

Report to the Borough Council of Calderdale

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Borough Council of Calderdale

Date: 10 April 2024

Road Traffic Regulation Act 1984

**The Borough Council of Calderdale (Waiting
and loading and parking places) (Halifax)
(Consolidation) Order 2015 (Variation No.*)
Order 20****

Inquiry held on 5 March 2024

Ref: DPI/A4710/23/16

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Case details

The Borough Council of Calderdale (Waiting and loading and parking places) (Halifax) (Consolidation) Order 2015 (Variation No.*) Order 20**

- This Order is proposed under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49, 51 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984.
- The Order proposes to vary the Borough Council of Calderdale (Waiting and loading and parking places) (Halifax) (Consolidation) Order 2015.
- The Order would affect the A6036 Bradford Road, Oaklands Avenue and Towngate in Northowram.
- It would introduce a length of no waiting at any time and no loading at any time restriction on Bradford Road.
- It would introduce lengths of no waiting at any time restrictions on Bradford Road at its junctions with Queens Mead and Oaklands Avenue and along the first section of Oaklands Avenue.
- It would replace existing restrictions on Towngate with an extended no waiting at any time and no loading Monday-Friday 8.15am-9.15am and 2.30pm-4.00pm restriction.

Summary of Recommendation: That the Order be made subject to modifications.

Preamble

1. I have been appointed by the Order Making Authority, the Borough Council of Calderdale (the Council) to hold an Inquiry into the proposed Order, to consider objections to and representations in support of the Order and to submit a report to the Council with my recommendation.
2. The Inquiry was held on 5 March 2024 at the Town Hall, Halifax. I carried out unaccompanied visits to the highways affected by the Order and the surrounding area on 4 March 2024 and after the close of the Inquiry on 5 March 2024. Statutory requirements in relation to the publication and notification of the Order and consultation on it have been complied with. The requirement for notification of the Inquiry was also complied with.
3. The Borough Council of Calderdale (on-street waiting, loading and parking) Consolidation Order 2024 came into force on the 15 March 2024. This consolidated a number of existing Orders including the 2015 Order referred to above. This necessitates a modification to the wording of the Order. I deal with this below.

4. There were four objections to the Order made during the relevant statutory period (15 December 2022 to 12 January 2023). Objections from four other individuals were received outside of this period, including following notification of the Inquiry. Representations of support were received from two individuals.
5. Mrs Bakes, who had made an objection during the statutory period, spoke at the Inquiry. Mr Mitchell, who had made objections prior to the statutory period, also spoke. Councillor Caffrey spoke at the Inquiry, although he had not submitted a written objection. Mr Kilbey, who supported the Order in principle also spoke. I have taken full account of all written representations made in relation to the Order, whether or not they were made in the statutory period. I have also taken full account of the points made at the Inquiry.
6. This report sets out a brief description of the highways affected and the surrounding area, a summary of the cases for the Council, supporters and objectors (those who spoke at the Inquiry and those who relied on written submissions), my conclusions and recommendation. Lists of those who spoke at the Inquiry and relevant documents are appended.

Description of the highways affected and the surrounding area

7. The A6036 Bradford Road runs through Northowram and forms the main road through the village. The affected section of Bradford Road is predominantly residential in character although there are some commercial uses around the junction with Lydgate and Westercroft Lane, including Northowram Garage. It is a single carriageway road and a bus route.
8. Planning permission for a small supermarket opposite Northowram Garage was granted in December 2019. This has been built and is operating as a "Sainsbury's Local". It shares a car park and vehicular access with The Tannery Business Centre. The provision of a pedestrian crossing on Bradford Road was one of the conditions imposed on the planning permission. A zebra crossing with central pedestrian refuge and zig-zag lines is now in place. The zebra crossing and zig-zag lines do not form part of the Order before me. There are also existing parking restrictions around the junction of Bradford Road with Lydgate and Westercroft Lane.
9. Queens Mead is a small residential cul-de-sac further up Bradford Road from the Sainsbury's Local. Oaklands Avenue is a residential cul-de-sac on the opposite side of Bradford Road.
10. The Order would introduce a no waiting at any time and no loading at any time restriction to the section of Bradford Road at, and either side of the entrance to the Sainsbury's Local car park and the access to The Tannery Business Centre.

