

DERBYSHIRE COUNTY COUNCIL

**CABINET MEMBER MEETING – JOBS, ECONOMY AND
TRANSPORT**

12 November 2013

Report of the Acting Strategic Director – Environmental Services

WHITWELL – PARKING RESTRICTIONS

(1) **Purpose of the Report** To bring before the Cabinet Member objections received to the Whitwell, Spring Hill Proposed Prohibition of Waiting Order 2013 and requests for parking restrictions on Duke Street and Mill Crescent.

(2) **Information and Analysis**

Background

Requests were received to extend the existing double yellow lines on Spring Hill southwards in order to keep the junction with Welbeck Street clear for through traffic. As the eastern side is mainly used by people visiting the local shop it was decided to extend the double yellow lines on the western side as shown on the attached plan.

The proposed Order was advertised in the local press and on site from 7 March to 29 March 2013. During the advertisement, one objection was received.

A petition was submitted to the Cabinet Member - Highways and Transport on 5 March 2013 (Minute No.40/13 refers), asking for an extension of the existing double yellow lines on Duke Street, northwards from its junction with Welbeck Street. Residents had mounting concerns that vehicles were parking close to the junction which would make it difficult for emergency service vehicles and refuse collection services to access those streets. A further request was received for a Residents' Parking Scheme on Duke Street and Mill Crescent.

Objections

Spring Hill

The objector to the Spring Hill proposals considers that the double yellow lines do not extend far enough southwards. In their letter they state that they have

Public

discussed the proposals with residents on Spring Hill and they agree that a further extension that was originally proposed would work better.

Duke Street/Mill Crescent

The petitioners have asked for the double yellow lines at Duke Street's junction with Welbeck Street to be extended northwards in order to aid turning movements into and out of the street.

A request was received asking for the introduction of a Residents' Parking Scheme on Duke Street and Mill Crescent. The majority of parking available for residents is on-street, with occupancy of the on-street parking at a peak outside normal working hours.

Officer Comments

Spring Hill

The objection to the proposals on Spring Hill can be upheld as it appears to have the support of a number of residents who may be directly affected. This would require consultation and advertisement of the proposals as it is a major change to what was advertised earlier on this year. This is recommended below.

Duke Street/Mill Crescent

The request to extend the double yellow lines on Duke Street northwards, from its junction with Welbeck Street, can be justified as it will aid traffic movements in and out of Duke Street which can, at times, be problematic for larger vehicles such as refuse collection lorries. It is recommended that the double yellow lines are extended on both sides northwards for a distance of 10 metres north of the junction with Welbeck Street.

Parking on Duke Street and Mill Crescent is mainly residents themselves. Residents' Parking schemes address issues where third parties, such as employees or shoppers, park in an area to the detriment of residents. This is not the case on Duke Street and Mill Crescent. Bearing this in mind, a Residents' Parking Scheme would not address the issues raised and is not an appropriate solution.

Local Member Comment

Councillor McGregor has been consulted and *"totally supports the contents regarding the yellow lines, in particular Duke Street/Mill Street because of the problems on the junction with refuse lorries having difficulties due to bad parking."*

(3) **Financial Considerations** The cost of introducing the Order would be met from the Traffic and Safety Revenue budget and will be in the region of £1,200.

Public

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a Traffic Regulation Order (TRO) if it considers it to be expedient for a number of purposes, including

- “(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, or
- (c) for facilitating the passage on the road or any other road of any class of traffic....”.

However, there is also a general duty under Section 122 of the Act which requires the authorities in exercising their functions under the Act to:

- a) secure the expeditious, convenient and safe movement of traffic (including pedestrians) and b) the provision of suitable and adequate parking facilities on and off the highway, and so far as practicable having regard to the matters listed below.

The matters also to be considered are:

- 1) the desirability of securing and maintaining reasonable access to premises;
- 2) the effect on the amenities of a locality and (including) the use of roads by heavy commercial vehicles;
- 3) the national air quality strategy prepared under Section 80 of the Environment Act 1995;
- 4) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of passengers/potential passengers; and
- 5) any other matters appearing to the Council to be relevant.

Having considered any objections made, the Council may determine to introduce the new restrictions. Regulation 19 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 enables the Council to make an Order in part giving effect to some of the proposals to which the order relates while deferring a decision on the remainder.

The Order will need to be formally made, advertised and the requisite signs erected and road markings placed on site in accordance with the new Order. 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 the 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. Within 14 days of the making of the order the Council must give notice in writing to anyone who objected to the order and whose objection has not been withdrawn. Where the objection has

Public

not been wholly acceded to, the notification must include the reasons for the decision.

Having determined the objection the Council may determine to make an Order. An Order will need to be formally made, advertised and road signs erected.

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.

