

Agenda Item No. 4(a)

DERBYSHIRE COUNTY COUNCIL

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

1 February 2018

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTIONS TO THE (CHESTERFIELD AND NORTH EAST
DERBYSHIRE VARIOUS JUNCTIONS) (WAITING RESTRICTIONS) ORDER
2017**

(1) **Purpose of Report** To consider objections following the public advertisement and consultation on various Traffic Regulation Orders (TRO's) at 11 locations in Chesterfield and North East Derbyshire, and to recommend that the Orders be made with two minor amendments to the advertised Order.

(2) **Information and Analysis**

Background

Officers have been on two bus trips around Chesterfield and North East Derbyshire with local bus operator Stagecoach, to look at various locations where it currently experiences difficulty with parked cars. The parking at Stagecoach's priority locations are having a detrimental effect to the efficiency of the bus service and, at some locations, consideration is being given to discontinuing the route because of the parked vehicles.

These bus services are well used and a vital service to many residents. Officers have therefore agreed to look at the various locations that Stagecoach considers a priority and promote waiting restrictions to prevent parking where appropriate.

When looking at the various locations with Stagecoach, officers were mindful that if they were predominantly in residential areas, they would also consider the parked needs of the residents and therefore kept the length of the restrictions to a minimum, prior to consulting on the proposals.

Officers carried out the initial consultation process in July 2017 and the TRO was legally advertised on site and in the local paper from 19 October 2017 to 10 November 2017. Proposals at 11 locations were identified and consulted upon. These were Heath Road, Holmewood; Highfield Road, Tipton View Road and Highfield View Road, Chesterfield; Station Lane, Old Whittington;

Devonshire Avenue, New Whittington; Wikeley Way, Rother Avenue and Princess Street, Brimington; North Road, Holmgate; and Allpits Road, Calow. Eight proposals had no objections while one objection was received at each of the three locations discussed in this report.

Following these statutory processes, the three objections outlined below were received.

Officer Comment

Following the initial consultation process, officers received many comments relating to various locations where the TROs were being advertised, with residents wanting some restrictions extending further, especially at the Peterdale Road/Princess Street Junction. Officers, however, do not consider it necessary, to remove additional parking as the buses will be able to negotiate these junctions with the restrictions proposed, and further restrictions would simply transfer parking elsewhere.

Officers did, however, receive one objection during the initial consultation period which was reconfirmed during the formal advert stage along with two further objections at other junctions. These have been detailed below.

1. Tapton View Road / Highfield View Road Junction – Proposed Double Yellow Lines - Dwg. No. HMT/BG/241/17

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

Objection: They already have problems with parking in the area and consider that the length of line should be reduced outside their property on Highfield View Road and consider that it may have an effect on the value of their house.

Officer Comment: It is appreciated that parking is at a premium and have been mindful of this when deciding on the lengths of restrictions promoted. At this location, the proposed length of double yellow lines on both sides of the road is 15m which gives the bus enough room to sit and wait on the correct side of the carriageway before pulling out into Tapton View Road. However, on reflection, it is now felt that this length can be slightly shortened by 3m which will make another car parking space available. Officers therefore recommend that this revised restriction be approved by the Cabinet Member.

2. Summerfield Crescent / Spring Vale Road Junction – Proposed Double Yellow Lines - Dwg. No. HMT/BG/249/17

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

Objection: The Objectors are concerned that residents of other houses in the area that have more than two cars will be forced to park outside their property

and make it difficult for them to exit their drive. These residents are also concerned about an existing problem with parking by parents whose children attend the nearby Brimington Junior School, who have no regard for resident's drives.

Officer Comment: It is appreciated that with the introduction of waiting restrictions that there will be some displaced parking, however, as stated in the consultation letter, the highway is for the safe passage for vehicles and not for parking. Officers have kept the lengths of double yellow lines to a minimum length, and do appreciate the Objector's concerns, particularly with school parking, but in order to maintain the free flow of the bus service, it is necessary to introduce the restrictions as advertised.

If the Objector's drive is obstructed then the Authority's Civil Enforcement Officers (CEO's) can be called on 01246 345593, alternatively, the Police can be called on their non-emergency number of 101.