This restricted section would link up with the existing zig-zag lines on this side of the road.

11. The Order would also introduce no waiting at any time restrictions at, and either side of the entrance to Queens Mead and at the junction of Oaklands Avenue and Bradford Road. The restriction would extend 12m on either side into Oaklands Avenue itself. There were no objections to this aspect of the Order.
12. Towngate is a relatively narrow single carriageway road, fronted mainly by residential properties although again there are some commercial uses. It is also a bus route. As it travels north, Towngate bends to the right and forms Lydgate. There is a small public car park near this bend which is accessed from Baxter Lane. Northowram Primary School is a little further along Baxter Lane.
13. There is an existing no waiting at any time and no loading Monday-Friday 8.15am-9.15am and 2.30pm-4.00pm restriction in place from approximately No.2 Lydgate to No.88 Towngate. This joins with an existing no waiting at any time restriction to approximately No.78 Towngate. The intention of the Order is to revoke both of these existing restrictions and replace them with a no waiting at any time and no loading Monday-Friday 8.15am-9.15am and 2.30pm-4.00pm restriction for a longer stretch of Towngate running from approximately No.2 Lydgate for 97m.
14. However, Table D of the Order only refers to the revocation of the existing no waiting at any time and no loading Monday-Friday 8.15am-9.15am and 2.30pm-4.00pm restriction. Furthermore, the plan published with the Order incorrectly described the nature of the existing restrictions between approximately No.88 and No.78.
15. However, the nature and total extent of the proposed new restriction is set out clearly in Table B of the Order. The existing situation on the ground is also clear from road markings. The Council has provided an amended plan clarifying the full extent of the proposed new restriction. I am satisfied that no one has been prejudiced by the error in the wording of Table D of the Order and the associated plan and that this can be addressed by a modification.
16. There is an existing no waiting at any time restriction on the opposite side of Towngate up to the junction with Baxter Lane.

The case for the Council

17. The proposed no waiting at any time and no loading at any time restriction to the section of Bradford Road in the vicinity of the entrances to the Sainsbury's Local/The Tannery Business Centre will ensure that vehicles have adequate

sight lines when joining Bradford Road. It will also give motorists unobstructed views of pedestrians using the footway that crosses both accesses.

18. The proposed no waiting at any time restrictions at Queens Mead and Oaklands Avenue would improve sight lines and visibility for motorists and pedestrians. There were no objections to this aspect of the Order.
19. In relation to Towngate, the proposed waiting and loading restrictions will prohibit parking from taking place on and adjacent to a narrow footway. This will allow a vehicle travelling from the north to the south on Towngate to progress on the correct side of the road and remove the need to wait and then negotiate round parked vehicles. The restrictions will remove parking adjacent to the driveways of the residential properties of Danum Terrace providing a better sight of approaching vehicles.
20. By stopping vehicles from parking along the narrow footway, the Order will reduce the potential for wing mirrors overhanging the pavement, or car doors swinging over it, which can create a perception that space on the footway is impeded and deter people from using it. Especially, those users in wheelchairs, mobility scooters or with pushchairs. Moreover, it will prevent the possibility of the footway being partially, if not fully, impassable should vehicles park on the footway. There is a particular concern given that the footway in question is part of a route used to access the nearby primary school.
21. The Order achieves two of the qualifying purposes under Section 1(1) of the Road Traffic Regulation Act 1984, namely:
 - Qualifying purpose a) - for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.
 - Qualifying purpose c) - for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
22. The Order is part of the Council's ongoing duty under Section 122 of the Road Traffic Regulation Act 1984 Act to secure the expeditious, convenient, and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway. The Order will achieve the convenient and safe movement of traffic along the relevant roads by the imposition of the waiting and loading restrictions where they are needed.
23. The Council acknowledges the loss of some parking and loading capacity for residents and businesses affected and appreciates the inconvenience this will

cause. Opportunities for on street parking and loading will remain albeit further away from affected properties. The no loading restrictions on Towngate will only be in force Monday to Friday for 60 minutes in the morning and 90 minutes in the afternoon, coinciding with the primary school opening and closing times.

