

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. 	
Resource Implications: <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:</u> <u>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