3. Tapton View Road – Proposed revocation of Double Yellow Lines - Dwg. No. HMT/BG/299/17

The proposed restrictions were to remove a 9 metres length of double yellow lines to provide additional parking for residents.

Objection: A drive is located opposite the point where the proposed double yellow lines are to be removed. They state that it would be virtually impossible to negotiate their drive with cars parked opposite, and they would then be forced to park on the road, adding to the current parking problem. When cars have previously parked illegally on these double yellow lines, the Objector has had to call the CEOs as they cannot access their drive. Their suggestion is to leave the section opposite their drive as double yellow lines and to remove a section further down towards Sheffield Road.

Officer Comment: Having met with residents and the Local Member who have ongoing issues with the lack of available on-street parking spaces, it was agreed that they would also advertise this short section of double yellow lines to be removed at the same time. However, following receipt of the objection, officers carried out a check on the turning movement in and out of the drive, and can confirm that it is not possible with vehicles parked opposite. Tapton View Road, as it joins Sheffield Road, is on a slope, and whilst the suggestion of removing a section further down would ease the parking problem, parked vehicles at this location would create a safety issue, as vehicles need to be nearer the top of the slope to be able to see oncoming vehicles in the middle of the road. It is recommended therefore that the existing restrictions remain as they are and the revocation of the double yellow lines be abandoned.

Local Member Comment

Local Member for Brimington North, Councillor Stuart Brittain, understands the residents' concerns over the removal of the parking, however, he appreciates that the needs of the bus service is very important and supports the proposals.

Local Member for Loundsley Green and Newbold, Councillor Mick Wall, is supportive of creating additional parking for residents, particularly on Tapton View Road where parking is at a premium but in this instance he appreciates that the removal of the section of double yellow lines will cause inconvenience to other residents and therefore agrees with the Officer's recommendation not to proceed as originally advertised.

(3) **Financial Considerations** This work forms part of the approved Local Transport Plan 2017-18 Capital Programme of works at a cost of £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 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 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 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. In this matter, it is considered that the modifications constitute a reduction and are therefore not a substantial change.

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 cannot be made until after the last 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.

