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

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Please ask for: Jodie Harris

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Tuesday 11 February 2025

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 19 February 2025**.

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 "S Lawton".

Samantha Lawton

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 Munir Ahmed

Councillor Moses Crook

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 Cabinet Committee – Local Issues held on 22 January 2025.

3: Declaration of Interests

5 - 6

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

4: Admission of the Public

Most agenda items take place in public. This only changes where there is a need to consider exempt information, as contained at Schedule 12A of the Local Government Act 1972. You will be informed at this point which items are to be recommended for exclusion and to be resolved by the Committee.

5: Deputations/Petitions

The Committee will receive any petitions and/or 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 submit a petition at the meeting relating to a matter on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10, Members of the Public must submit a deputation in writing, at least three clear working days in advance of the meeting and shall subsequently be notified if the deputation shall be heard. A maximum of four deputations shall be heard at any one meeting.

6: Public Question Time

To receive any public questions.

In accordance with Council Procedure Rule 11, the period for the asking and answering of public questions shall not exceed 15 minutes.

Any questions must be submitted in writing at least three clear working days in advance of the meeting.

7: Member Question Time

To receive questions from Councillors.

8: Traffic Regulation Order (TRO) - 'Amendment Order No 15 of 2024' - Leeds Road/Jubilee Gardens, Mirfield

7 - 58

To consider objections received to the proposed Traffic Regulation Order (TRO) – 'Amendment Order No 15 of 2024' – Leeds Road/Jubilee Gardens, Mirfield.

Contact:

Karen North, Principal Technical Officer

Public Document Pack Agenda Item 2

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

CABINET COMMITTEE - LOCAL ISSUES

Wednesday 22nd January 2025

Present:

Councillor Moses Crook
Councillor Graham Turner

Co-optees

In attendance:

Elizabeth Cusick, Operational Manager – Highways and
Street Scene
Charles Wong, Principal Engineer – Highways and Street
scene

Observers:

Apologies: Councillor Munir Ahmed

1 Membership of the Committee

Apologies were received from Councillor Munir Ahmed.

2 Minutes of Previous Meeting

The Committee considered the Minutes of the meeting held on 19th November 2024.

RESOLVED – That the Minutes of the meeting held on 19th November 2024 be approved as a correct record

3 Declaration of Interests

No interests were declared.

4 Admission of the Public

It was noted that all agenda items would be considered in public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No questions were asked

7 Member Question Time

No questions were asked.

8 Traffic Regulation Order (TRO) - Amendment Order No 9 2024 - A629 Halifax Road, Huddersfield

The Committee considered an objection received to the proposed Traffic Regulation Order (TRO) – Amendment Order No 9 2024 – A629 Halifax Road, Huddersfield which was presented by Charles Wong, Principal Engineer – Highways and Street scene.

It was explained that the A629 Halifax Road Phase 5 project would lead to the widening of Halifax Road between Yew Tree Road and Ainley Top roundabout to provide two approach lanes. This improvement will cater for traffic heading north towards Halifax; west along the A643 Lindley Moor Road; and to the east along the A643 Brighouse Road.

The objection referred to restrictions being placed in the “layby” outside their property. However, the area of the carriageway referred to was a diverging lane from Halifax Road into Yew Tree Road West. This was currently subject to “Keep Clear” markings, which were regularly abused.

Under the proposals, the current diverge lane of Yew Tree Road would become the beginning of the left slip lane for M62 traffic to bypass Ainley Top roundabout, and the Give Way line for Yew Tree Road moved back to accommodate this change. Parking in this vicinity would impact on visibility from the new layout.

The A629 proposals were subject to several public consultation events, and changes were made to the scheme as a result. A planning application was submitted for the scheme and approval was secured in December 2023.

The TRO was advertised between 9 August 2024 and 30 August 2024. One objection was received during the informal consultation for the legal order in June 2024 but was accepted as a formal objection as the issues remained unresolved at the time of advertising.

The initial reasons for the objection were in relation to adequate consultation, being prevented from parking outside their property due to the removal of the Keep Clear Lines and concerns that the installation of double yellow lines would prevent parking a vehicle in front of the driveway, which was felt to be unusable due to its width.

Officers responded to confirm that as the property was purchased in 2022 by the current occupier, which was within the period when the planning application was being considered. As part of the property purchase process, the objector’s conveyancer should have carried out a Local Authority search.

In respect of the addition of double yellow lines, these proposals reinforced the current arrangements as parking to the frontage was not technically permitted with the existing ‘keep clear’ road marking.

Mr Fariq also attended the meeting to support the initial reasons for objection as outlined in the report (2.7) and to highlight further concerns around safety when accessing the drive. It was noted that reversing into a narrow driveway off a road with 2 lanes of traffic was difficult, and reversing onto the pavement with a restricted

Cabinet Committee - Local Issues - 22 January 2025

view was unsafe for both pedestrians and motorists. It was also highlighted that a disabled family member who regularly visited the property required parking nearby as the drive was not wide enough for them to fully open their car door making it impossible for them to exit the vehicle.

In response the Committee noted that this was a key connecting route between Kirklees, Calderdale and the Motorway and that it was clear from the evidence that the current advisory road markings were not being respected and the installation of double yellow lines would enable enforcement as part of the wider scheme. The Committee did express their sympathy for residents due to challenges caused by an ageing road network and appreciated the comments regarding safety, but this was already an issue due to the advisory road markings being ignored and vehicles blocking access to the pedestrian crossing.

In regard to accessibility, the Committee advised Mr Fariq to contact local ward councillors to start the process around obtaining an advisory disabled parking bay outside the property. It was also highlighted that officers were still prepared to work with Mr Fariq around widening the entrance to the drive which the Committee encouraged.

Having considered the information presented both verbally and in writing the Committee agreed that:

RESOLVED – That the Objection to the proposed ‘Traffic Regulation Order Amendment Order No 9 2024 – A629 Halifax Road, Huddersfield’ be overruled and that the Order be implemented as advertised.

RESOLVED: That the Objection to the proposed ‘Traffic Regulation Order Amendment Order No 9 2024 – A629 Halifax Road, Huddersfield’ be overruled and that the Order be implemented as advertised.

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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.



REPORT TITLE:

Meeting:	Cabinet Committee – Local issues
Date:	19 February 2025
Cabinet Member (if applicable)	Councillor Munir Ahmed
Key Decision Eligible for Call In	Yes
Purpose of Report: To consider objections received to the proposed Traffic Regulation Order (TRO) – ‘Amendment Order No 15 of 2024’ – Leeds Road/Jubilee Gardens, Mirfield.	
<p>Recommendations To consider and overrule the objections received in response to proposed lengths of ‘No Waiting At Any Time’ parking restrictions in the junction mouth of Jubilee Gardens and on Leeds Road directly outside a new development needed to protect visibility for emerging vehicles.</p> <p>Reasons for Recommendations</p> <ul style="list-style-type: none"> • A road safety audit undertaken for a new development recommended that waiting restrictions should be provided as part of a planning condition. • The audit advised that parking restrictions should be provided over the full length of the access to the new development where a new 2.0m wide footway has been installed and along the main road, sufficiently long enough to protect visibility for emerging vehicles from the development. • Previous complaints received from a local business also identified vehicles parked directly outside the development results in HGV access issues to their premises on the opposite side of the road. • If the objections are not overruled, the planning condition will not be discharged, and parking will continue to take place and any proposed road safety benefits will be lost. 	
<p>Resource Implications:</p> <ul style="list-style-type: none"> • The proposed Traffic Regulation Order (TRO) has been funded through a negotiated 278 agreement which would also fund the installation of the restrictions if the proposals are successful. 	
Date signed off by <u>Executive Director: David Shepherd</u>	16/01/2025
Is it also signed off by the Service Director for Finance: <u>Kevin Mulvaney</u>	21/01/2025
Is it also signed off by the Service Director for Legal and Commissioning (Monitoring Officer): <u>Sam Lawton</u>	27/01/2025

Electoral wards affected: Mirfield

Ward councillors consulted: Cllr Martyn Bolt, Cllr Vivien Lees-Hamilton, Cllr Itrat Ali

Public or private: Public

Has General Data Protection Regulation been considered: Yes

1. Executive Summary

- Planning Application 2020/62/92368/E was submitted, by developers, and approved, for 14 dwellings with garages and the formation of a new access road off Leeds Road, Mirfield.
- Planning conditions were added to the planning approval, one of which required details of the access road to be submitted, along with an appropriate road safety audit, for approval, prior to commencement of the development. (Appendix 1)
- That submitted road safety audit identified that drivers were and could continue to use the A62 Leeds Rd and / or the junction mouth of the new development to park in, thus obstructing access and blocking visibility for drivers legitimately using the residential access, and/or for cyclists and pedestrians crossing the junction mouth. (Appendix 2)
- The road safety audit recommended the introduction of waiting restrictions into the access to protect it, and along the main road for a sufficient length to ensure adequate visibility for emerging vehicles onto Leeds Road.
- The scheme to improve road safety for all road users using this route, at this location, was approved as part of the planning process, to ensure road safety, and the Traffic Regulation Order (TRO) required to implement the waiting restrictions was advertised from 31 October 2024 to 28 November 2024
- During the formal advertisement period 2 objections were received.

