

Name of meeting: Cabinet Committee - Local Issues

Date: 15 December 2020

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

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

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name	Colin Parr - 30.11.20
Is it also signed off by the Service Director Finance?	Eamonn Croston - 27.11.20
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 27.11.20
Cabinet member portfolio	Councillor Naheed Mather

Electoral wards affected: Holme Valley South

Ward councillors consulted on report: No

Public or private: Public

Has GDPR been considered: Yes

1. Summary

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

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

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

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

2. Information required to take a decision

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

Objection 1 -

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

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

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

Objection 2 -

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

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

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

Objection 3 -

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

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

Objection 4 –

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

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

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

3. Implications for the Council

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

3.2 Working with Partners – N/A

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

3.4 Climate Change and Air Quality – No change

3.5 Improving outcomes for children- No Change

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

4. Consultees and their opinions

Statutory consultees were consulted on these proposals

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

5. Next steps and timelines

Cabinet Committee Local Issues to consider the objections raised during the formal advertising period for the installation of proposed No Waiting at Any Time restrictions, and reach a decision on whether the traffic regulation orders are to be implemented as

advertised.

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

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

6. **Officer recommendations and reasons**

Officer recommendation is that the objections to the proposed waiting restriction be overruled and the Traffic Regulation Order be implemented as advertised, to allow the road safety expected benefits to be realised.

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

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

The Cabinet Portfolio Holder supports the Officer recommendation.

8. **Contact officer**

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

9. **Service Director responsible**

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