

**Name of meeting:** Cabinet Committee - Local Issues  
**Date:** 29<sup>th</sup> March 2023

**Title of report:** Traffic Regulation (No 18) Order 2022 - Objection to the proposed one-way working on part of Burn Road, Lindley

**Purpose of report:** To consider an objection received following the advertising of the Traffic Regulation Order.

<b>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?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>No</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>	<b>Colin Parr – 22/02/2023</b>
<b>Is it also signed off by the Service Director Finance?</b>	<b>Eamonn Croston 20/02/2023</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning?</b>	<b>Julie Muscroft – 22/02/2023</b>
<b>Cabinet member <a href="#">portfolio</a> - Environment</b>	<b>Councillor Naheed Mather</b>

**Electoral wards affected:** Lindley

**Ward councillors consulted:** Yes

**Public or private:** Public

**Has GDPR been considered:** Yes

## **1. Summary,**

- 1.2 In 2018 planning permission was granted for a housing development at Birchencliffe, (Planning application reference 2017/62/90180/W - Erection of 95 Dwellings with Access from Yew Tree Road and Burn Road). As part of the decision there is a planning condition placed on the developer for the construction of a short section of one-way working towards the southern end of Burn Road. This was included as part of the Section 278 agreement for on- highway works for the development.
- 1.3 The junction of Burn Road / Halifax Road has poor visibility, and the one-way restriction was chosen as a practical method to prevent the intensification of this junction, by limiting the number of vehicles using Burn Road to access out on to Halifax Road. A plan showing the arrangement of the one-way restriction in position on Burn Road is attached to this report - Appendix 1 (Drg No: 50/61597-BR-01 / 9917-BR-100-001 rev D).
- 1.4 A traffic regulation order (TRO) to bring this one-way section of carriageway into effect was advertised between 20<sup>th</sup> July 2018 and 17<sup>th</sup> August 2018 and during this time one objection was received from a local resident. Ordinarily a report would have been prepared, dealing with the objection, for discussion at this committee (CCLI) however due to an oversight, although the 278 works were completed and this section of one-way road was physically constructed, properly signed and lined, the TRO objections were not dealt with, nor was the TRO process concluded.
- 1.5 To address this legal anomaly, a new TRO for this section of one-way working on Burn Road was advertised 16<sup>th</sup> November -14<sup>th</sup> December 2022 with relevant notices placed on the Council's website, in the local press , and on street, adjacent to the one-way section of Burn Road
- 1.6 1 objection was received from a local resident.

## **2 Information required to take a decision**

- 2.1 The proposal for the one-way working on Burn Road was developed to support the Harron Homes Oaklands Heath housing development off Yew Tree Road and Burn Road, Birchencliffe, and was included as part of the planning application for this site. It was one of a number of recommended highway alterations that were included in a Section 278 agreement for the development.
- 2.2 The TRO, required to legally implement any one-way proposal, was originally advertised in August 2018, during the implementation of the Section 278 works.
- 2.3 During the formal adverting process 1 objection was received, and that objection, from a local resident of Burn Road stated:
  - 1) It is not apparent what the purpose of this Road Traffic Order is to serve but one result of this would be to increase the traffic using the junction of Burn Road with Halifax Road for access to the properties on Burn Road south of the junction with the new road. Most of the occupiers of these properties generally avoid using this junction for access as it is hazardous in a number of respects.

- 2) When wishing to turn right from the northbound lane of Halifax Road into Burn Road drivers cannot see southbound traffic approaching unless it is a high vehicle, and if traffic is seeking to exit Burn Road at the same time, Southbound traffic tends to veer to the right into the hatchings on which a Burn Road Bound vehicle is waiting to make the manoeuvre into Burn Road.
- 3) The sightline for traffic exiting Burn Road at this junction is very poor requiring projection beyond the "Stop Line" or if turning left they need to approach at an angle using part of the opposite carriageway. If this vehicle is larger than a car, then this problem is exasperated (sic).
- 4) There is no restriction on parking on the west side of Burn Road and vehicles generally park on the pavement something right up to the steps of the houses this causes pedestrians to use the carriageway which places them in the way of incoming traffic which in a hurry to get off Halifax Road.
- 5) This parking whether over the pavement or not means that once into Burn Road northbound are in the eastern side of the road and any vehicle approaching the Halifax Road junction may have to reverse to allow the incoming vehicle to proceed as it could not reverse onto Halifax Road.
- 6) In the face of these hazards, I have personally avoided entering or exiting Burn Road from this junction for over forty years during which the traffic has increased year on year. If I am forced to use this junction for access, I shall only approach the junction from the north which will involve using Ainley Top roundabout when traveling from Huddersfield to enable me to do so. I shall advise all delivery vehicle drivers and visitors to do likewise.
- 7) The width of Burn Road at the junction with Halifax Road for a distance of 34 metres is only 4.6 metres wide and this area should not be available for parking to make access and egress safer.
- 8) One solution to these dangers would be for the Halifax Road junction to be closed completely. The southern part of Burn Road to be accessible through the proposed one-way portion only for access to the properties in that part of Burn Road and Rock Road. The sign should indicate this – No Access except for Numbers 1-55 Burn Road, Rock Road and Numbers ? to – 110 Halifax Road. Alternatively a mini roundabout at the junction with the new road would allow more street parking to be available.
- 9) In any event there should be a sign at the junction of Yew Tree Road with Burn Road indicating that there is no access to Halifax Road otherwise vehicles will continue to disregard the No Entry Signs as they have during the last two months.