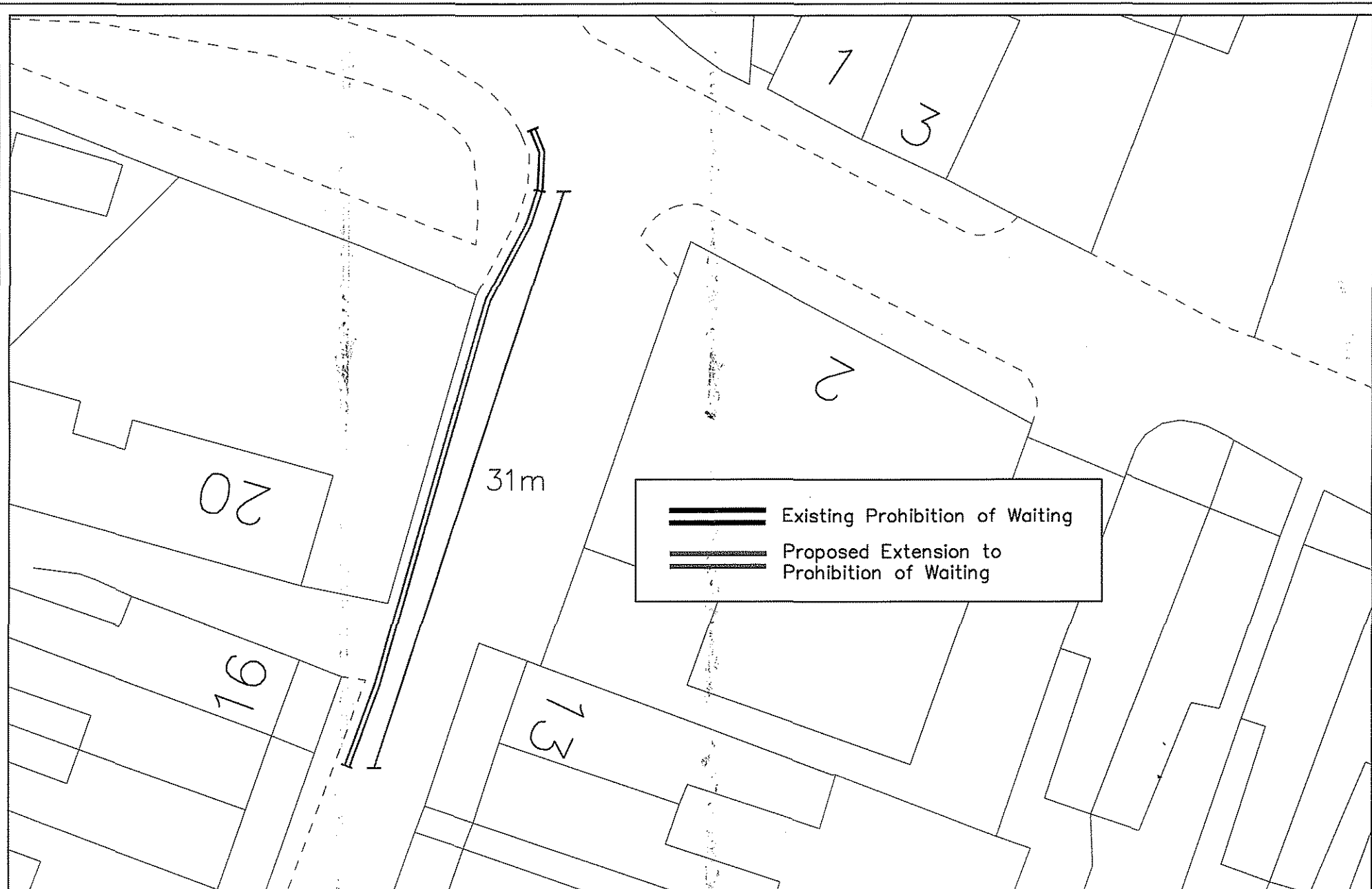
(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Correspondence held on file 44XT in Room N9, County Hall, Matlock. Officer contact details – Dan O'Neill, extension 38166.

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

- 8.1 The proposal on the western side of Spring Hill, Whitwell be extended by a further 12 metres.
- 8.2 The double yellow lines on Duke Street, Whitwell be extended on both sides to a distance 10 metres north of its junction with Welbeck Street.
- 8.3 The proposals on Spring Hill and Duke Street, Whitwell be consulted upon, advertised and confirmed subject to the consideration of any objections received.
- 8.4 The local Member and objector be informed of the Cabinet Members decision.