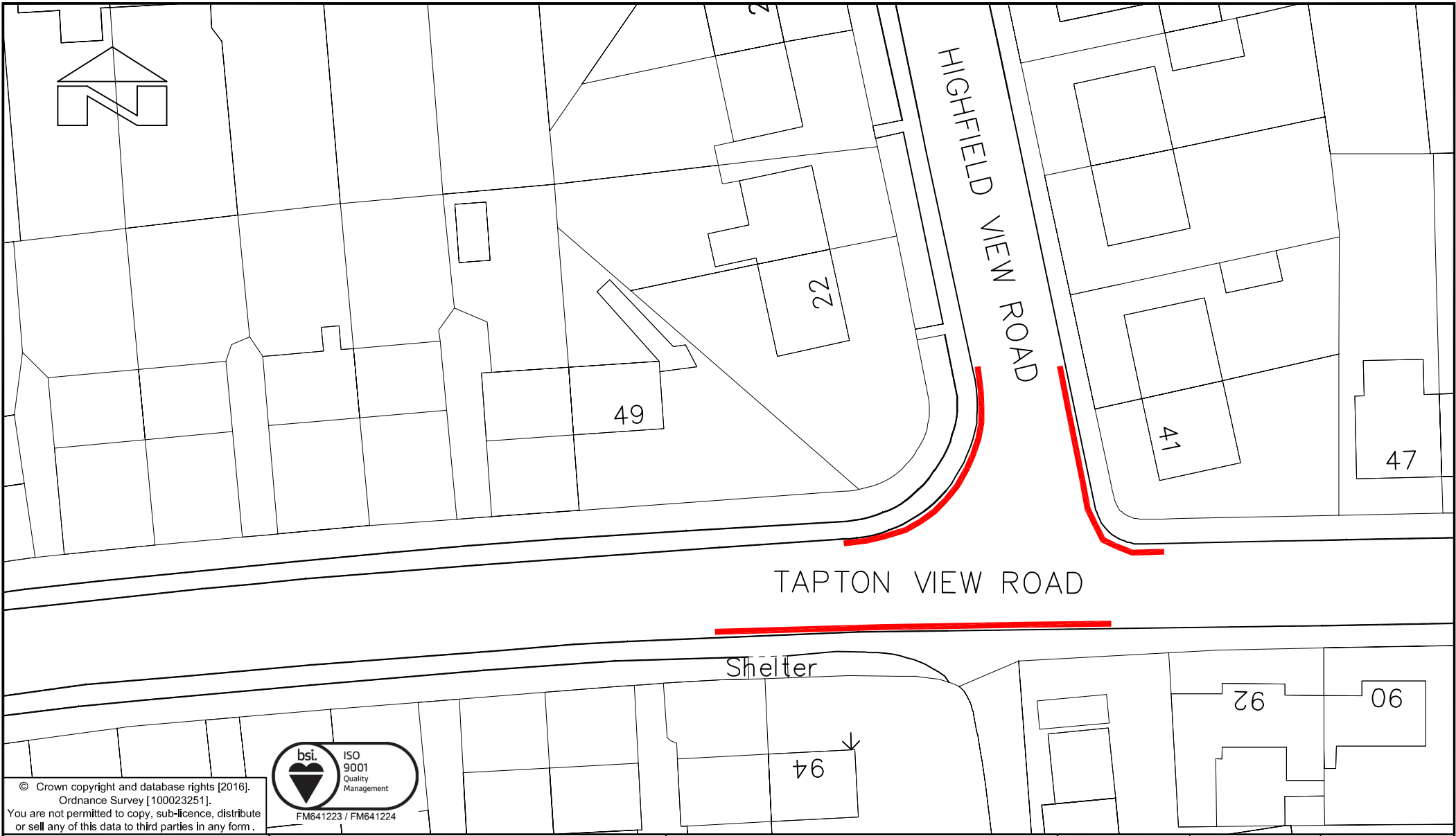
(7) **Background Papers** Held on file within the Economy, Transport and Environment Department. Officer contact details – Bridget Gould, extension 38579.

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

8.1 The Cabinet Member approves the introduction of the (Chesterfield and North East Derbyshire Various Junctions) (Waiting Restrictions) Order 2017, along with the two minor modifications as recommended in this report.

8:2 The Local Members, objectors and the Chief Constable be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