2.4 It has recently come to light that the formal process, following receipt of a TRO objection, to determine the outcome of objections received to TRO, was not completed. As a result, whilst the works to physically implement the one-way section of Burn Rd were constructed on site and have been operating without incident since 2018, there is no legal order to support that moving traffic restriction. This renders one way working unenforceable, and the Police are unable to take action against any driver choosing, or attempting, to use this section of road in the wrong direction

- 2.5 To address this, the same TRO proposal was advertised again 16 Nov – 14 Dec 2022. Again, 1 objection was received during the advertising period. The objection received was from the same resident that objected to the order in 2018

**Objection:**

**“Subject: TRAFFIC REGULATION (NO> 18) ORDER 2022  
Reference:DEV/HG/D116-2218**

I refer to the TRO(No.18) ORDER 2022 Burn Road, Birchencliffe, Huddersfield. In 2018 I made objection to the publicised notice of the proposed TRO. I attach copy of my letter sent then which is still pertinent today and which I to be regarded as my objection.

- a) The best solution is for there to be an exception for access to Nos. 1-55 Burn Road at the junction to Woodlands Court along with a mini roundabout at that point.
- b) Remove the excess of pavement to the east of Burn Road, thus allowing more parking on Burn Road for the removal of any parking from Burn Road from the junction with Halifax Road to the widening of Burn Road by the Door to number 6 Burn Road.
- c) I give an example of such exceptional permission is Taylor Hall Lane off A62 Leeds Road has signs both ends saying Access for residents only.
- d) The junction of Burn Road with Halifax Road is extremely dangerous whether one is accessing Burn Road or Halifax Road which I believe would best be closed if there was the exception for residents to access from the Woodlands Court Junction as I suggest.

I would be pleased to discuss this with a committee or officers dealing with this matter.”

- 2.6 In response to the points raised to the 2018 advert

The objector clearly gave some considerable thought to the implications of introducing the one-way working on Burn Road, below are responses to the points raised in the original objection.

1. The purpose of the one-way working was to discourage vehicles from using Burn Road to access Halifax Road. The construction of the new housing off Yew Tree Road and Burn Road has brought with it an increase in traffic movements to the area and as the objector points out in Point 3 of their original letter the visibility for traffic from Burn Road accessing Halifax Road is poor. The one-way working is intended to reduce the number of vehicles accessing Halifax Road and keep additional movements out of Burn Road to a minimum.
2. Currently the speed limit along Halifax Road around the Burn Road Junction is 40mph, as part of a highway improvement scheme planned for the area the speed limit on Halifax Road from the Ainley Top Roundabout to a point south of the Birkby Road junction will be reduced to 30mph. When introduced this new speed limit will be beneficial to vehicles turning right off Halifax Road into Burn Road by reducing the speed of traffic approaching the junction

