

Agenda Item No.4(a)

**DERBYSHIRE COUNTY COUNCIL**

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

**28 July 2015**

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSAL TO INSTALL A PEDESTRIAN AND CYCLIST CROSSING AND  
AMENDMENTS TO PARKING RESTRICTIONS ON BOYTHORPE AVENUE,  
CHESTERFIELD**

(1) **Purpose of Report** To consider objections received following consultation on the proposed crossing facilities and parking restrictions on Boythorpe Avenue, Chesterfield, and to seek the Cabinet Member's approval for the implementation of the scheme.

(2) **Information and Analysis**

**Background**

A planning application for a new leisure centre on Queens Park Annexe site, Chesterfield was approved by Chesterfield Borough Council's (CBC) Planning Committee on 19 May 2014. The application identified the need to improve links for cyclists and pedestrians between existing facilities in Queen's Park and the new leisure centre. As such, CBC consulted with Chesterfield Cycle Campaign and Transition Chesterfield, as well as Derbyshire County Council, over possible solutions.

CBC is committed to providing an internal shared use cycle path from the new leisure centre onto Boythorpe Avenue in order to offer pedestrians and cyclists a safer alternative to crossing at the busy junction of Boythorpe Avenue and Boythorpe Road. The internal path will exit the leisure centre at a new gateway created within the existing boundary fence and connect with a scheme to widen the northern footway on Boythorpe Avenue, creating a shared use cycle path linking into the existing access into Queen's Park. The cycle path will link to the southern footway by means of an uncontrolled tactile crossing, constructed on top of a 70mm high traffic calming plateau. This is shown on drawing no. HMT/SMD/80/15.

Due to the works being predominantly on the public highway and outside the jurisdiction of the Borough Council, Derbyshire County Council offered to programme the works identified.

In order for the plateau to be constructed, a short length of short stay parking (6 cars) is to be removed. The Police have been consulted with regard to the traffic calming plateau and the proposed Traffic Regulation Order (TRO) amendments. No objections were received to this part of the process. However, following a consultation exercise involving the issue of a hump notice under the Highways Act 1980, two objections were received.

### **Officer Comment**

Boythorpe Avenue connects Boythorpe Road with Park Road and has three vehicular accesses into the existing Queen's Park leisure site. There are no residential properties located off it. It is straight and has three lengths of short stay limited waiting parking bays on the north side that can accommodate 14 cars.

One objection came from Transition Chesterfield who want a controlled crossing i.e. a zebra crossing, rather than an uncontrolled crossing. The other objection came from the Chesterfield Cycle Campaign, concerning the internal form and layout of the cycle path within the leisure centre development and seeking clarification of the layout. This is an issue for CBC as it is contained within the site and is not part of the highway.

The visibility offered to pedestrians and cyclists, and the measures being introduced, will allow pedestrians and cyclists to cross Boythorpe Avenue with little difficulty at the proposed crossing location, and traffic control at the crossing is not considered necessary.

Pedestrian and vehicle counts have been carried out at the site prior to completion of the new leisure centre and the connecting pedestrian/cyclist improvements. Counts will be repeated following the opening of the new leisure centre to monitor the crossing operation.

### **Local Member Comments**

Councillor Sharon Blank was consulted regarding the proposals and had no comments to add.

(3) **Financial Considerations** The cost of the proposed traffic calming and associated TRO works is £25,000 and will be jointly funded through the Traffic and Safety Revenue budget and the approved Local Transport Plan scheme for TRO works within the 2015-16 budget.

(4) **Legal Considerations** Section 90A of the Highways Act 1980 ("the 1980 Act") enables a highway authority to construct road humps in a highway maintainable at the public expense and for which they are the highway authority where the highway is subject to a statutory speed limit of 30mph or less.

Section 90C of the 1980 Act provides that where it is proposed to construct road humps, consultations must be carried out with the chief officer of police for the area in which the highway is situated and such other persons or bodies as may be prescribed by regulations made by the Secretary of State. Notice of the proposal shall also be published in a local newspaper and placed at appropriate points on the highway allowing at least 21 days for the receipt of objections. A local inquiry may be held if the highway authority thinks fit. The relevant regulations are the Highways (Road Humps) Regulations 1999 which also require consultation with the chief officer of the fire brigade and the chief officer of the ambulance service for the area in which the highway is situated, and with organisations which appear to the highway authority to represent persons who use the relevant highway or who are otherwise likely to be affected by the road humps.

