

DERBYSHIRE COUNTY COUNCIL

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

23 December 2014

Report of the Strategic Director – Economy, Transport and Environment

**WHITWELL, SPRING HILL AND DUKE STREET, PROHIBITION OF
WAITING ORDER – OBJECTIONS REPORT**

(1) **Purpose of Report** To bring before the Cabinet Member a report into the objections received to the above proposals.

(2) **Information and Analysis**

Background

An extension to the existing double yellow lines on Spring Hill, Whitwell was advertised from 7 March to 29 March 2013. An objection was received to the proposal asking for the lines to be extended further. This objection was considered at the Meeting of Cabinet Member – Jobs, Economy and Transport on 12 November 2013 (Minute No. 97/13 refers), and it was decided to carry out a new consultation to include the extension.

A petition from Duke Street residents was reported to the Meeting of Cabinet Member – Highways and Transport on 5 March 2013. The petition was requesting that the double yellow lines be extended on both sides of Duke Street northwards from its junction with Welbeck Street. The investigation into the restrictions requested by petitioners were considered in the same report as the objection to the Spring Hill proposals mentioned above. The Cabinet Member agreed with the recommendations, and the new proposals for Spring Hill and Duke Street were advertised as part of the same Order from 18 September to 10 October 2014.

Objections

There were a total of four objections received during the advertisement period. The common point behind three objections relate to there already being a lack of available on-street parking in the Duke Street/Welbeck Street area, which the proposals would exacerbate. These objectors feel strongly that the proposals will adversely affect them in terms of ease and quality of life, as well as being detrimental to the value of their properties.

The other objection concerned the proposed extension of double yellow lines on Spring Hill. As the Co-Op has now closed, the objector states that the length of road concerned is now a lot quieter and that access has eased. The

objector opines that the proposal is no longer necessary and should not be proceeded with.

Officer Comments

The proposals on Duke Street are minimal and were felt to be the shortest distance necessary to ensure access and egress from the road concerned. There will be a loss of a couple of spaces on either side of the road as no new on-street parking is being created on Welbeck Street, therefore making parking more difficult for a small number of residents. Bearing in mind the levels of support both in favour and against the proposals on Duke Street, it is to be recommended that the proposals, as advertised, be introduced.

The proposals on Spring Hill were initially proposed to address difficulties caused by parked vehicles, mainly associated with the Co-Op. As the Co-Op is no longer open, traffic flows and parking levels have reduced. The waiting restrictions proposed would now no longer seem to be necessary, so the recommendation is not to proceed with this part of the proposals.

Local Member Comments

Councillor McGregor has been consulted and made the following comment: *"I have no objections to the removal of the yellow lines on Spring Hill if this is the wish of the residents, as they are correct the coop has now closed at this site and a new one built in the centre of the village, I do believe the concerns raised by local residents were only due to the coop as mentioned. I do though strongly support the extension of the yellow lines at Duke Street as there is potential traffic hazard at this junction and the loss of two parking spaces is better than the loss of life or an accident waiting to happen."*

(3) **Financial Considerations** The cost of introducing the Traffic Regulation Order (TRO) will be in the region of £600 and will be met from the Capital Budget for Traffic Regulation Orders 2014-15 Local Transport Plan.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a TRO if it considers it to be 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 remises;

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

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 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 in the Economy, Transport and Environment Department. Officer contact details – Dan O'Neill, extension 38166.

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

- 8.1 The proposals relating to Duke Street, Whitwell be introduced as advertised.
- 8.2 The proposals relating to Spring Hill, Whitwell not be proceeded with.
- 8.3 The local Member and objectors be notified accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment