for planning permission has been submitted.

The land is an area of open space, maintained by Housing Services.

There have been two objections to the disposal. The main objections are to the following:

- a. The applicant does not look after his own garden
- b. It is believed the applicant may use the land to extend his property
- c. Loss of Light and access to maintain adjoining wall/ remove self-seeding saplings
- d. Suggestions of bat habitat

In response to the above points:

Point a: Inspections have been made of the applicant’s garden and it would appear to be well kept

Photographs are contained within Appendix 2

Point b: The intention is also to sell with restrictions for use as garden land only with no permanent structures allowed on the land.

Point c: The Access to Neighbouring Land Act 1992 would allow maintenance of the adjoining property if agreement could not be agreed between the two parties

Point d: Although there are no indications within our records to suggest the presence of Bats, it would be possible to request the applicant arrange a bat survey as part of the planning application, although the proposed use as additional garden is unlikely to impact on the surrounding area

Due to the objections, it is necessary for this report to Cabinet for consideration of the objections and a final decision to be reached on whether to proceed with the intended disposal of the land.

3. Implications for the Council

3.1 Working with People

The intention was to dispose of the land subject to a covenant for additional garden use only and despite liaison with the adjoining owners, the concerns have not been resolved.

3.2 Working with Partners

None

3.3 Place Based Working

- Approval to dispose of the land was granted by Housing Services following consultation with local ward members, local residents and the local school
- The advertisement of the disposal of open space raised concerns from two adjoining residents
- The restriction of the use would prevent the land being used for development even though the land is unallocated in the Local Development Plan.
- It is proposed that the land will be disposed of, which will:
 - Raise a capital receipt
 - Reduce the need for future maintenance

3.4 Improving outcomes for children

None

3.5 Other (e.g. Legal/Financial or Human Resources)

The disposal is in line with the Disposal and Acquisition Policy 2017.

A capital receipt will be received through the sale

Savings will be made by reduced maintenance responsibility.

4. Consultees and their opinions

Ward Members Consultation – Batley East

The Ward Councillors were consulted on 26 September 2020 as part of the Housing consultation process. No objections were received.

Cllr Cathy Scott as Cabinet for Housing and Democracy was also briefed on 3 March 2022.

5. Next steps and timelines

If approved, the instructions will be sent to our Legal Team for contracts to be prepared and the applicant will need to submit and obtain planning permission for change of use to garden – prior to completion of the sale

6. Officer recommendations and reasons

It is recommended that Cabinet Committee approve the disposal of this area of Open Space in order that:

- i) The land can be better utilised and maintained
- ii) A capital receipt would be achieved

7. Cabinet portfolio holder's recommendations

Cllr Paul Davies, as Cabinet Member for Corporate concurs with the officer's recommendation and recommends the land be sold

8. Contact officer

Corinne Wilson Disposals & Acquisitions Officer
Stuart Wilson Technical Development Officer – Homes & Neighbourhoods
Gary Fowler Team Leader: Disposals & Acquisitions

9. Background Papers and History of Decisions

Disposals and Acquisition Policy - 3.03.17

10. Service Director responsible

David Shepherd: Growth & Regeneration



STRATEGIC ASSETS

Plan No: 20-0344
Scale: 1:1250

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