2. Information required to take a decision

2.1 A road safety audit, submitted as part of the planning application for this housing site, recommended the introduction of lengths of 'No waiting at any time' parking restrictions as shown on the plan in Appendix 3. The proposals, as developed, are designed to prevent parking in the junction mouth and along the main Leeds Road carriageway outside the development, thus maintaining access and visibility to and from the housing site and protect cyclists and pedestrians using the route and crossing the junction mouth.

2.2 The introduction of a shared use footway (cyclists/pedestrians) was approved as part of the planning conditions here and the footpath directly in front of the development was widened to 3 metres during the formation of the new access into the site. The shared footpath lining and signing has not, however, been implemented at this time.

This is because there is a short section of land between this development and the adjacent site to the south, which has no development plans as yet and the footpath here remains the standard width, meaning cyclists would leave the main carriageway, onto shared use footway, then rejoin it within a short distance.

It is anticipated that once this area is developed, the footpath will be widened and will provide a continuous shared use footway. The relevant lining and signing will be implemented along that whole section, at that time.

It is expected that, for the foreseeable future, cyclists will continue to use the existing on carriageway cycle lane.

Any parking at this location will obstruct access for cyclists, to this cycle lane, and the proposed restrictions are designed to stop this from happening.

- 2.3 Prior to the development the Council received a complaint that parking directly immediately outside the development blocked access for HGVs turning into and out business premises operating on the opposite side of Leeds Rd to the development access. Site visits at that time showed that parking taking place here added to congestion up and down the road. As an interim solution two informal Keep Clear markings were provided to try to improve road safety and help maintain HGV access until a TRO could be processed to introduce parking restrictions here.
- 2.4 These proposals are designed to help support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan.
- 2.5 If the objections are not overruled, the proposals cannot be introduced and the planning condition would not be discharged, and residents and visitors of the development will continue to park here, and any proposed road safety benefits will be lost. Access to business premises will also continue to be problematic.

2. Objections –

Objection 1 (Appendix 4)

A new resident has objected on the grounds that they have limited parking at the rear of their property and that if the proposals are successful, they will be drastically affected as their visitors will not be able to park outside their home on Leeds Road. They believe the road is wide enough here to accommodate parking in this vicinity and the parking would not obstruct access to and from premises on the other side of the road directly opposite the development.

In Response

The safety audit recorded that drivers parking outside the development, on Leeds Road, blocked visibility of pedestrians to cyclists and drivers to and from the new access. If the proposed restrictions are not provided, it is apparent, given the objectors' comments, that both they, and their family and visitors, will continue to park at this location, raising road safety concerns. The proposed restrictions are designed to prevent parking and maintain safe access, and visibility, in and out of the site but also improve congestion for all other road users and HGVs needing access to the premises opposite the site.

Objection 2

Councillor Martyn Bolt has objected to the proposals on the grounds that the previous parking taking place here was related to the development and now that the development has been completed, there is no parking taking place in this vicinity and the restrictions are no longer needed. He is also concerned that if the proposals go ahead HGVs drivers accessing the business premises opposite will no longer have anywhere to wait on the main road when the forecourt of the business opposite is full. He believes they will be forced to park on the A62 Leeds Rd, to the north, immediately before the development blocking access and visibility for residents there and/or the HGV drivers will be required to turn round somewhere to wait on the approach to the business on the southwest side of the A62 Leeds Road. Councillor Bolt is concerned that if the restrictions are installed here, they will risk the financial viability of a long-established business.

In Response

The safety audit raised concerns that drivers who continue to park here do so to the detriment of access and visibility to the new development and for pedestrians and cyclists crossing in front of the access. Any parking taking place here will add to these issues.

The proposed restrictions are designed to maintain access and visibility thereby improving road safety in the vicinity. The proposed restrictions, previously requested by the business here, will also help maintain access for HGVs to and from their premises. Any HGVs parked outside the residential properties prior to proposed restrictions before the development, would extend in front of legally dropped kerbs blocking access to resident's driveways here and as such would be illegal, and drivers could potentially receive a fixed penalty charge notice for obstruction. If the access to the business forecourt is full, then as HGV professional drivers, it is their responsibility to find a suitable site to be able to turn their vehicles around and find the nearest safe and legal place to wait as would be the case throughout the country.

Explanation

3. Implications for the Council

3.1 Council Plan

These proposals will ensure the relevant planning condition will be discharged, and the scheme will help support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan.

3.2 Financial Implications

The cost to process the Traffic Regulation Order and the installation of the lines are being met as part of a Section 278 agreement.

If the objection is upheld, the installation charges will not be incurred, but the traffic regulation order has already been processed and so cannot be refunded. Any future enforcement opportunities for these lines would be lost.

3.3 Legal Implications

The Legal work to advertise and promote this order has already been done. If the order is made, additional legal officer time will be required to seal and make the order, the costs for which are accounted for above.

If the objections are upheld, there will be no further legal implications.

4. Consultation

The three local ward councillors were consulted on the proposals and although Councillor Bolt raised some concerns regarding the reasoning for the proposal, no formal objections were raised at that time.

No other objections were received at the informal consultation stage.

5. Options considered

- a). That the objection should be overruled, and the proposals implemented as advertised,
- b). That the objection should be upheld, and the proposals abandoned.

Recommendation and Reasons for recommended option

The option recommended by Officers is a) as detailed above.

- (i) That the proposals are installed, and the TRO sealed as operative, as soon as practical, to help improve visibility and maintain vehicular and HGV access to and from the development and the premises directly opposite the development and thereby improve traffic flows on Leeds Road.
- (ii) To realise the improved safety benefits for pedestrians and cyclists using this route.

Councillor Munir Ahmed Fully supports Officer Recommendations.

6. Next steps and timelines

As the development access has been constructed and is operational, if the objections are overruled, the changes to the lining will take place as soon as practical.

As the development access has been constructed and is operational, if the objections are upheld, the proposals will be abandoned, the proposed safety benefits lost, and the risk of collisions relating to lack of visibility will be higher.

7. Contact officer: Karen North Email: karen.north@kirklees.gov.uk

8. Background Papers and History of Decisions

Planning permission (Appendix 1)
Road safety Audit (Appendix 2)

9. Appendices

Appendix 1 – Planning permission
Appendix 2 – Road safety Audit

Appendix 3 – Plan of proposals
Appendix 4 and 5 – Objections

10. Service Director: Katherine Armitage

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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: 2020/62/92368/E

To: SK Design (Yorkshire) Ltd
33a, Chapel Street
East Ardsley
Wakefield
WF3 2AA

For: Manning Properties 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 14 DWELLINGS WITH GARAGES AND FORMATION OF NEW
ACCESS ROAD

At: LAND SOUTH OF, LEEDS ROAD, MIRFIELD, WF14 0JE

**In accordance with the plan(s) and applications submitted to the Council on
06-Aug-2020, 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 91 of the Town and Country Planning
Act 1990.

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 Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

3. Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

4. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 3 groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Reason: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

5. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 4 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: So as to prevent land, groundwater and surface water contamination, to ensure the site is fit to receive new development in the interest of health and safety, so as to accord with Policy LP52 of Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

6. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 5. 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

7. 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 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 the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

8. The hereby approved development shall be undertaken and completed in accordance with the recommendations outlined in the section '9 – Conclusions' of the approved Ecological Impact Assessment, ref. '16537a/FS'.

Reason: To ensure a scheme that does not harm local ecological value, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

9. Prior to development commencing, a scheme detailing foul, surface water and land drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned, and percolation tests, where appropriate) shall be submitted to, and approved in writing by, the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained.

Reason: To deliver effective sustainable drainage systems that will be operated, maintained and managed for the lifetime of the development that it will serve, in accordance with Policy LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure adequate assessment and implementation may take place at the appropriate stage of the development process.

10. Prior to development commencing, a scheme detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) shall be 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 is 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 prevent and manage flooding and drainage issues during the construction period, in accordance with Policies LP27 and LP28 of the Kirklees Local Plan as well as Chapter 14 of the National Planning Policy Framework. This is a pre-commencement condition to ensure the necessary mitigations (against flood risk) are considered and implemented at the appropriate stage.

11. Prior to development commencing, notwithstanding the submitted details, a scheme detailing the provision of a 3.0m wide footway/cycleway to the Leeds Road frontage of the development site, construction specification, surfacing, drainage white lining, kerbing, relocation of existing telegraph pole and street lighting columns, traffic regulation orders and associated highway works together with an independent safety audit covering all aspects of work shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the approved scheme has been implemented and the works so implemented be thereafter retained.