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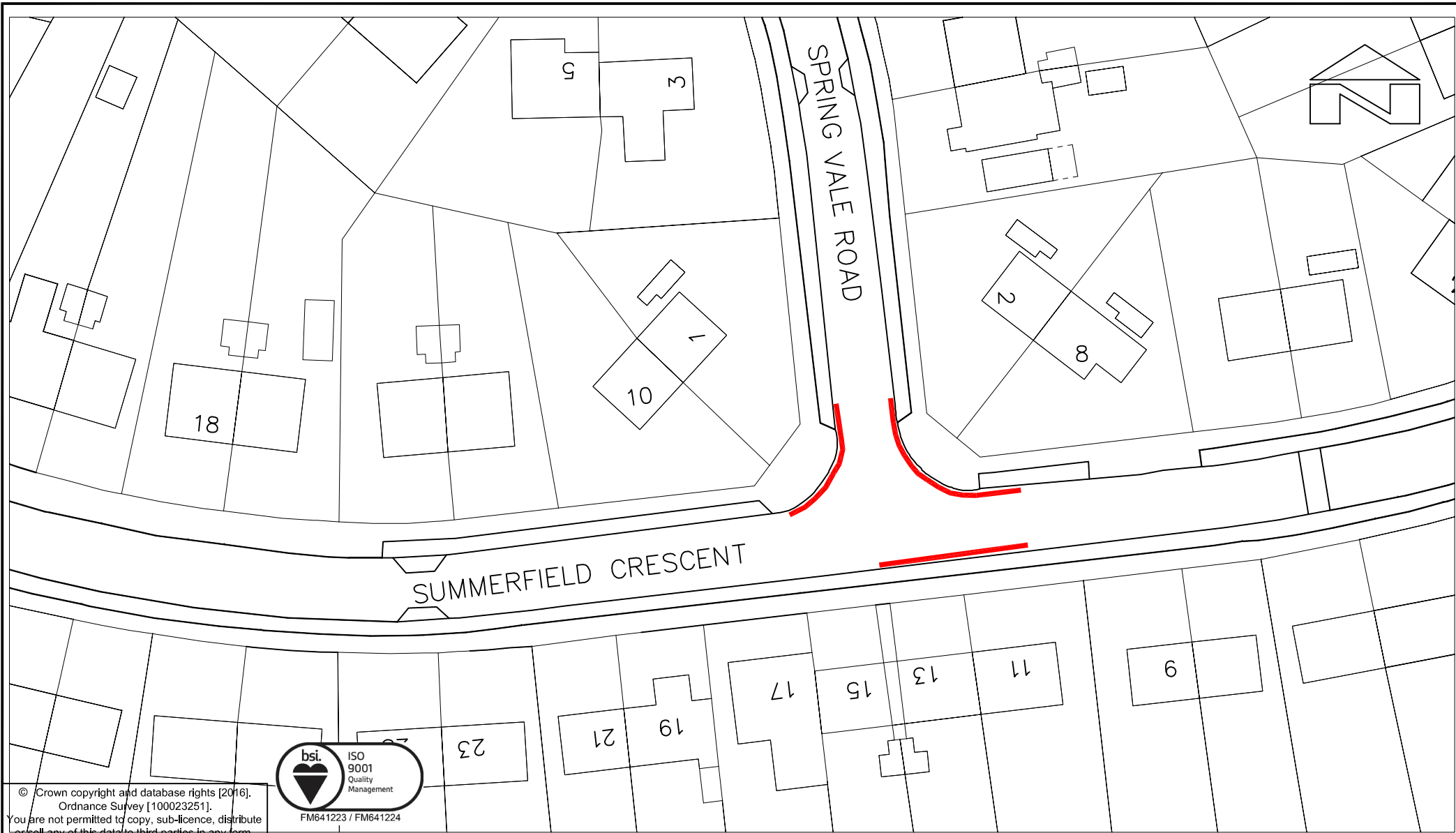
MIKE ASHWORTH
Strategic Director
Economy, Transport and Communities

KEY

 Proposed double yellow lines

PROJECT TITLE HIGHFIELD VIEW ROAD JUNCTION WITH TAPTON VIEW ROAD, CHESTERFIELD		DRAWN B.GOULD Date JUNE.2017	CHECKED S.TRANTER Date JUNE.2017	APPROVED S.TRANTER Date JUNE.2017
DRAWING TITLE PROPOSED DOUBLE YELLOW LINES		Project / Confirm Reference No. Drawing Number HMT/BG/241/17		SCALE N.T.S.
		ORIGINAL DRAWING SIZE 297 x 210 (A4)		

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Last Saved: Tue 06-Jun-2017 - 10:44AM
File Location: U:\Network-Management\Traffic and Safety Team\AutoCad Drawings\2017 06 05 Highfield View Road_recover.dwg



