

Agenda Item No. 4(b)

DERBYSHIRE COUNTY COUNCIL

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

15 November 2016

Report of the Strategic Director - Economy, Transport and Communities

PETITION - CHESTERFIELD, OWEN FALLS AVENUE - PARKING ISSUES

(1) **Purpose of Report** To consider a petition requesting measures to prevent parking by non-residents on the road and the surrounding roads on the estate and to seek approval for pursuing a Traffic Regulation Order (TRO) and the consideration of further actions.

(2) **Information and Analysis**

Background

At the meeting on 2 August 2016, the Cabinet Member acknowledged receipt of a petition, signed by 15 persons, requesting measures to prevent parking by non-residents on Owen Falls Avenue and surrounding roads on the estate. These are being used throughout the day for commuters either working in the town centre or travelling on the train to avoid town centre car parking charges. (Minute No. 88/16 refers).

The subject heading of the petition reads as follows:

‘We the following residents of Owen Falls Avenue agree in general with the contents of this letter and wish to be associated with the sentiments expressed in it.’

The opening paragraph of the letter reads:

“My neighbours and I living on Owen Falls Avenue, Riverside Estate, wish to express our concern over anti-social parking by non-residents on our road, and surrounding roads on the estate, which is being used as a long stay car park for the town centre and railway station, to avoid car parking charges. Cars are being parked from before 7am and left for the whole of the working day, whilst others are left for days at a time, leaving residents severely inconvenienced. The letter in full is attached as Appendix ‘A’”.

Officer Comment

The Riverside Estate is located east of Chesterfield town centre and a short walk to the railway station. The majority of the houses have garages and off-road parking for at least one vehicle. Following the completion of the Riverside Development, which includes Wain Avenue and Owen Falls Avenue, part of the planning agreement for the development was a contribution of £19,000 from Shephard Homes for the provision of a possible Residents Parking Scheme (RPS) for the estate. However, following an assessment of the site the provision of a RPS was not considered a feasible option. Following legal advice, the County Council used a proportion of the allocated funding towards the introduction of waiting restrictions.

Since 2010, the Authority has introduced two phases of waiting restrictions for the Riverside Estate which included areas of double yellow lines and single yellow line restrictions, intended to keep junctions free of parked cars and areas where parking is permitted without having a detrimental effect on traffic flow through the estate. Officers have previously acknowledged that additional double yellow lines ('No Waiting At Any Time') can be provided at the junction of Owen Falls Avenue with Wain Avenue and this work will be undertaken commensurate with other duties and staff resources allow. The Council prioritises such work and employs a ranking system due to the current demand for such work.

The lead petitioner is particularly concerned about the lower part of Owen Falls Avenue where around five commuter cars park adjacent to a property's boundary fence. Owen Falls Avenue is a cul-de-sac serving 11 properties. Its junction with Wain Avenue is protected with double yellow lines and whilst residents may not wish to see the cars parked there, Council officers do not consider them to be causing a road safety issue on this quiet stretch of road.

It has also been suggested that areas of short stay parking on the estate would have the benefit of prohibiting all day parking by commuters, thus allowing residents areas where they and their visitors can park. Officers are currently considering this as an option on the nearby Piccadilly Road where terraced houses have no off-street parking and residents continually find the space outside their property taken up by all day commuter parking. Consideration could therefore be given to a similar parking arrangement on the Riverside Estate, particularly on Wain Avenue where there are a few houses without garages or off-street parking. At the same time, officers could pursue the introduction of double yellow lines around the junction of Wain Avenue with Owen Falls Avenue as previously discussed.

The Riverside Estate is close to the town centre and railway station and is adopted public highway. The Authority would not consider removing all the all-day free parking on Piccadilly Road and the Riverside Estate as it recognises that there will always be those motorists that want to park free all day, and as

the roads are adopted highway and available for all to use and therefore providing cars park legally, safely and space is made available for residents, then that is acceptable.

Local Member Comment

Councillor Sharon Blank welcomes any assistance that can be given to local residents in creating areas of parking for themselves and their visitors.

(3) **Financial Considerations** The cost of the TRO and associated signing is estimated at £3,000 with the associated works funded from the Local Transport Plan Capital Scheme for 2016-17.

(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 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 giving them an opportunity to make a representation 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.

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 Communities Department. Officer contact details – Bridget Gould, extension 38579.

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

8.1 The Cabinet Member approves the introduction of a 'No Waiting At Any Time' restriction for the Owen Falls Avenue/Wain Avenue junction, Chesterfield and gives consideration to introducing other parking restrictions in the area, subject to public consultations and the availability of staff resources.

8.2 The local Member and lead petitioner be informed of the outcome of this report.

Mike Ashworth
Strategic Director – Economy, Transport and Communities