24. It is accepted that the Council has a limited number of enforcement officers and has demands from all over the Borough. However, there is an expectation that motorists will recognise and respect that there is a need and purpose to the waiting restrictions and park accordingly.
25. Unrestricted parking/loading in the areas affected by the Order is neither suitable nor appropriate and has adverse highway implications. The acknowledged disadvantages of the order would be outweighed by considerable advantages.

The case for supporters

Mr Wainwright

26. The Order is supported as it will improve visibility and reduce the potential for accidents at the junction of Bradford Road and Oaklands Avenue.

Mr Kilbey

27. The Order is supported in principle. However, the length of restriction should be extended to cover all of Bradford Road between the junction with Queens Mead and the entrance to the Sainsbury's Local. Parked vehicles on the unrestricted section will continue to obscure visibility for drivers leaving Queens Mead.

The case for objectors

Mr Walker

28. Objection is raised to the Order in relation to Bradford Road. The zebra crossing and zig-zag lines have removed the ability to park near home which causes significant inconvenience. The additional restrictions proposed would involve parking even further away.

Ms Mitchell

29. Objection is raised to the Order in relation to Bradford Road. The zebra crossing and zig-zag lines have removed the ability for customers to park outside Northowram Garage. There are concerns that road safety has been affected by the zebra crossing. The reduction in on-street parking space has put more pressure on parking further along Bradford Road and caused visibility problems.

Mr Mitchell

30. Objection is raised to the Order in relation to Bradford Road. The zebra crossing and zig-zag lines have removed the ability for customers to park outside Northowram Garage and for break down services to drop off vehicles. The reduction in on-street parking has put more pressure on parking further along Bradford Road. The further restrictions proposed will add to these problems and the driveway to the house will be blocked and visibility reduced.

Ms Burnham

31. Objection is raised to the Order in relation to Bradford Road. The restrictions will remove the ability to park near home which causes significant inconvenience and will cause visibility problems at junctions.

Mr Stephenson

32. Objection is raised to the Order in relation to Bradford Road. The Sainsbury's Local has resulted in parking restricting access to the driveway of the house and even blocking it. The additional restrictions proposed would make things worse. Resident parking permits should be issued.

Mr and Mrs Bakes

33. Objection is raised to the Order in relation to Towngate. It will create difficulties for delivery vehicles and general access to the properties on South Terrace. There is limited parking space available and parked vehicles will be displaced to other parts of Towngate. Currently, parked vehicles help to slow traffic down. The restrictions should also apply to the opposite side of Towngate to avoid vehicles being parked there and blocking the bus stop and driveways. There should be a wider solution to traffic and parking problems on Towngate. Resident parking permits should be issued.

Mr and Mrs Clarke

34. Objection is raised to the Order in relation to Towngate. It will create difficulties for delivery vehicles and general access to the properties on South Terrace. Currently, parked vehicles help to slow traffic down. The restrictions should apply to the opposite side of Towngate instead to avoid vehicles being parked there and blocking the bus stop and driveways.

Mr Hill

35. Objection is raised to the Order given the lack of resources to police or enforce the restrictions.

Councillor Caffrey

36. The concerns of local residents and businesses regarding the zebra crossing and further parking restrictions were endorsed.

