

DERBYSHIRE COUNTY COUNCIL

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

18 June 2013

Report of the Acting Strategic Director – Environmental Services

**PROPOSED WAITING RESTRICTIONS – FLOWERY LEYS
LANE/NOTTINGHAM ROAD, ALFRETON**

(1) **Purpose of the Report** To advise the Cabinet Member of the investigation and recommendations following receipt of correspondence requesting measures to counter inconsiderate parking.

(2) **Information and Analysis** Flowery Leys Lane exits onto the heavily trafficked B600 Nottingham Road adjacent to a bend, between Alferton town centre and the A38 slip road junctions, and is the main collector road serving a large residential area. The Lane also provides direct access to a primary school. Apart from peak hours, the Lane is exposed to low traffic volumes. As there are several large industrial estates in the area, the busy B600 carries a significant proportion of heavy goods vehicles. To help maintain safe access along the busy Nottingham Road, a length of 'no waiting Monday - Saturday 8am-6pm' parking restriction is in place on the outside of the bend north of the Flowery Leys Lane road junction.

Following redevelopment of an existing corner shop into a busy 'One Stop' mini mart, correspondence has been received outlining that some motorists park inconsiderately in the Flowery Leys junction and along Nottingham Road restricting visibility of approaching traffic, making manoeuvring difficult and causing occasional obstruction in an area where many school children walk. The correspondence also infers that possible future housing development off Flowery Leys Lane may exacerbate the situation. Subsequent site observations reveal that the new mini mart generates significant extra traffic and, although the store has a small car park, some motorists find it more convenient to park along the busy Nottingham Road and within the adjacent road junction.

Consequently, to counter such concerns, consultation has been completed on adding short lengths of 'No waiting at any time' double yellow lines around the Flowery Leys Lane junction (plan ST/DJO/353/12 attached).

During initial consultation, support was gained from Alfretton Town Council, former Councillor Wilson and Civil Parking Enforcement whilst Derbyshire Constabulary indicated they had no objections to the proposal.

Subsequent public consultation generated one objection letter *"As a resident of Nottingham Road I wish to raise an objection, on behalf of my family and my neighbours to the proposal"*. The objector states: *"Our properties are three storey houses built in a terraced row along Nottingham Road on a sharp bend... Most of the properties do not have driveways and as such we do park our cars on Flowery Leys Lane"*. The objector then outlines that they will have no alternative but to park further down Flowery Leys Lane which may cause visibility issues for school access or on the busy Nottingham Road. The objector then considers *"...that it is unfair that residents are being subject to this proposal due to businesses not providing adequate parking"* and that *"... a possible solution I would like to suggest possible resident's parking permit for Flowery Leys Lane to allow the few of us in the row to still park our cars safely and near to our homes. ...as I have sustained several bouts of vandalism to my car when parked on the main road or out of sight..."*

Officer Comment

The objector's concerns are noted, however, as Highway Authority, this Authority's main remit is to maintain safe, expeditious and convenient movement of traffic, whilst promoting areas where motorists may park considerately. These short lengths of parking restrictions are considered the minimum required to help maintain safe highway access whilst maintaining as much on-street parking as possible to minimise the effect of displaced parking. The reference to a Residents' Parking Scheme is noted, but as many side road properties have adequate parking provision, this is not considered a location where such a scheme could be introduced. It is likely that few side road residents would be willing to help fund such a proposal. Thus, the onus still remains on the motorist to find somewhere suitable to park their vehicle.

A check of personal injury collision records lists five such collisions occurring within the vicinity of the Flowery Leys Lane / B600 Nottingham Road junction during the three year period ending 28 February 2013. These collisions resulted in one fatal, one serious and four slight injuries. Three of the collisions involved vehicles manoeuvring around the Flowery Leys Lane junction, another involved a parked car and another vehicle travelling around the Nottingham Road bend. Although Nottingham Road is heavily trafficked, and this location is adjacent to a road junction and bend, this is still considered a poor collision record for such a location.

Consequently, taking into consideration the need to maintain safe highway access and, in light of the collision record, it is recommended that the proposed parking restrictions be applied as publically advertised and the area continued to be monitored for if any further action be required.

Local Members Comments

Councillor Paul Smith had the following statement forwarded ‘... he supports the proposed waiting restrictions regarding Flowery Leys Lane / Nottingham Road and that a right turn harbourage needs considering to aid access into the One Stop car park and aid vehicle movement’.

Councillor Steve Marshall-Clark stated “*I fully support this report. I have received numerous complaints about parking in this area. I would ask you to keep this site under review as members of the Town Council who live in close proximity to the junction feel there should be double yellow lines on the opposite side of the junction*”.

(3) **Financial Considerations** All costs in applying the proposed parking restrictions will be met from the 2013/14 Traffic Management revenue budget at a cost of approximately £175.

(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 expedient for a number of purposes.

However, there is also a general duty in 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.

The Council must therefore take into account the general duty in Section 122 which highlights the considerations referred to above when assessing the case for making an Order under Section 1.

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 giving them an opportunity to make representations which the Authority shall consider.

Having determined all objections the Council may decide to introduce the new restriction. The Order will need to be formally made, advertised and the requisite signs erected. 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 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 is held on file within the Environmental Services Department. Officer contact details – David Orton, extension 39186.

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

- 8.1 The proposed parking restrictions on Flowery Leys Lane/Nottingham Road, Alfreton be implemented as highlighted on plan ST/DJO/353/12,
- 8.2 The area continues to be monitored for if any further action be required.
- 8.3 The local Member and objector be informed of the decision.

Mike Ashworth
Acting Strategic Director – Environmental Services

Proposed Parking Restrictions - Flowery Leys Lane / Nottingham Road, Alfreton

PROPOSED NO WAITING AT ANY TIME SCHEDULE

Flowery Leys Lane

Both Sides

From its junction with Nottingham Road for a distance of 14 metres.

Nottingham Road

East Side

From a point 22 metres south of the centreline of Flowery Leys Lane in a northerly direction for a distance of 41 metres.