Reason: To support sustainable travel and alternative methods of transport, in accordance with Policy LP21 of the Kirklees Local Plan.

12. Prior to development commencing, a survey of the condition of the surrounding road network shall be submitted to, and approved in writing by, the Local Planning Authority. Within one month of the development's completion (completion of the final approved building on the site) a further condition survey shall be carried out and submitted to the Local Planning Authority together with a schedule of remedial works to rectify damage to the highway identified between the two surveys. The approved mitigation works shall be fully implemented prior to final occupation of the development. In the event that a defect is identified during other routine inspections of the highway that is considered to be a danger to the public it must be immediately made safe and repaired within 24hours from the applicant being notified by the Local planning Authority.

Reason: Traffic associated with the carrying out of the development may have a deleterious effect on the condition of the highway that could compromise the free and safe use of the highway, to ensure the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition given the need to undertake a baseline assessment.

13. Prior to development commencing, a scheme detailing the proposed internal adoptable estate roads, as shown on plan ref. '202 Rev. D', shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, lighting, signage, white lining, surface finishes, treatment of sightlines together with an independent safety audit covering all aspects of the works. Before any building is brought into use the scheme shall be completed in accordance with the scheme shown on approved plans and retained thereafter.

Reason: To ensure that suitable access is available for the development, in the interest of the safe and efficient operation of the highway and to comply with the aims of Policy LP21 of the Kirklees Local Plan. This is a pre-commencement condition to ensure the necessary design has been secured prior to relevant works being undertaken.

14. Prior to development commencing, a schedule for the retention and restoration of the milestone on the site frontage adjacent to Leeds Road shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details for the stone's protection during the construction phase. Prior to the occupation of the final dwelling, the approved works shall be implemented, and the milestone retained thereafter.

Reason: To protect the character of the area and visual amenity, in accordance with Policy LP24 of the Kirklees Local Plan. This is a pre-commencement condition given the need to ensure appropriate protection / arrangements prior to site clearance.

15. Prior to development commencing, an Arboricultural Method Statement, in accordance with British BS 5837, shall be submitted to, and approved in writing by the Local Planning Authority. The method statement shall include details on how the construction work will be undertaken with minimal damage to the adjacent protected trees and their roots. Thereafter, the development shall be carried out in complete accordance with the Arboricultural Method Statement.

Reason: So as to protect to viability of the protected mature trees within close proximity to the application site and to accord with Policy LP33 of the Kirklees Local Plan. This is a pre-commencement condition, given the need for adequate consideration of mitigation measures (again harm to trees) prior to works commencing on site.

16. Prior to development commencing, an 'invasive non-native species protocol' shall be submitted to, and approved in writing by, the Local Planning Authority. The protocol shall detail the containment, control, and removal of Japanese Knotweed on site. Thereafter the development shall be undertaken in accordance with the approved scheme.

Reason: To prevent the spread of non-native invasive species, to safeguard and enhance the function of the application site, in line with the aims and objectives of Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework. This is a pre-commencement condition to ensure ecological measures are capable of being fully integrated into the construction phase.

17. Prior to development commencing, a schedule of the means of access to the site for construction traffic shall be submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include, but not necessarily be limited to:

- Construction traffic means of access, including times of use of access
- Routing of construction traffic to and from the site
- Temporary warning and direction signing on the adjacent highway
- Construction workers parking facilities
- Loading/unloading areas for materials, including internal turning facilities
- A detailed scheme of proposed wheel cleaning facilities, including but not limited to jet washes, mud stopper mats etc, to prevent any mud and debris being deposited on the adopted highway from vehicles leaving the site.
- Site Compound

Unless otherwise approved in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: Due to the restrictive nature of the site, so as to ensure adequate arrangements are approved which allow heavy vehicles to safely access the site, in the interest of the safe and efficient operation of the highway in accordance with Policy LP21 of the Kirklees Local Plan. This is a pre-construction condition, given the need to ensure safe access to the site and on-site arrangements, prior to construction traffic attending the site.

18. Before any above ground works commence, the mitigation measures to control fugitive dust emissions during the construction phase of the development shall be implemented in accordance with those listed in Appendix E of the Air Quality Assessment by Miller Goodall (ref: 102447v3) (dated 9th March 2021). The mitigation measures, so implemented, shall be retained for the duration of the construction period.

Reason: To safeguard the amenities of the occupiers of nearby properties in accordance with Policies LP24 and LP52 of the Kirklees Local Plan.

19. Before any above ground works commence, details of finish floor levels and ground levels shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be completed in accordance with the approved levels details, which shall thereafter be retained.

Reason: To ensure acceptable final ground and floor levels, in the interest of visual and residential amenity and to comply with Policy LP24 of the Kirklees Local Plan.

20. Before any above ground works commence, the visibility splays as shown on plan ref. '202 Rev. D' shall be created and cleared of all obstructions to visibility exceeding one metre in height. The implemented visibility splays shall thereafter be retained.

Reason: To ensure adequate visibility in the interests of highway safety, to comply with Policy LP21 of the Kirklees Local Plan.

21. Before any above ground works commence, an Ecological Design Strategy (EDS) to ensure that a biodiversity net gain is achieved post-development shall be submitted to, and agreed in writing by, the Local Planning Authority. The EDS shall be in accordance

with the Biodiversity Metric 2.0 calculations received on the 10th of April 2020, as already submitted with the planning application, and agreed in principle with the Local Planning Authority prior to determination. The EDS shall provide a minimum of 0.66 habitat units and 0.62 hedgerow units post-development and shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Details on the establishment of hedgerow planting on the site.
- f) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- g) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- h) Persons responsible for implementing the works.
- i) Details of initial aftercare and long-term maintenance.
- j) Details for monitoring and (where the results from monitoring show that conservation aims and objectives of the EDS are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers a measurable biodiversity net gain.
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure the development hereby permitted provides ecological enhancement and creation measures sufficient to provide a biodiversity net gain in accordance with Policy LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

22. Prior to their use, details of all the external facing materials, to consist of red brick unless otherwise agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

23. Prior to their use, details of the proposed roofing material, to consist of concrete tiles unless otherwise agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed using the approved materials, prior to the hereby approved building being brought into use.

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

24. Prior to the installation of windows, a noise assessment report shall be submitted, to and approved in writing by, the Local Planning Authority. The report shall:

- Clearly show which habitable rooms in which plots will not achieve satisfactory indoor sound levels with windows open and for these rooms provide a detailed specification of the noise mitigation measures that are necessary to achieve satisfactory indoor sound levels, including an alternative ventilation scheme which shall show how these rooms shall be provided with sufficient ventilation to help control thermal comfort and avoid over heating during hot weather without the need to open windows.
- Clearly show which external amenity areas at which plots will have daytime noise levels that exceed 50dB LAeq,16hour and for these plots provide a detailed specification for the noise mitigation measures that are required for these outdoor noise levels to be reduced to the lowest practical levels.

All works which form part of the approved scheme shall be completed prior to occupation of the relevant plots and retained thereafter.

Reason: To mitigate against undue noise pollution, in the interest of residential amenity, to comply with Policies LP24 and LP52 of the Kirklees Local Plan.

25. Prior to the occupation of the hereby approved dwellings, each dwelling's respective waste storage area, as shown on plan ref. '202 Rev. D', shall be provided and thereafter retained.

Reason: To ensure the provision of adequate waste storage, in the interest of highway efficiency and to comply with Policy LP21 of the Kirklees Local Plan.

26. Prior to the occupation of the hereby approved dwellings, details of secure cycle parking / storage for each dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. The cycle parking / storage shall then be implemented in accordance with the approved details before each dwelling is occupied and therefore retained.

Reason: To encourage travel by means other than the private car in accordance with Policy LP21 of the Kirklees Local Plan.

27. Prior to the occupation of the hereby approved dwellings, notwithstanding the submitted plans, a scheme detailing the boundary treatment of all the site shall be submitted to, and approved in writing by, the Local Planning Authority. This shall include details of the gabion basket wall, including a management and maintenance plan for the gabion wall. New boundary treatment along the south boundary shall be erected to the retaining wall's rear. The approved dwellings shall not be brought into use until the works comprising the approved boundary scheme have been completed. The approved boundary treatment shall thereafter be retained.

Reason: In the interests of visual and residential amenity, and highway safety, to comply with Policies LP21 and LP24 of the Kirklees Local Plan.

28. Prior to the occupation of the hereby approved dwellings, a 'lighting design strategy for biodiversity' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or

along important routes used to access key areas of their territory, for example, for foraging; and

b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To avoid indirect impacts to bats and other local species in the interest of ecological mitigation, to comply with Policy LP30 of the Kirklees Local Plan.

