

**Name of meeting:** Cabinet Committee - Local Issues

**Date:** 12 October 2020

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

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

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

**Electoral wards affected:** Lindley

**Ward councillors consulted:** No

**Public or private:** Public

**Has GDPR been considered:** Yes

## 1. Summary

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

## 2. Information required to take a decision

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

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

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

### **In response:**

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

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

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

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

### **In response**

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

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

### **3. Implications for the Council**

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

**3.2 Working with Partners** – N/A

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

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

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

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

### **4. Consultees and their opinions**

Statutory consultees have been consulted on these proposals.

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

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

### **5. Next steps and timelines**

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

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

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

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

## **6. Officer recommendations and reasons**

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

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

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

The Cabinet Portfolio Holder supports the Officer recommendation.

## **8. Contact officer**

Jonathan Walsh  
Principal Engineer  
(01484) 221000  
[jonathan.walsh@kirklees.gov.uk](mailto:jonathan.walsh@kirklees.gov.uk)

## **9. Service Director responsible**

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