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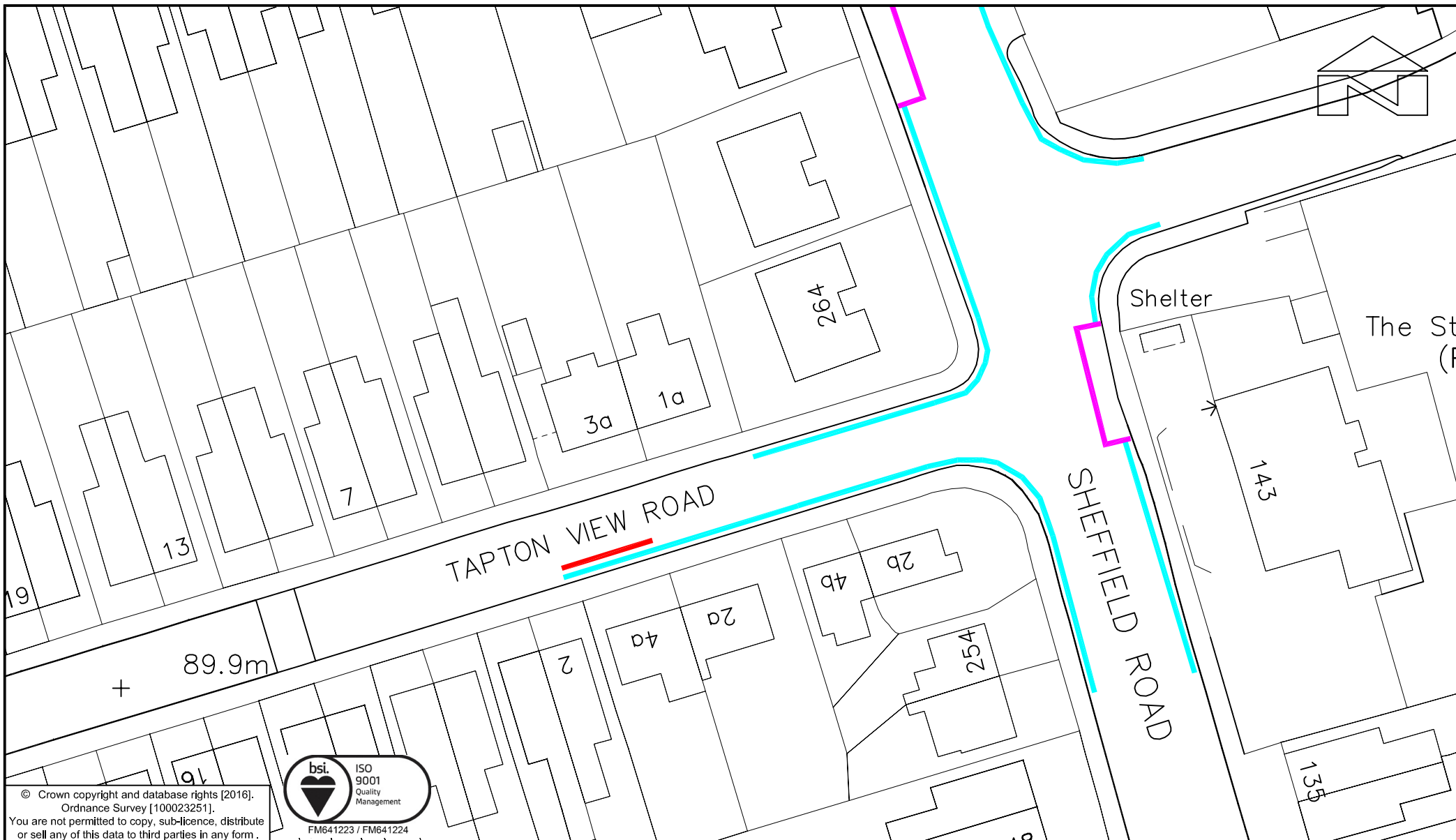
MIKE ASHWORTH
Strategic Director
Economy, Transport and Communities



KEY

 PROPOSED DOUBLE YELLOW LINES

PROJECT TITLE SUMMERFIELD CRESCENT / SPRING VALE ROAD JUNCTION BRIMINGTON, CHESTERFIELD	DRAWN B.GOULD Date JUNE.2017	CHECKED S.TRANTER Date JUNE.2017	APPROVED S.TRANTER Date JUNE.2017
	DRAWING TITLE PROPOSED DOUBLE YELLOW LINES		SCALE N.T.S.
		Project / Confirm Reference No. HMT/BG/249/17	
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MIKE ASHWORTH
Strategic Director
Economy, Transport and Communities

KEY

- Proposed double yellow lines to be removed
- Existing double yellow lines
- Existing Bus bay

PROJECT TITLE

TAPTON VIEW ROAD, CHESTERFIELD

DRAWING TITLE

PROPOSED REMOVAL OF
DOUBLE YELLOW LINES

DRAWN

B.GOULD

Date

OCT.2017

CHECKED

S.TRANTER

Date

OCT.2017

APPROVED

S.TRANTER

Date

OCT.2017

Project / Confirm Reference No.

Drawing Number

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SCALE

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