29. Prior to the occupation of the hereby approved dwellings, 2 integrated bat bricks, 2 bird boxes (on buildings), 2 bird boxes (on boundary fencing), 1 hedgehog shelter and 1 insect log, shall be provided on site and made ready for use, in accordance with the submitted Ecological Impact Assessment's recommendations. The given facilities shall thereafter be retained.

Reason: In the interest of ecological mitigation and enhancement, in accordance with Policy LP30 of the Kirklees Local Plan.

30. Prior to the occupation of the hereby approved dwellings, a comprehensive schedule of hard and soft landscaping, with timescales, and a maintenance plan shall be submitted, to and approved in writing by, the Local Planning Authority. The soft landscaping scheme shall include, but not be limited to, an assessment of the trees to be removed, mitigatory tree re-planting and layout, species, number, density and size of trees and plants and/or seed mixes and sowing rates, including extensive use of native species and details of green planting on the approved gabion retaining wall. The development shall thereafter be carried out in complete accordance with the approved schedule and timescales. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species. The hard landscape proposals shall thereafter be retained.

Reason: In the interest of visual and residential amenity, to ensure that there is a well laid out scheme of hard and soft landscaping, to comply with the aims and objectives of Policies LP24 and LP63 of the Kirklees Local Plan.

31. Prior to the hereby approved development being brought into use, an electric vehicle recharging point shall be installed within the dedicated parking area of the approved dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.

Reason: In the interest of supporting low emission vehicles, to accord with the guidance contained in Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 9 and 15 of the National Planning Policy Framework.

32. Prior to the hereby approved development being brought into use, all areas indicated to be used for parking on the listed plans shall be marked and laid out with a hardened and drained surface 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 any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained, free of obstructions and available for the use specified on the listed plans.

Reason: In the interests of amenity and traffic safety, so as to ensure adequate space within the site for vehicle movements and parking and in accordance with Policy LP21 of the Kirklees Local Plan.

33. Prior to the hereby approved development being brought into use, all side facing windows in each dwelling hereby approved shall be obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.

Reason: To prevent concerns of overlooking, to preserve the amenity of future occupiers and neighbouring residents, to accord with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

34. The hereby approved integral garage shall not be used for any purpose other than the parking of vehicles and for uses ancillary to the enjoyment of the dwellinghouse.

Reason: To ensure that the site retains an adequate provision of off-street parking, in the interests of the safe and efficient use of the highway, in accordance with Policy LP21 of the Kirklees Local Plan.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A, B or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interest of visual and residential amenity, to prevent an overdevelopment of the site, in accordance with Policy LP24 of the Kirklees Local Plan.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any side facing elevation of the dwellings hereby approved.

Reason: So as not to detract from the amenities of adjoining property by reason of loss of privacy, to accord with Policy LP24 of the Kirklees Local Plan.

Note: Public footpath MIR/1/10 is adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted by telephone 01484 221000 and ask for Sharon Huddleston. The public rights of way team are based at Flint Street, Fartown, Huddersfield HD1 6LG and the email address is publicrightsofway@kirklees.gov.uk

Note: The responsibility of securing a safe development rests with the developer and landowner.

Note: Please note that the granting of planning permission does not override any private rights of ownership and it is your responsibility to ensure you have the legal right to carry out the approved works, as construction and maintenance may involve access to land outside your ownership

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) regarding 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: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

Note: Pursuant to condition 24, a ventilation scheme that meets the performance specification given in Part 6 of Schedule 1 of the Noise Insulation Regulations 1975 is likely to be acceptable. Acoustic trickle ventilation alone is unlikely to provide sufficient ventilation to help control thermal comfort without the need to open windows and would therefore not be acceptable.

Note: Electric Vehicle Charging Points

- 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
- Standard charging points for single residential properties that meet the requirements specified in the latest version of “Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)” by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would 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: 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:

Monday to Friday: 0730 – 1830

Saturday: 0800 – 1300

With no working Sundays or Public Holidays

In some cases, different site-specific hours of operation may be appropriate.

Kirklees Council has powers under Section 60 of the Control of Pollution Act 1974 to control noise from construction sites and may serve a notice imposing requirements on the way in which construction works are to be carried out. It has additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including noise, dust, smoke and artificial light and must serve an abatement notice when it is satisfied that a statutory nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location Plan	SLP		24.07.2020
Existing Site Plan	100		14.12.2020
Proposed Block Plan	202	Rev. D	25.03.2021
Proposed Site Sections	204	Rev. B	31.03.2021
Grouped Plans and Elevations	300 (3-bed dwelling)	Rev. B	13.01.2021
Grouped Plans and Elevations	300 (4-bed dwelling, gabled roof)		14.12.2020
Grouped Plans and Elevations	302 (4-bed dwelling, hipped roof)		13.01.2021
Flood Routing Plan	141-18-501	Rev. E	30.03.2021
Indicative Drainage Plan	141-18-500	Rev. C	25.02.2021
Proposed Site Sections	1905 – 104	Rev. D	14.12.2020
Proposed Block Plan	1905 – 102		01.03.2021
Supporting Information	Design and Access Statement		06.08.2020
Supporting Information	Ecological Impact Assessment		10.04.2021
Supporting Information	Metric 2.0 Calculations		10.04.2021
Supporting Information	Drainage Connection Addendum		31.03.2021
Supporting Information	Air Quality Impact Assessment		09.03.2021
Supporting Information	Noise Impact Assessment		15.12.2020
Supporting Information	Speed Survey, from Leeds		19.11.2020
Supporting Information	Speed Survey, from Huddersfield		19.11.2020
Supporting Information	Road Safety Audit and Designers Response		07.12.2020
Supporting Information	Flood Risk Assessment		02.12.2020

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 application was initially submitted for 12 dwellinghouses. Officers objected to this number of units as it was well below LP7's target density and the layout was considered an inefficient use of land. This led to the proposal being amended to 14 units and subsequently readvertised.

Beyond the quantum of development, negotiations on numerous aspects of the proposal have taken place. These include securing access and evidence of appropriate possible drainage to the remainder of the allocation, improved access arrangements, the provision of a cycle track along the frontage, the provision of on-site public open space and on matters of design. The applicant has worked positively with officers, resulting in an application assessed as being compliant with policy.

Following a request from a local ward councillor, in accordance with the Delegation Agreement, the application was presented to the Heavy Woollen Planning Sub Committee on the 14th of April 2021, where members of the committee resolved to support the application subject to an additional condition for the retention of a mile stone on the site frontage.

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

Digital Infrastructure: Fibre To The Property (FTTP)

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- **Economic prosperity – workforces that are digitally-literate enables business to thrive.**
- **Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.**
- **New services – digital delivery can lower costs and provide innovative public and health services more conveniently.**

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at carl.tinson@kirklees.gov.uk.

Note: The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

Note: Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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: 04-Jun-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

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

Paragon Highways Designers Response June 2022

Section 278, Leeds Road, Mirfield, Kirklees

Road Safety Audit Stage 2

June 2022



Document Control

Report Title:

Section 278, Leeds Road, Mirfield, Kirklees – Road Safety Audit Stage 2

Date of Site Visit

16th June 2022

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On behalf of

Paragon Highways – Office 20/21 The Rear Walled Garden, Nostell Estate, Wakefield WF4 1AB

Highway Authority / Overseeing Organisation

Kirklees Council

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Document History:

Revision	Date	Description	By
0	18.06.2022	For Issue	HV

Introduction

Commissioning and Scope

This report results from a Stage 2 Road Safety Audit carried out at the site a proposed development access off Leeds Road in Mirfield, Kirklees, at the request of Paragon Highways Limited on behalf of the developer of the site.

The Road Safety Audit Brief was supplied by Ash Howarth, Director, Paragon Highways on behalf of the developer.

The Road Safety Audit Brief was approved by Ash Howarth, Director, Paragon Highways on behalf of the developer.

The Road Safety Audit team membership approved by Ash Howarth, Director, Paragon Highways on behalf of the developer, and was as follows:

The Audit Team	Haydn Vernals FCIHT FIHE CMILT MSoRSA Directive 2008/96/EC (Certificate of Competency), Road Safety Team Leader in accordance with GG119 Sarah Stewart BAHonsQTS NPQH, Road Safety Team Member in accordance with GG119
Audit Observers	None

A site visit took place comprising of the RSA team on Thursday 16th June 2022 between 12:30 and 13:00 hours during which the weather was sunny and the road surface was dry. Traffic conditions were light and free flowing, with a small number of pedestrians observed but no cyclists observed.

The main project is the development of the site for residential use, with 14 semi-detached homes, with a single point of access onto Leeds Road. The scope of this audit is to review the site access in terms of the Section 278 agreement – i.e. changes to the existing highway.

The RSA took place in June 2022 at the Sevenairs Consulting Office in Sheffield and was undertaken in accordance with the RSA brief provided by Ash Howarth, Director, Paragon Highways on behalf of the developer. The audit comprised of an examination of the documents provided as outlined in the audit brief and the scheme as proposed on site.

