

Agenda Item No.4(c)

DERBYSHIRE COUNTY COUNCIL

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

11 January 2018

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTIONS TO THE DERBYSHIRE COUNTY COUNCIL (HOWARD
DRIVE, HIGH STREET AND THOMPSON STREET, OLD WHITTINGTON
AND WHITTINGTON, CHESTERFIELD) (NO WAITING AT ANY TIME)
ORDER 2017**

(1) **Purpose of Report** To consider objections following the public advertisement and consultation on various Traffic Regulations Orders (TROs) at two locations in Chesterfield, and to recommend that the Order be made as advertised.

(2) **Information and Analysis** Officers have received requests from members of the public for new waiting restrictions or amendments to existing waiting restrictions in the Old Whittington area of Chesterfield. Double yellow line waiting restrictions were requested to protect the turning head on Thompson Street and allow a safe turning manoeuvre to take place. Double yellow line restrictions were also requested around the junction of Howard Drive with High Street to stop parking and improve visibility.

The above TRO area was initially consulted upon in October 2015 and was then legally advertised on street and in the local paper on 12 October 2017 to 2 November 2017. Following these statutory processes a number of objections were received.

The cost of advertising these TROs has risen considerably over the last few years, mainly due to the printing costs in the newspapers. Officers have therefore been mindful not to advertise individual TROs but have looked at grouping requests in an area and then advertise them altogether.

Officer Comment

A number of objections were received during the formal advert period. These have been detailed below.

1. Howard Drive / High Street – Proposed Double Yellow Lines

Dwg. No. HMT/SMD/494/15

The proposed restrictions are to provide double yellow lines around the junction to stop parking and improve visibility.

(a) Objection

The Objector considers that the double yellow lines will cause parking to be displaced further along Howard Drive towards their property.

Officer Comment: The length of double yellow lines on Howard Drive has been kept to 15m, which is the minimum length that officers feel leaves a safe passing area for vehicles turning from High Street into Howard Drive and therefore should remain at this length. Officers appreciate that there may be some displacement of parking, but safety at the junction takes priority.

2. Thompson Street – Proposed Double Yellow Lines

Dwg. No. HMT/SMD/493/15A

The proposed restrictions are to protect the turning head on Thompson Street and allow a safe turning manoeuvre to take place. Reports had been received that cars were using the turning head as a parking area which officers witnessed during site visits. This resulted in a damage only collision where a vehicle carrying out a turnaround manoeuvre collided with a nearby property gatepost.

(a) Objection

The Objector, plus six other businesses operating on Thompson Street, feel that the proposed parking restrictions will lead to parking taking place in the vicinity of their businesses and thereby having an effect on customer parking and deliveries servicing their premises.

Officer Comment: At the preliminary stage of the procedure, officers met with the Objector who was in favour of the parking restrictions and, as such, no objection was received at this preliminary stage of the procedure. The length of parking restrictions has been kept to a minimum to ensure vehicles can turn round safely, particularly HGVs which use Thompson Street on a regular basis to access the industrial units. Despite the introduction of parking restrictions at the turning head, there is still ample availability of parking in proximity to the Objector's business.

Local Member Comment

At the time before County Council elections, the local Member was consulted at the preliminary stage and was supportive of the proposals for Howard Drive. No comments were received regarding the Thompson Street proposal. Subsequently, the local Member changed following the County Council elections with the new Member, Councillor Bingham, being consulted at the

formal legal advertisement stage of the procedure but has not submitted any comments.

(3) **Financial Considerations** This work forms part of the approved 2017-18 Local Transport Plan and the cost of the lining and associated signing work will be approximately £500.

(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 area 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 TRO may provide for and this includes Prohibition of Waiting. Notice of proposals must be given in accordance with Regulation 7 of the 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 enables 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 a representation which the authority shall consider. In this matter, it is not considered that modifications are required.

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, social value and transport considerations.

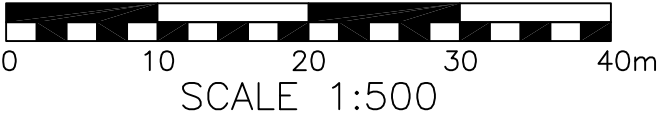
(5) **Key Decision** No.

(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 within the Economy, Transport and Environment Department. Officer contact details – Steve Dungworth, extension 38619.