3. Unfortunately, it is not possible to improve the visibility at the junction, due to existing buildings, neither is it practical to move the stop line to a point where visibility could be improved without major highway alterations.
4. The obstruction of the footway by parked vehicles on Burn Road at the Halifax Road junction is one which is replicated at junctions throughout the district, and is currently a matter for the police, as there are no waiting restrictions in place. Whilst the introduction of waiting restrictions would discourage vehicles from parking on the footway, this would need a new TRO combined with regular enforcement. It is an issue that will be monitored.
5. The width of Burn Road on the approach to the junction with Halifax Road is not sufficient to allow for two-way traffic if vehicles are parked along one side. Without the introduction of waiting restrictions the situation cannot be improved, however, similar situations can be found throughout the district and the introduction of waiting restrictions would require an additional TRO to facilitate. The situation will continue to be monitored. See comment 4
6. This commented is noted
7. As point 4
8. The one-way proposal, as advertised, was submitted, and agreed as part of the planning process, and approvals for the housing development. As such we were not, in 2018, nor are we now, at liberty to make fundamental changes as the objector has proposed.
9. Several signs have been installed at the Yew Tree Road and Burn Road junction to inform drivers that Burn Road cannot be used to access Halifax Road. The physical works to enact this one-way working have been on site for some time now, and whilst there were initially issues with non compliance, there have been no recent reports of drivers contravening the signs and road markings that are in place at this location.

## **2.7** In response to the additional points raised in the 2022 advertisement

- a) See response point 8 above
- b) See response point 8 above and in addition, the existing buildout highlights the presence of the restriction and will help to deter competent drivers from continuing southwest towards Halifax Road. Removing the buildout would potentially encourage two-way traffic which could result in an increase in non-compliance with any access restriction.
- c) See response point 8 above and in addition, the restriction on Taylor Hall Lane, Mirfield has been in place for some time, and is the continued subject of local requests for implementation of additional measures, simply because "Access Only" orders are only as effective as any Police monitoring.
- d) The arrangement of the junction of Burn Road and Halifax Road falls below what would be considered an appropriate standard if this was to be constructed today. However, after checking the accident records for this area, the number of incidents

are currently below the level that would trigger any intervention from the Council's Highways Safety Team.

In the past five years there have been two slight personal injury collisions.

Presently there is no justification for the closure of the junction, as although it can be difficult to negotiate there is no clear case for preventing vehicular access. The junction is used predominantly by local drivers who are familiar with the situation. The one-way working restriction helps limit the number of vehicles using Burn Road to access Halifax Road, as was the original intention of the scheme

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

3.1 **Working with people** – Not applicable

3.2 **Working with Partners** – The one-way working restriction was included in the planning conditions for the Harron Homes, Oaklands Heath housing development (Ref 2017/62/90180/W)

3.3 **Place based Working** – Not applicable

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

3.5 **Improving outcomes for children-** No change

3.6 **Other** - There will be an ongoing maintenance cost to the Council which will be funded through the capital maintenance and lining allocations as necessary. Any future costs can be maintained within existing budgets.

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

Statutory consultees and Ward Councillors were reconsulted on these proposals in June / July 2022, in preparation for the most recent TRO. No comments were received from the ward councillors or any of the statutory consultees.

In addition, there hasn't been any correspondence, or concerns raised (from the statutory consultees), since the original consultation, and physical construction of the scheme.

### **5 Next Steps and Timelines**

Cabinet Committee Local Issues to consider the objection to the one-way working restriction on Burn Road, raised during formal advertising of these proposals in both 2018 and 2022, the physical measures for which have been in place for some years.

If the Cabinet Committee Local Issues chooses to overrule the objection received the traffic regulation order will be sealed as advertised.

If the Cabinet Committee Local Issues choose to uphold the objection, then the traffic regulation order for the one-way working cannot be legally implemented and all carriageway narrowing, signing and road markings associated with the restriction,

constructed in 2018, will be removed, and the junction layout returned to its previous layout – See Appendix 2

## **6 Officer recommendations and reasons**

### Officer Recommendation:

That Cabinet Committee Local Issues over-rule the objections received, from the same source, to both the advertised 2018 and 2022 One Way TRO's.

### Reasons:

The Traffic Regulation Order for the one-way working on Burn Road was advertised to support a planning condition associated with Harron Homes, Oaklands Heath Housing Development, and implemented as part of the s.278 works associated with this planning application.

The objector makes some observations and suggestions for alternative ways to manage the traffic on Burn Road however the one-way working was the method that was submitted for consultation at the planning stage of the Oaklands Heath development and was ultimately approved as a suitable restriction.

The restriction was intended to stop south bound vehicles from travelling beyond Woodlands Court, thereby limiting the number of vehicles using Burn Road to access Halifax Road.

The Housing Development is substantially complete, and the properties occupied and as this restriction has been operating, on site, without incident for some years, it appears to have achieved its desired outcomes.

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

The Cabinet Portfolio Holder supports the Officer recommendations.

## **8 Contact officers.**

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## **9 Service Director responsible**

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