No departures from standard have been brought to the attention of the RSA team with regard to the scheme as designed.

Documents Supplied

- E-mail proposal background
- 1905C 101 rev B 278 Design
- 1905C 102 rev B Standard Details

Terms of Reference

The terms of reference of this Road Safety Audit are as described in GG119 Road Safety Audit. The Audit Team has examined and reported only on the road safety implications of the scheme as presented and has not examined or verified the compliance of the designs to any other criteria.

Each of the auditors' responses is classified as a 'Problem' that is likely to result in a significant road safety hazard. All comments and recommendations are referenced to the detailed design drawings and the locations have been indicated on the plan at the end of the report.

Where recommendations are made, these do not comprise design decisions, and it remains the responsibility of the Design Team to incorporate any changes into the scheme, and consider any interactions between design elements.

Problems Raised at the Stage 1 RSA

The proposals were subject to a Stage 1 Road Safety Audit carried out in December 2020 by Sevenairs Consulting Ltd. The following items were raised in that report and either remain a problem at this Stage 2 Road Safety Audit or have been closed out or relate to the option not carried forward.

The original Problems and Recommendations are shown below highlighted in grey and italics together with the Audit Response where applicable. In addition to this the Stage 2 Road Safety Audit Team has provided comments below to confirm the current status of each problem.

PROBLEM – A-01

Location: *Access road*

Summary: *Drainage – Poor surface water drainage may increase the risk of skidding type collisions by vehicles and also trips and falls by pedestrians.*

No details have been provided of the surface water drainage in terms contours of the carriageway surface. This is of a particular concern with the site at a lower level than that of Leeds Road. As such, no check could be made on the surface water drainage performance and in particular how surface water from Leeds Road will be managed or prevented from entering the estate road. Poor surface water drainage may increase the risk of skidding type collisions by vehicles caused by standing water, detritus or ice and also trips and falls by pedestrians.

RECOMMENDATION

It is recommended that surface water details, including gully positions and surface contours are provided for review at the next stage of Road Safety Audit

AUDIT RESPONSE

Accepted, the long section identifies proposed levels that comply with the Council's latest guidance. A suitable surface water drainage scheme shall be provided as part of the detailed road design

Status at this Stage 2 Road Safety Audit – Closed: The road safety audit team have no further comments on this element of the proposals.

PROBLEM – A-02

Location: Access road

Summary: Lighting – Poor carriageway surface illumination may increase the risk of trips and falls for non-motorised users and collisions between vehicles and NMUs.

No form of carriageway illumination is indicated on the drawings. Poor levels of carriageway surface illumination may increase the risk of trips and falls by non-motorised users of the proposed service road and may also increase the risk of collisions between vehicles and non-motorised users during the hours of darkness.

RECOMMENDATION

It is recommended that carriageway surface illumination is provided.

AUDIT RESPONSE

Accepted, a street lighting scheme (designed by Kirklees Council) shall be provided as part of the detailed road design

Status at this Stage 2 Road Safety Audit – Closed: The audit team note that details of the carriageway illumination have not been provided for review, however note the audit response and consider that with Kirklees Council as the designer, the proposed street lighting design would be to the satisfaction of the highway authority.

PROBLEM – A-03

Location: Access road and Leeds Road

Summary: Network Management – Parking in the mouth of the access may increase the risk of collisions for vehicles and NMU's using the access, NMU's crossing the access and pedestrians entering the development

During the site visit, a number of vehicles were observed being moved between the garage site opposite the development and an area next to 106 Leeds Road. This suggested that there may be an issue with the garage business and parking availability on their site. With the introduction of the new residential access, there is a risk that the business may use the mouth of the access to park vehicles that should otherwise be accommodated on the garage site, consequentially obstructing the visibility at the access for vehicles legitimately using the residential access or for NMU's crossing the junction mouth or forcing pedestrians to walk in the access due to obstructed footways.

RECOMMENDATION

It is recommended that waiting restrictions are provided into the access, over the length of the access where a 2.0m wide footway is provided and also into the main line, sufficiently to protect visibility on the main line for emerging vehicles.

AUDIT RESPONSE

Accepted, the proposals include the provision of a waiting restrictions on Leeds Road (southeast side) and into the proposed junction.

Status at this Stage 2 Road Safety Audit – Closed: The audit team note that details of the waiting restrictions have not been provided for review, however note the audit response and consider that with Kirklees Council as the designer, the proposed waiting restrictions would be to the satisfaction of the highway authority.

Problems Raised at this Stage 2 RSA

PROBLEM – B-01

Location: Leeds Road

Summary: Pedestrians/Cycles – Close proximity to a higher speed road may increase the risk of collisions or injuries involving pedestrians on the crossing.

Leeds Road has a 40mph speed limit, this may increase the risk of air turbulence caused by passing vehicles that effects the stability of pedestrians/cycles or places them at greater risk from debris thrown up from passing vehicles. This may increase the risk of collisions or injuries involving pedestrians/cycles.

RECOMMENDATION

It is recommended that a buffer strip is placed between the footway/cycleway and the main carriageway as per the guidance in LTN 1/20 Table 6.1. This could be achieved using a white edge marking to the footway/cycleway.

DESIGNERS RESPONSE

Not accepted - The proposed cycle/footway shall be kerbed to delineate it from the carriageway. A white edge marking may confuse cyclists as it could be mistaken for the continuation of the in-carriageway cycleway.

Audit Team Statement

We certify that this Road Safety Audit has been carried out in accordance with GG119.

Road Safety Audit Team Leader

Haydn Vernals FCIHT FIHE CMILT MSoRSA, Directive
2008/96/EC (Certificate of Competency)

Sevenairs Consulting Ltd
20 High Bank, Thurlstone, Sheffield,
South Yorkshire, S36 9QH

Signed:



Date: 18th June 2022

Road Safety Audit Team Member

Sarah Stewart BAHonsQTS NPQH

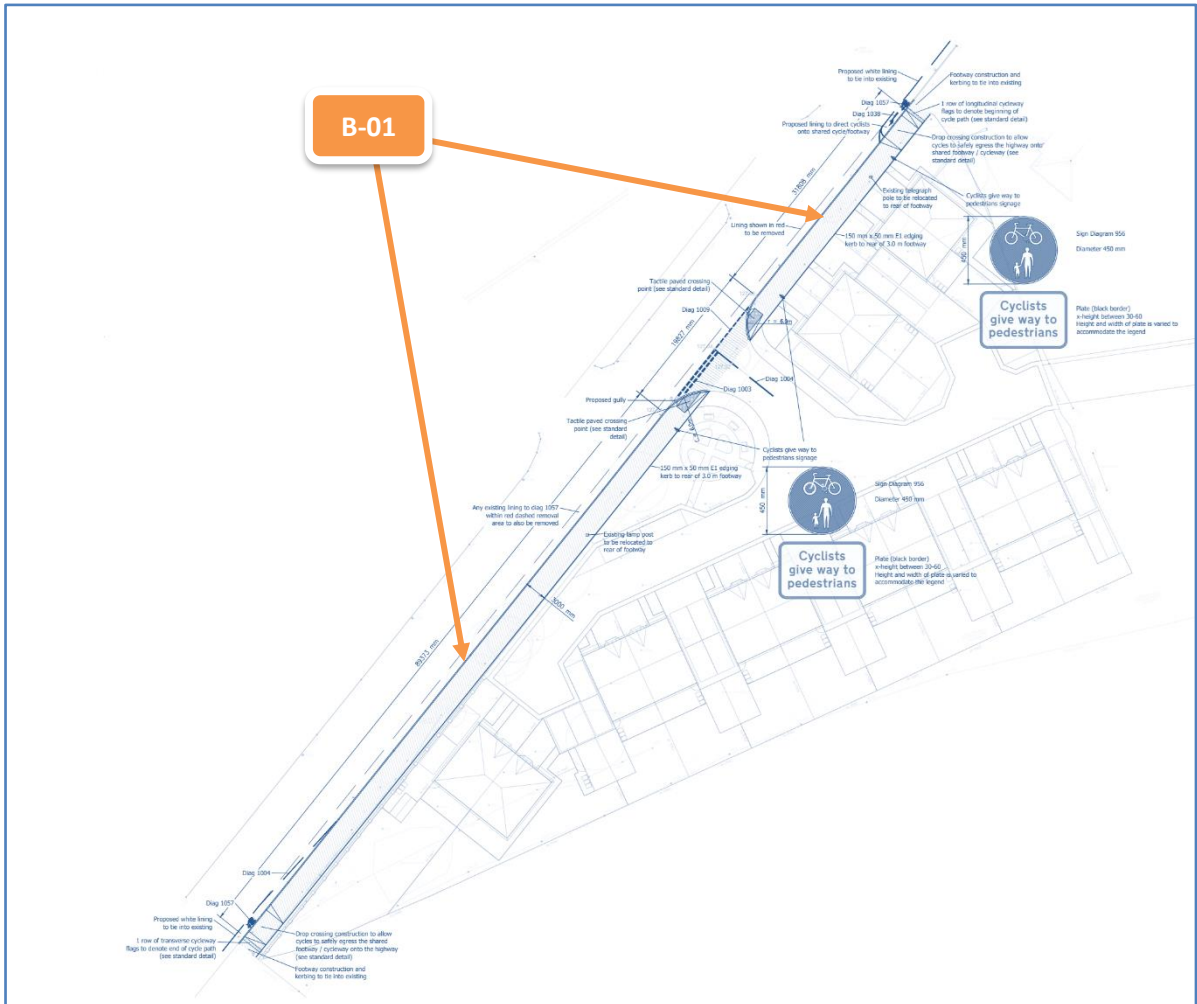
Sevenairs Consulting Ltd
20 High Bank, Thurlstone, Sheffield,
South Yorkshire, S36 9QH