(8) **OFFICER'S RECOMMENDATION** That the proposed Traffic Regulation Order Derbyshire County Council (Howard Drive, High Street and Thompson Street, Old Whittington, Chesterfield) (No Waiting at any Time) Order 2017 be introduced as advertised and implemented in due course.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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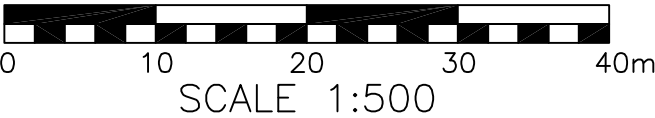
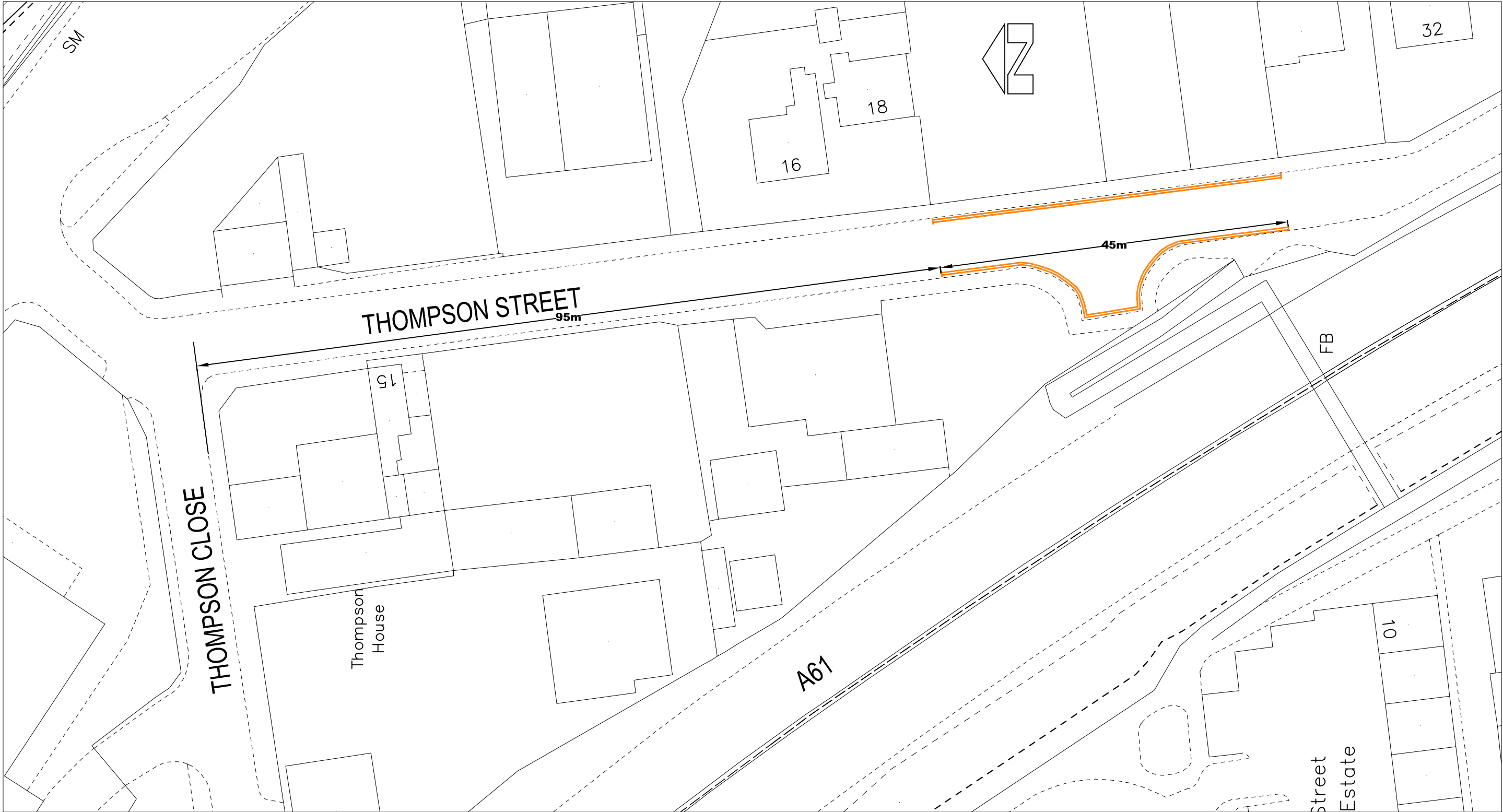


MIKE ASHWORTH
Strategic Director - Economy, Transport and Environment

Proposed No Waiting at any Time Parking Restrictions (Double Yellow Lines)							
Existing No Waiting at any Time Parking Restrictions (Double Yellow Lines)							
AMENDMENT DETAILS		BY	CHKD	APVD	DATE	NO.	

PROJECT TITLE	Howard Drive - High Street Old Whittington Chesterfield	DRAWN S Dungworth	CHECKED B Gould	APPROVED B Gould	
		Date 12/10/2015	Date 12/10/2015	Date 12/10/2015	
DRAWING TITLE	No Waiting at any Time Restrictions Double Yellow Lines Consultation Layout	Project / Confirm Reference No. 8051422			SCALE
		Drawing Number HMT/SMD/494/15			1:500
		ORIGINAL DRAWING SIZE 420 x 297 (A3)			

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MIKE ASHWORTH
Strategic Director - Economy, Transport and Environment

Proposed No Waiting at any Time Parking Restrictions
(Double Yellow Lines)

Length of restriction increased from 35m to 45m

AMENDMENT DETAILS

SMD	BG	BG	18/01/16	A
BY	CHKD	APVD	DATE	NO.

PROJECT TITLE

Thompson Street
Chesterfield

DRAWING TITLE

No Waiting at any Time Restrictions
Double Yellow Lines
Consultation Layout

DRAWN

S Dungworth

Date

13/10/2015

CHECKED

B Gould

Date

13/10/2015

APPROVED

B Gould

Date

13/10/2015

Project / Confirm
Reference No.

8151068

Drawing
Number

HMT/SMD/493/15A

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