Inspector's conclusions

37. I have taken full account of the evidence before me, the objections made in writing, the oral submissions at the Inquiry and my own visits to the highways affected and the surrounding area.
38. In terms of Bradford Road, whilst I appreciate the concerns regarding the zebra crossing and zig-zag lines, they are already in place and as noted above, do not form part of the Order before me.
39. The removal of on-street parking/loading close to homes and businesses on Bradford Road will inevitably bring some inconvenience to those directly affected. It is also likely to increase pressure for on-street parking further along Bradford Road. However, the restrictions proposed on Bradford Road, including those in and around the junctions with Queens Mead and Oaklands Avenue are necessary to provide adequate sight lines and visibility for vehicles and pedestrians. Currently, parked vehicles significantly impair visibility. Some on-street parking for residents will remain. Access to Northowram Garage will be retained and it has an off-street parking area/forecourt. The proposed Order strikes an appropriate balance between highway and pedestrian safety on the one hand and the convenience to local residents and businesses on the other.
40. In relation to Towngate, there will again be some inconvenience to residents who will lose the ability to park on the street outside their homes and some displacement of parking further along Towngate. However, the footway along this stretch of Towngate is particularly narrow and parked vehicles create difficulties for those using it. They also reduce visibility at the entrances to residential driveways/parking areas and affect the free flow of traffic. On-street parking will remain further along and on the opposite side of Towngate. Loading will only be prevented for two relatively short periods of time on weekdays.
41. Whilst vehicles parked on this section of Towngate may have some effect in reducing traffic speeds, they require vehicles travelling from north to south to cross over onto the opposite carriageway to pass, in itself creating highway safety issues. I understand the desire to see restrictions on the opposite side of the road either instead of, or in combination with those proposed. However, the footway is wider on that side of the road and the lack of restriction provides some opportunity for on-street parking close to residential properties. I must in any case consider the Order before me on its own merits.

42. The proposed restriction on Towngate is necessary to provide adequate sight lines and visibility for vehicles and pedestrians, and to facilitate the safe use of the footway and the free flow of traffic. Again, the proposed Order strikes an appropriate balance between highway and pedestrian safety on the one hand and the convenience to local residents on the other.
43. For both Bradford Road and Towngate, the use of residents only parking permits would not address the issues caused by vehicles parking on the sections of road concerned and the concerns over sight lines and visibility would remain.
44. The Order (as modified) will achieve qualifying purposes a) and c) under Section 1(1) of the Road Traffic Regulation Act 1984. It will also allow the Council to satisfy its ongoing duty under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient, and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway. There are significant advantages to the Order which outweigh the disadvantages.

Recommendation

45. I therefore recommend that the Borough Council of Calderdale (Waiting and loading and parking places) (Halifax) (Consolidation) Order 2015 (Variation No.*) Order 20** be made subject to the following modifications:
 - i) Amend the Order to refer to the variation of the Borough Council of Calderdale (on-street waiting, loading and parking) Consolidation Order 2024.
 - ii) Amend Table D of the Order to correctly refer to the revocation of both of the existing restrictions in place on Towngate.

Kevin Ward

Inspector

Appendix A: Appearances at the Inquiry

For the Council

Ruth Stockley KC

She called:

Kevin Moran

Traffic Engineer – Waterman
Aspens (seconded to the Council)

Supporters

Mr Kilbey

Local resident

Objectors

Mrs Bakes

Local resident

Mr Mitchell

Local resident and business owner

Councillor Caffrey

Ward Councillor

Appendix B: Documents submitted in advance of the Inquiry

- 1 The Borough Council of Calderdale (Waiting and loading and parking places) (Halifax) (Consolidation) Order 2015 (Variation No. *) Order 20**
- 2 Notice of proposals
- 3 Statement of Reasons
- 4 Plans showing restrictions proposed
- 5 Copies of objections to the Order and representations of support
- 6 Pre Inquiry note from Inspector
- 7 Notice of Inquiry
- 8 Statement of case from Council
- 9 Proof of evidence of Kevin Moran and appendices

Appendix C: Documents submitted at the Inquiry

- 1 Opening statement on behalf of Council

Appendix D: Documents submitted after the Inquiry

- 1 Amended plan showing correct extent of proposed restrictions at Towngate
- 2 Borough Council of Calderdale (Waiting and loading and parking places) (Halifax) (Consolidation) Order 2015