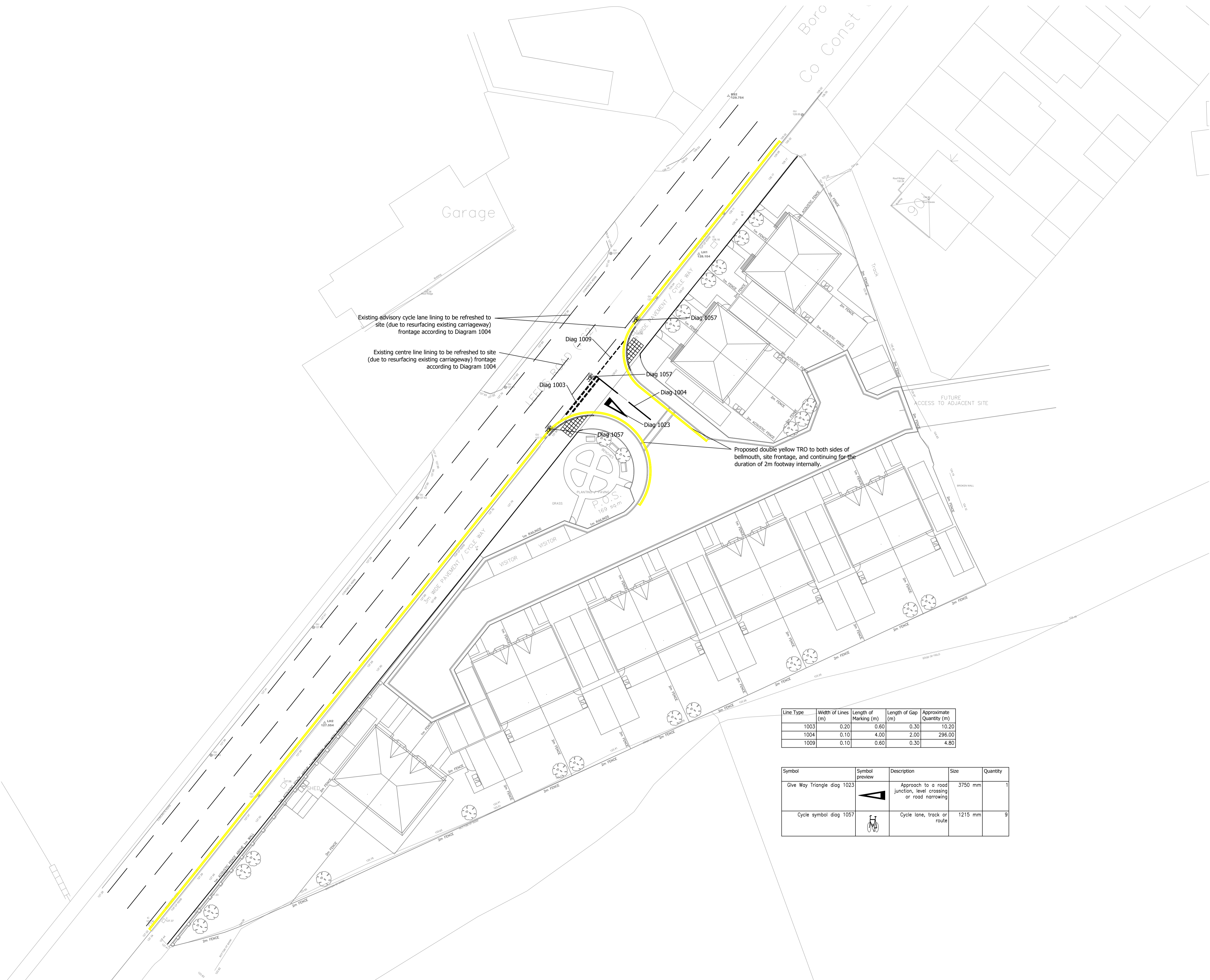
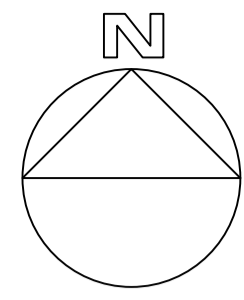
Signed:



Date: 18th June 2022

Problem Location Plan





NOTES

1. All permanent road markings shown on this plan must be provided in accordance with the Manual of Contract Documents for Highway Works, Volume 1 Specification for Highway Works, Clause #1212.
2. All permanent road markings shown on this plan shall have performance characteristics as defined in BS EN 1436 for the period of the functional life of the marking.
3. Diag. numbers refer to the Traffic Signs Regulations and General Directions 2016.
4. Setting out of road markings to be agreed by the Designer prior to installation. The Contractor must take care to ensure the correct alignment of the yellow box marking and any guidance markings through the junction.
5. Dimensions shown are in metres unless stated otherwise.
6. Road markings should not be installed across gully covers/frames.
7. Road markings should be installed as soon as practicable on completion of carriageway surfacing works.

CDM 2015 PRE-CONSTRUCTION INFORMATION

Please refer to the Pre-Construction Information in Volume 3 (Section C) of the Contract Tender Documents.

REV	DATE	DESCRIPTION
D	15.02.2023	Alterations to internals
C	11.01.2023	Alterations to scheme as discussed with Kirklees 278 team
B	10.01.2023	Alterations to scheme as discussed with Kirklees 278 team on site
A	07.12.2022	Alterations to scheme as requested by Kirklees Highways
	24.11.2022	Initial design

PROJECT
LEEDS ROAD
MIRFIELD

TITLE
SECTION 278 DESIGN
ROAD MARKINGS AND TRO

SCALE
1:250 @ A1

DRAWING
1905C 103 rev D

DATE
15.02.2023

DRAWN	CHECKED	ALTERED
AH	LO	AH

PARAGON HIGHWAYS
OFFICE 20/21 THE REAR WALLED GARDEN,
THE NOSTELL ESTATE,
WAKEFIELD WF4 1AB
01924 291536 /
MAIL@PARAGONHIGHWAYS.COM

Line Type	Width of Lines (m)	Length of Marking (m)	Length of Gap (m)	Approximate Quantity (m)
1003	0.20	0.60	0.30	10.20
1004	0.10	4.00	2.00	296.00
1009	0.10	0.60	0.30	4.80

Symbol	Symbol preview	Description	Size	Quantity
Give Way Triangle diag 1023		Approach to a road junction, level crossing or road narrowing	3750 mm	1
Cycle symbol diag 1057		Cycle lane, track or route	1215 mm	9

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Hello,

I am writing to object against the proposed order/ road traffic planning application

The Reference is - DEV/HG/D116-2415(AO)

We live at [REDACTED] Leeds Road, so this affects us drastically. We only have limited parking around the back for our houses and by placing yellow lines outside our property means our visitors will be affected.

I believe that this proposed order is for [REDACTED] which I think is not necessary, the road is by far wide enough for parked cars as well as passing traffic. I also believe the plans are to benefit [REDACTED] as they also have a property which the lines do not cover. I feel this is truly biased and we do not want it outside of our property.

You believe it will improve road safety; I'd love to see the proof of this and actually it is very rare cars are parked along the road.

I look forward to your response.

Kind regards

[REDACTED]

[REDACTED] Leeds road
Mirfield

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From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 02 December 2024 13:25

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Thank You Karen

I do formally object

Your clarification raises even more concerns.

Once again (and as someone who has held an HGV licence for nearly 50 years some experience) the proposal fails to understand the reality.

If a driver is approaching the forecourt from the east, then they are almost at the point of entry before they can see if the forecourt is clear. I hope all agree this?

