

**DERBYSHIRE COUNTY COUNCIL**

**MEETING OF CABINET MEMBER – HIGHWAYS, TRANSPORT AND  
INFRASTRUCTURE**

**1 March 2016**

Report of the Strategic Director – Economy, Transport and Environment

**BYRON STREET, ILKESTON – OBJECTION TO PROPOSED ‘NO WAITING  
AT ANY TIME’ RESTRICTION**

(1) **Purpose of Report** To advise the Cabinet Member of the outcome of the consultation process and subsequent receipt of an objection to the proposed ‘No Waiting At Any Time’ (double yellow line) restriction on Byron Street, Ilkeston, and to recommend that the Order be made as advertised.

(2) **Information and Analysis** Byron Street is a residential cul-de-sac situated to the east of Chalons Way, Ilkeston, consisting of terraced properties which largely lack off-street parking facilities. At the western end of Byron Street is a former turning head, which now gives access to a number of newly developed properties, which lie directly to the south of the original street.

Erewash Borough Council has reported ongoing access issues caused by vehicles being parked in and around the turning head, resulting in refuse vehicles being obstructed and unable to make regular waste and recycling collections from the new properties.

The Local Member has also raised these same concerns.

Both Erewash Borough Council and Derbyshire County Council have previously sent letters to residents, asking that they park more considerately, especially on refuse collection days. However, although the situation may improve for a short period of time, poor parking behaviour quickly returns making it difficult, if not impossible, for the refuse vehicles to gain access.

In response to the ongoing concerns, a short length of ‘No Waiting At Any Time’ (double yellow line) restriction has been proposed around the turning head, to keep it clear of parked vehicles and create sufficient space for the refuse vehicle to access the affected properties.

The proposals, as shown in drawing number HMT/KH/230/13 (attached), have followed the statutory consultation and Public Notice procedure. One objection was received from a resident during the Public Notice stage.

The objector raises a number of concerns, which are summarised as follows:

1. The proposals will cause a lot of potential problems in what is an overly busy road as it is, in terms of parking.
2. It will devalue our property significantly with no direct parking access outside our house.
3. In terms of access, the bottom of the road is as tight as the top of the road so lines at the top and none at the bottom could be unbeneficial anyway.
4. There is not enough parking space on the road as it is.

The objector further suggests that replacement of the Disabled Parking Bay (close to the turning head) with double yellow lines, would ease the situation.

#### **Officer Comment**

The purpose of the proposal is to remove vehicles from the precise location at which parked vehicles are creating access issues and this is specifically within the turning head. Essentially, the function of a turning head is to provide sufficient space for a vehicle to safely perform a 'u-turn' and, as such, parking in these areas is generally not appropriate. The proposed double yellow lines will act to provide a legally enforceable reminder to residents that this area is not suitable for parking.

It is acknowledged that the proposal will create an element of displaced parking. However, the remainder of Byron Street provides more appropriate, unrestricted on-street parking options, where parked vehicles are less likely to create access issues. Furthermore, residents also have the option of parking on neighbouring streets, where there is opportunity to park in more suitable, unrestricted areas, without causing an obstruction to other road users.

The objector asserts that the eastern end of the road (at the junction with Cranmer Street) is as narrow as the turning head at the western end, but no reports have been received in regard to access issues at this junction. Erewash Borough Council representatives have advised that it is specifically parked vehicles in and around the turning head which creates access problems for the refuse vehicles; parked cars further along the street are negotiable with care.

It is understandable that the resident has concerns relating to the impact of double yellow lines on property values. However, the County Council, as Local Highway Authority, must seek to resolve access issues such as those encountered by the Borough Council. It is recognised that a high demand for on-street parking spaces exists on residential roads, specifically those that lack off-street options. The County Council is sensitive to this need and will therefore only seek to prohibit parking where parked vehicles are creating a clear road safety problem identified by collision studies; where obstruction of the highway occurs on a regular, frequent and severe basis; or where commerce and industry is seriously inconvenienced by the presence of parked vehicles.

The extent of the restriction proposed is the minimum required to maintain access for the refuse vehicles, whilst ensuring that residents are inconvenienced as little as possible. Residents are able to utilise the remainder of Byron Street, and neighbouring streets, which currently benefit from unrestricted on-street parking conditions.

Previous enquiries have been carried out with Social Services in regard to the Disabled Parking Bay, near to the turning head, which established that the bay is still very much needed by the disabled and elderly residents of the property for which it was originally intended. It is therefore recommended that the bay remains in place.

### **Local Member Comment**

Councillor Birkin has been made aware of the proposals and the nature of the objections.

(3) **Financial Considerations** The cost of the lining will be approximately £35 and will be met from the 2015-16 Traffic Management Revenue budget.

(4) **Legal Considerations** Section 122 of the Road Traffic Regulation Act 1984 states that it shall be the duty of every Local Authority exercising the functions in that Act (so far as practicable having regard to the matters listed below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

The matters referred to above are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and

- restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run; 2ii) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 3) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
  - 4) any other matters appearing to the Local Authority to be relevant.

Section 2 of the 1984 Act states what a Traffic Regulation Order (TRO) may provide for and this includes prohibition of waiting. Notice of proposals must be given in accordance with Regulation 7 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and at least a minimum of 21 clear days for the receipt of written objections must be allowed. Objections can then be considered by the Local Authority.

Regulation 14 of the 1996 Regulations enable an order making authority to modify an Order in consequence of any objections or otherwise, before it is made. Where substantial changes are to be made, the order making authority must notify those likely to be affected by the modifications and giving them an opportunity to make representations which the authority shall consider.

Having determined all objections the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. An Order shall not be made until after the last date for objections. No Order can be made until after the last date for objections. No Order can be made more than two years after the date of publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making.

## **Other Considerations**

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in the Economy, Transport and Environment Department. Officer contact details – Paul Jameson, extension 38610.

(8) **OFFICER'S RECOMMENDATIONS** That:

8.1 The Cabinet Member approves the introduction of a 'No Waiting At Any Time' restriction for Byron Street, Ilkeston, as shown on the attached drawing number HMT/KH/230/13, with associated costs being met from the 2015-16 Traffic Management Revenue budget.

8.2 The Local Member and objector be informed accordingly.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**



## AMENDMENT DETAILS

BY	CHKD	APVD	DATE	NO.
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PROJECT TITLE

# PROPOSED WAITING RESTRICTIONS

BYRON STREET  
ILKESTON

DRAWING TITLE

DRAWN	CHECKED	APPROVED
K_HAIR	CHECKED_NAME	APPROVED_NAME
Date	Date	Date
29_NOV_2013	DATE-C	DATE-A

Project / Confirm Reference No.	PROJECT/CONFIRM_REF
Drawing	UMT/11/20/43

2014

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