Mike Ashworth
Acting Strategic Director – Environmental Services




DERBYSHIRE
 COUNTY COUNCIL
 IAN STEPHENSON
 DIRECTOR OF ENVIRONMENTAL SERVICES

Title
 Extension of Prohibition of Waiting
 Spring Hill, Whitwell

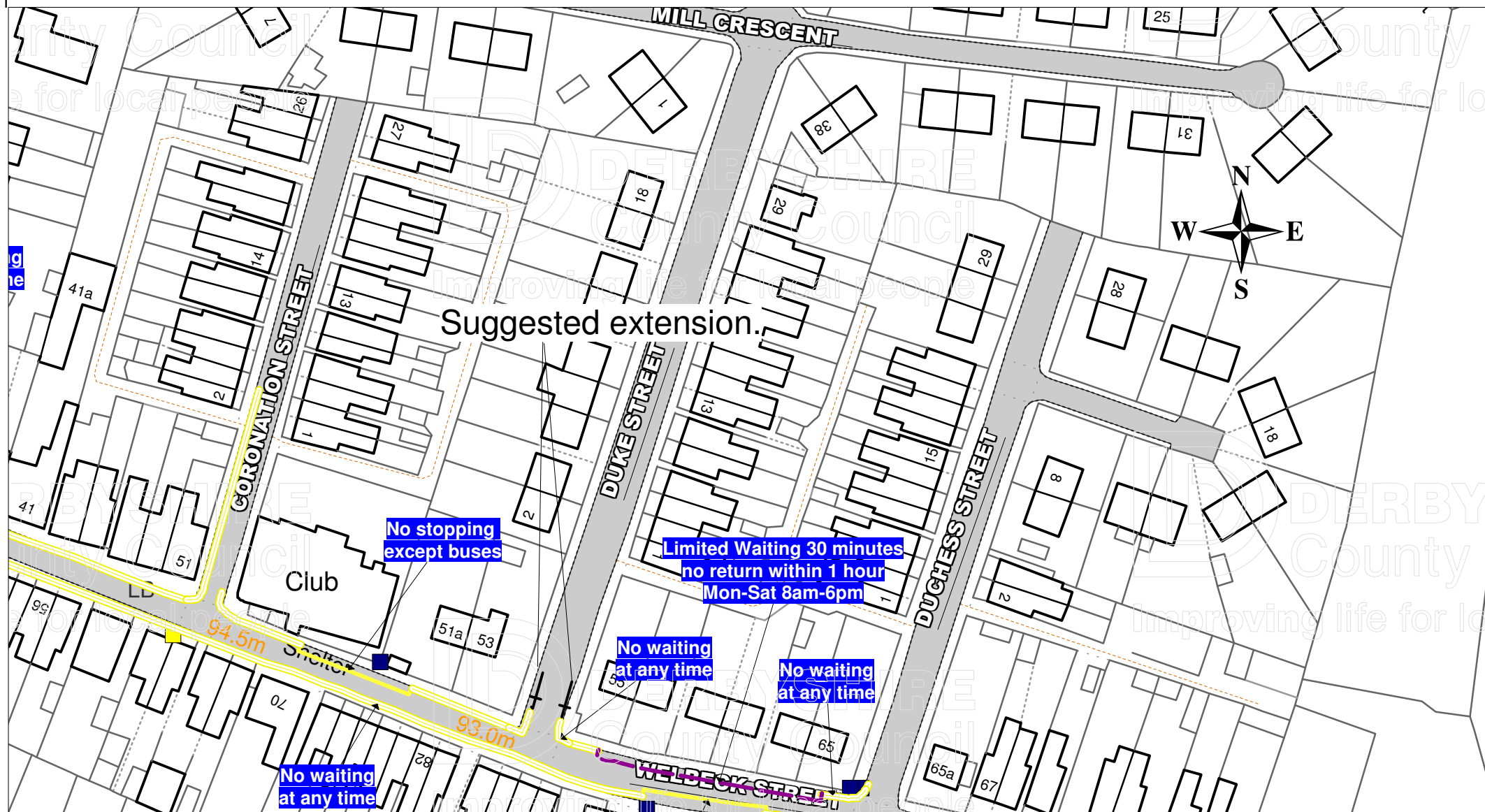
This map is reproduced from the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023251 2006

Drawn By
 S Dunn

Drawing No.
 NTA/SD/194/12

Date
 14.11.12

Scale
 1:250 @ A4



DERBYSHIRE
County Council
Improving life for local people

IAN W. STEPHENSON BSc., CEng., MICE, MHT
Strategic Director of Environmental Services

(c) Crown copyright. All rights reserved
Derbyshire County Council
Licence No. 100023251 2009

Whitwell
Duke St/Mill Cres. Suggested extension
of No waiting At Any Time

SCALE	1 : 1000
DATE	16/10/2013
DRAWING No.	HMT/DON/146/13
DRAWN BY	DON