When Kirklees , and I dispute that the premise is road safety as the reasons giving rise to complaints initially by Rodger and myself have now vanished with the developer ceasing work , impose the parking regulations a driver cant stop ready to pull onto the forecourt ? Again I hope we all agree on this fact

So we turn to your comment that a driver then has to find a parking or waiting place where their vehicle will not obstruct dropped kerbs or driveways . In this I ask you and highways, using their experience in this field (and you have not yet supplied a plan as requested several times) where is this waiting /parking zone ?

As they can not by your statement park in front of 106-110 Leeds Rd being immediately before the new yellow lines , the only legal place to park is on the approach to the garage from the west on the A62 , but in order to do this an artic driver has to find somewhere to turn round on the A62 Where will they do this

I trust that the full correspondence will be placed in front of decision-makers, so they can see the reasons why it is necessary to object, and that as no answer has been given so far these actions , in my view based on totally flawed premises , risk the financial viability of a long established business in this area

Regards

Martyn

From: Karen North <Karen.North@kirklees.gov.uk>

Sent: Thursday, November 28, 2024 1:12 PM

To: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>; >

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good afternoon, Councillor Bolt

Thank you for the further clarification, but I can only repeat that this scheme is being proposed on road safety grounds, and as such if the forecourt is full, then as a professional HGV driver, they should find the nearest safe and legal place to wait taking into consideration that they shouldn't park on double yellow lines or directly in front of the properties higher up the road given that they will be blocking access to the dropped kerbs/driveways which is also illegal.

Taking this information into account, please can you let me know if you would like these comments to be taken as a formal objection. I can confirm that the objection period ends today but as your comments were received prior to this date, I am willing to accept these comments once you have confirmed if this is the case.

Kind regards

Karen North

Principal Technical Officer

Highway Services

01484 221000

From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 22 November 2024 11:27

To: Karen North <Karen.North@kirklees.gov.uk>; **Subject:** RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Hi Karen

You misunderstand the operation of **Teale's garage**, in that it has a substantial clientele in HGVs

If/When there are other vehicles on the forecourt, such a vehicle may not be able to pull onto the garage and so wait on the A62 until the original vehicle has fuelled and left.

The parking proposals do not change this, but as has been highlighted on several occasions, clearly means in such cases and unless a driver is willing to wait on the yellow lines for 5 minutes, then the only logical and available place for them to wait is before the yellow lines?

Where else do you believe they will wait.

I believe we can say this will happen, if not please explain where you estimate such vehicles will wait ?

I again point out that in the event a vehicle parks in front of 106 to 110 Leeds Rd and a bus stops opposite (do you know how many busses per hour there may be at that location?) then until either of the vehicles moves the road is blocked.

I have previously asked for a drawing of the road at this point to illustrate this , please show an articulated vehicle (40 ft trailer I believe ?) waiting east bound just before your proposed lines, and also a bus on the current stop and thus what is the gap between them n the highway?

Again it must be noted , and please ensure these details are included in any decision report and they are answered, in this situation at peak periods, vehicles leaving the lights travelling westbound will wait behind the stationary vehicles, and this may result in traffic backing up to the junction due to the volume of traffic through the lights at peak periods, and in order to understand this please can you provide data of these traffic movements as I believe this junction should have data collection equipment or in the worst case scenario highways officers will have this from the recent planning applications in the area

If/when the situation with HGVs waiting arises after the introduction of your proposed legislation , what steps can and will you take to resolve it , as per your comments below?

I am not advocating giving tickets to HGV drivers who must fill up their vehicles ,as per para 4, please ensure this is clear and understood, I was seeking clarity and that clarity is a driver has to be observed waiting there for 5 minutes

I note that residents who have moved into the new houses are asking to retain the ability (I question your use of the wording right to park , as when Kirklees removed that ability from properties nearby it clearly said they did not have the right to park on the highway and as this is a legal process I would presume that it needs to be accurate ?) to park on the A62, if the proposed traffic order was as said below a planning condition, then surely those house buyers would have been aware of it and it would show up on the sales plans and their deed searches ?

I do object , as I believe Kirklees are creating a hazard which can be reasonably anticipated and thus creating a potential road safety issue and congestion point

I would also like it adding into any decision report that complaints about vehicles parking leading to this situation were not about new residents cars but specifically referred to the failure of Kirklees council to ensure the developers parked their vehicles off the road, as required by their planning conditions

I would also like it noted in the report that one of the initial and primary comments and reasons for this, was that officers noted vehicles being moved from **Teale's Garage adjacent to, or onto 106 Leeds Road**, but did not ascertain who the owner of those properties was, and as it is Mr Teale then in point of fact vehicles are being moved from one part of land he owns to another

This happens on many places yet Kirklees do not put in place traffic regulation orders so this basic premise is in my view flawed and irrelevant

Regards

Martyn

From: Karen North <Karen.North@kirklees.gov.uk>

Sent: Monday, November 18, 2024 3:37 PM

To: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>; **Subject:** RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good afternoon Councillor Bolt

Thank you for your further email and I do take onboard your comments.

I can however confirm that a few properties here have requested to retain the right to be able to park their vehicles on the road, showing that on street parking does take place here. In addition, I can confirm that Mr Teale originally requested yellow lines to solve access issues to and from his premises especially for HGVs and that two Keep Clear markings were added to try to help. In addition, given the parking taking place here at the time of the road safety audit, the assessment raised concerns that there is a likelihood that drivers may also park in the junction mouth and up and down the road blocking visibility splays for drivers pulling into and out of the new access and for cyclists and pedestrians travelling down the road and in front of the access. As such a planning condition to introduce waiting restrictions here to improve road safety for all road users was considered necessary,

In response to your concerns regarding vehicles being displaced higher up, including HGVs, I cannot say whether or not this will happen, but I would suggest that if the proposals are successful, then it's likely the HGVs will be able to access the garage premises unhindered with the parking removed but as with all schemes, any introduction of parking restrictions would be monitored and adapted as appropriate if found to be necessary.

The proposed restrictions have been designed to extend the full length of the development (as shown on the attached plan) so any vehicle parked before the proposed restrictions would be directly in front of the dropped kerbs to the properties at this location and so the drivers would already be liable to receive a ticket for obstruction if they prevented access and the residents let our enforcement team know that they would be happy for any vehicle parked on the road getting a ticket. Taking this information into account I believe it's unlikely HGV drivers will park here to wait.

If after reading these further details you would now like to formally object to the proposals, then please can I ask that you let me have any comments you want to make, before the end of the objection period on 28 November 2024.

Kind regards

Karen North

Principal Technical Officer

Highway Services

01484 221000

From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 18 November 2024 13:40

To: Karen North <Karen.North@kirklees.gov.uk>; >

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Thank you Karen,

Your information bears out what has been said before that **Mr Teale**, myself and others contacted Kirklees to raise the problems caused by the developer and that Kirklees planning and highways did not resolve them

I am fairly confident no one asked for long-term parking restrictions as the issue was resolved due to the completion of the development, not any action requested

I also disagree that it is only those few houses, all new builds, which are directly affected as the impact of this regulation clearly and obviously displaces vehicles which have historically parked in that location.

I have said before that the street notices do not inform residents of 106-124 Leeds Road, ie those who will be impacted by any knock-on effect

Again, I disagree that it is difficult to judge where vehicles will be displaced and may park, it is very obvious that a driver travelling westbound on the A62 and wanting to pull onto the forecourt will obviously stop east of that regulated area, i.e. from 106 Leeds rd eastwards.

They would not and can not park west of the regulated area and have sight of the forecourt to know when it is free to access

Similarly, it is blatantly obvious that if an HGV parks along the frontage of 106, 108, 110 Leeds Rd, it will obstruct the driveways to those properties AND create a pinch point or prohibit passage for vehicles when there is a bus on the eastbound stop (please check frequency of bus services at this location)

Please produce a plan showing an HGV parked at the eastern end of your proposed restrictions on the highway, and a bus on the stop area

As the premise of your actions and TRO is sightlines for the new build access and egress, please show the impact on sightlines for the driveways from 106 Leeds RD eastwards , as this is a 40 mph road

I am sorry but coming back to review a situation that Kirklees are creating and seeking to rectify any issues caused later is in my view poor governance as these are known issues and matters Kirklees is creating, just as it did when it removed the ability for the cottages to park outside their homes just down the road.

Regards

Martyn

From: Karen North <Karen.North@kirklees.gov.uk>

Sent: Thursday, November 7, 2024 9:49 AM

To: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>; **Subject:** RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good morning Cllr Bolt

Thank you for your email.

I can confirm that **Mr Teale** contacted the council in August 2023 reporting the difficulty and requesting waiting restrictions as vehicles were having difficulty getting in and out of the premises due to parked cars on the opposite side of the road. Following my investigations and my attempts to contact him via telephone, I contacted **Mr Teale** in August 2023 stating that waiting restrictions were to be progressed here as part of a planning application on the opposite side of the road and that to try to help in the interim, that I would speak to the site manager as a temporary solution.

I can also confirm that if drivers park on double yellow lines, our enforcement officers are legally required to allow a five-minute grace period before they can issue a ticket to vehicles parked on the double yellow lines to ensure the drivers are not loading and unloading. They are also required to check that there is not a blue badge displayed in the car allowing the driver to park on them for up to 3 hours as long as the vehicle does not cause an obstruction.

I can only repeat that as part of the consultation process, a consultation letter was mailed out to **Teales Recovery, Moor Top Garage, Garage, Leeds Road, WF14 ODL** on 29 August 2024 as detailed before. If this was not delivered, I can only apologise.

The other properties who would be directly affected and were consulted are as follows:

1	Jubilee Gardens	Mirfield	WF14 OJR
2	Jubilee Gardens	Mirfield	WF14 OJR
4	Jubilee Gardens	Mirfield	WF14 OJR
5	Jubilee Gardens	Mirfield	WF14 OJR
6	Jubilee Gardens	Mirfield	WF14 OJR
7	Jubilee Gardens	Mirfield	WF14 OJR
8	Jubilee Gardens	Mirfield	WF14 OJR
9	Jubilee Gardens	Mirfield	WF14 OJR
10	Jubilee Gardens	Mirfield	WF14 OJR
98	Leeds Road	Mirfield	WF14 OJE
100	Leeds Road	Mirfield	WF14 OJE
102	Leeds Road	Mirfield	WF14 OJE
104	Leeds Road	Mirfield	WF14 OJE

As part of a TRO we only consult properties directly affected by the proposals and not all properties higher up would be included. That said, we do follow the legal process, and the proposals will be advertised in the Dewsbury Reporter, on the council's website and via street notices. The street notices are put up by the Council's enumerators during the advertisement period of 31st October to 28th November so I have copied the relevant officers in to ask if they can explain where these are located and check that the street notice is visible.

Given the length of the road here and as unrestricted parking is available on the opposite side of the road, it would be difficult to judge where the displaced parking will be moved to. The proposals are primarily designed to maintain access and visibility splays in and out of the junction and to help maintain access to and from the **garage** on the opposite side of the road. As with all schemes, if the proposals are successful, the scheme will be monitored to ensure that the proposals meet their aims and are effective. At that time, any further issues raised, would be assessed to see if any further action is needed and can be justified.

Kind regards

Karen North

Principal Technical Officer

Highway Services

01484 221000

From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 05 November 2024 17:27

To: Karen North <Karen.North@kirklees.gov.uk>; **Subject:** RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good Afternoon

Please can you show where **Mr Teale** asked for any action , other than as myself and others also requested to deal with the inconsiderate and contrary to their planning approval, parking by the developers

Which Kirklees failed to resolve.

Karen previously said

"I can confirm that drivers can park on double yellow lines to drop off and pick up. They shouldn't however park on yellow lines to wait until there is a space on the garage's forecourt and could potentially receive a fixed penalty charge ticket if our Civil Enforcement Team were to witness that they had been there beyond the standard 5 minute observation period."

So, for clarity, has an enforcement officer got to observe someone parked for more than 5 minutes before they can take action?

Karen also said “I can confirm that both the residents and the garage were informally consulted on 20 September and no objections or comments were received in response at that time.”

Rodger did not appear to be aware, which as owner of the garage he should have been

I can also confirm that as a resident affected I received no notification at home, nor have my neighbours

Also having just been to look there is no notification on light columns or the telegraph poles from 124 Leeds Rd to Jubilee Gardens, the only notice is behind the bus stop on LP 81, which is not efficient as many householders will not see that, especially those who will be affected by the consequences of these actions if it displaces vehicles between 124 and 106 Leeds Rd

I am still awaiting clarity on what consideration Kirklees is giving to the creation of a problem, by its actions, if when stopping short time waiting as has existed for nearly a century, it pushes HGVs eastwards between 106 and 124 Leeds Rd, as mentioned before where they could be opposite the eastbound bus stop, (and creating a hold up for westbound traffic to clear the lights) and parking across driveways,

regards

Martyn

From: Karen North <Karen.North@kirklees.gov.uk>

Sent: Friday, November 1, 2024 2:33 PM

To: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>; **Subject:** RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good afternoon, Councillor Bolt

I can confirm that bus stops do not need a TRO although it would make sense to consult with any residents directly affected and this will be done prior to the marking's installation. Given that no TRO is needed here, it's likely that these works will be done as a separate works order unless the TRO for the waiting restrictions are approved, in which case they will all be done together though the bus stop clearways will need signs and poles to allow their enforcement.

I do take on board your comments regarding the proposed yellow lines, and when consulting with the residents and the **garage**, my consultation letter stated that “With the introduction of the new residential access at this location and at the request of **the garage**, who also reported issues gaining access to their premises when vehicles directly opposite their access, it was deemed a risk that the drivers may start to use the mouth of the access to park vehicles in these locations consequentially obstructing visibility for vehicles legitimately using the residential access or forcing pedestrians to walk in the access due to obstructed footways.

As a result, a planning condition recommended that waiting restrictions should be provided in the junction mouth and over the length of the access to protect visibility on the main line for emerging vehicles and help assist access to and from the garage.”

As we haven't received any comments or objections at the informal consultation stage, I have arranged for the proposals to be formally advertised. If we receive any objections at this stage, I will be required to prepare an objection report for consideration at a future Cabinet Committee Local Issues meeting.

Kind regards

Karen North

Principal Technical Officer

Highway Services

01484 221000

From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 01 November 2024 13:53

To: Karen North <Karen.North@kirklees.gov.uk>; >

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Thanks Karen

If the bus stop clearways require a TRO why aren't the tow done together?

Which residents were consulted?

As I have said earlier, the principal stated reason is flawed, Kirklees are saying they are doing this because someone observed vehicles from Teales site A, being moved to Teales site B, and presumably did not know the land is owned by the same people

I have not seen Teales park on the road, I DID see and report the developer doing this but no action was taken

Suggesting this action because a business moves vehicles around its land is preposterous

Q Can a vehicle waiting to access Teale's forecourt and finding another already on there wait once the regulation comes in?

Regards

Martyn

From: Karen North <Karen.North@kirklees.gov.uk>

Sent: Friday, November 1, 2024 9:43 AM

To: >; Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Good morning Councillor Bolt

You may recall the consultation with yourselves attached above for your information.

I can confirm that prior to the development being approved, when planning officers visited the site, they witnessed the garage taking vehicles off their forecourt and parking these on opposite side of the road outside the development and resulted in a planning condition for parking restrictions being proposed here.

That said, being aware of the existing parking taking place here I acknowledge that the garage previously lodged a complaint about vehicles parking directly opposite their accesses meaning drivers travelling towards cooper bridge being unable to turn into their premises and hence the two Keep Clear markings were proposed to try to help.

I can confirm that both the residents and the garage were informally consulted on 20 September and no objections or comments were received in response at that time.

I can also confirm that there are two bus stop clearways which have been proposed and hopefully these will be provided shortly.

Kind regards

Karen North

Principal Technical Officer

Highway Services

01484 221000

From: Cllr Martyn Bolt <Martyn.Bolt@kirklees.gov.uk>

Sent: 31 October 2024 22:18

To: >; Cllr Vivien Lees-Hamilton <vivien.lees-hamilton@kirklees.gov.uk>; Cllr Itrat Ali <Itrat.Ali@kirklees.gov.uk>

Subject: RE: D116-2415(AO) TRO Amendment Order No 15 of 2024 - Jubilee Gardens, Mirfield

Dear Harry,

Has this information been shared with all the nearby properties

Please can you clarify the extent of the order, does No Waiting at Any time, mean exactly what it says? No waiting, stopping, etc ?

Also as I have said before the basic and principal reason for this is flawed and as such needs to be challenged

You say

REASON: As part of a planning application for 14 properties the above location a road safety audit found that a number of vehicles were observed being moved between the garage site opposite the development and an area next to 106 Leeds Road, suggesting an issue with a lack of off-street parking in this vicinity.

As has been pointed out to Kirklees, though not understood.

The garage (Teale's) and 106 Leeds rd AND the access road between the new development and 106 leading to a large area of land to the rear of 106 are all owned by Teales

So all they were seen doing is moving vehicles on their land, which is perfectly reasonable and legal

Further I would hazard a guess that the vehicles Kirklees saw may well have been staff vehicles, which is reasonably and understandably bearing in mind that the garage site has loads of HGV movements, then it is better to park cars away from the forecourt to allow better manoeuvrability

During the planning process, and for nearly the century that Moortop Garage has existed there has been no issue with off street parking

My family have owned 112 Leeds Rd , Mirfield since 1936 and we have NEVER had an issue with vehicles from the garage

This situation would not be considered now if Kirklees had accepted the suggestion, based on the knowledge of this location, that the developer should place this entrance/exit at the west of their site, but officers ignored this and here we are

I look forward to the detailed response please

Martyn

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