Section 23 of the Road Traffic Regulation Act 1984 ('the 1984 Act') empowers a local traffic authority to establish crossings for pedestrians on roads for which they are the traffic authority, and to alter or remove any such crossings. Regulations made under the 1984 Act prescribe the manner in which such crossings should be indicated.

Before establishing, altering, or removing a crossing the local traffic authority is required to consult the chief of police about the proposal and to give public notice of the proposal.

Section 122(1) of the 1984 Act states that it shall be the duty of every Local Authority to exercise the functions conferred by that Act (so far as practicable having regard to the matters listed in subsection (2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities both on and off the highway.

The matters referred to in section 122(2) are:-

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) 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 improve the amenities of the areas through which the roads run;
- (bb) the national air quality strategy prepared under Section 80 of the Environment Act 1995.
- (c) 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
- (d) any other matters appearing to the Local Authority to be relevant.

A TRO can be varied or revoked by making a further TRO. Having considered all the 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.

## 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.

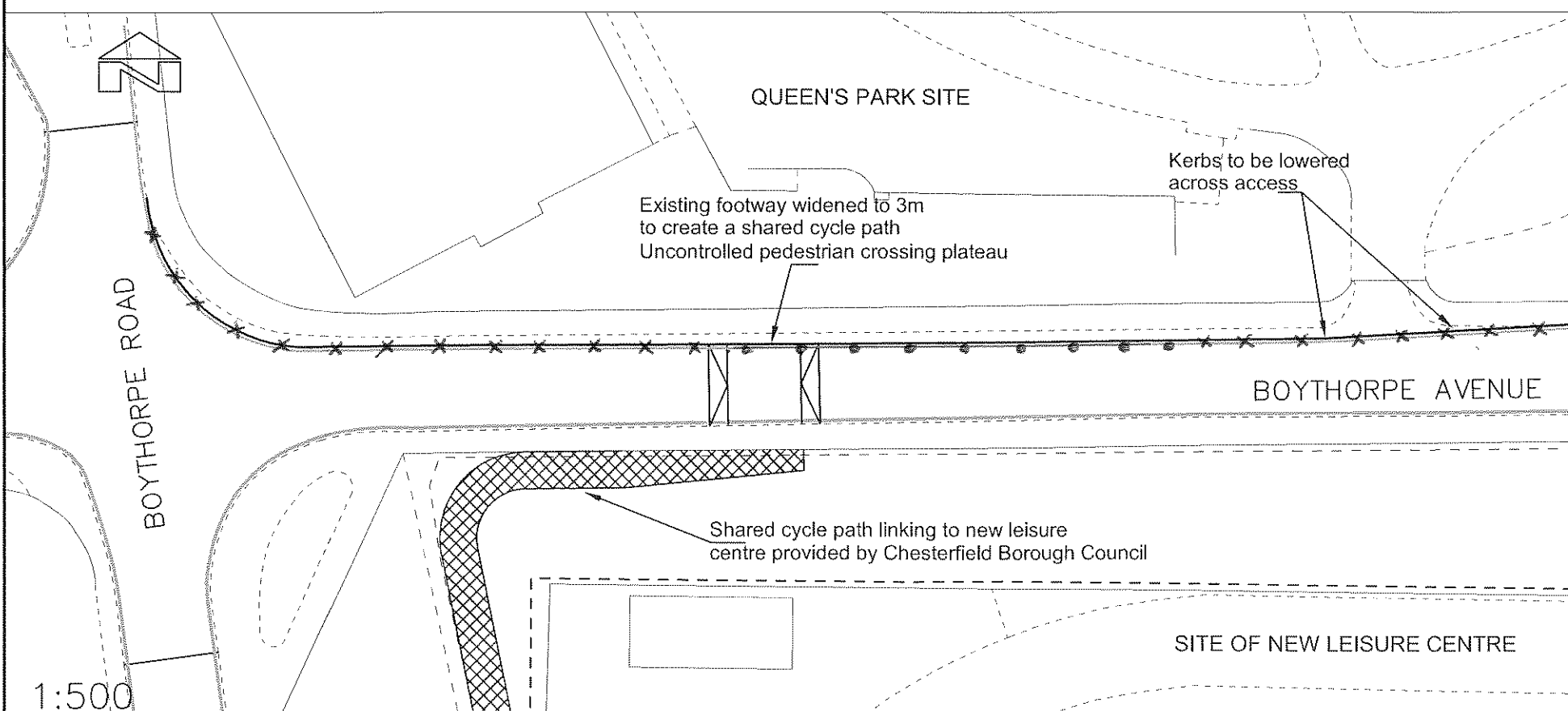
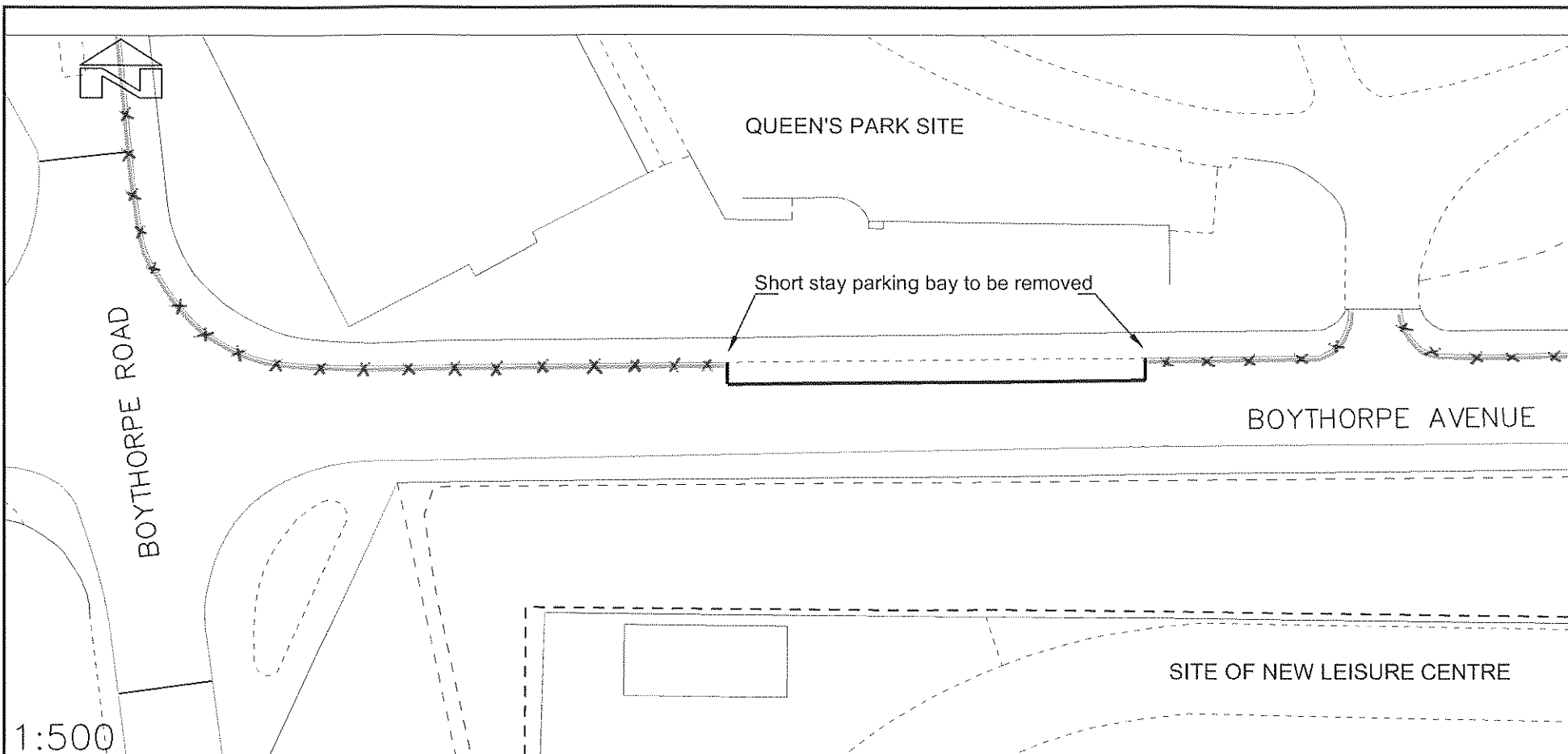
(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file in the Economy, Transport and Environment Department. Officer contact details – Steve Dungworth, extension 38619.

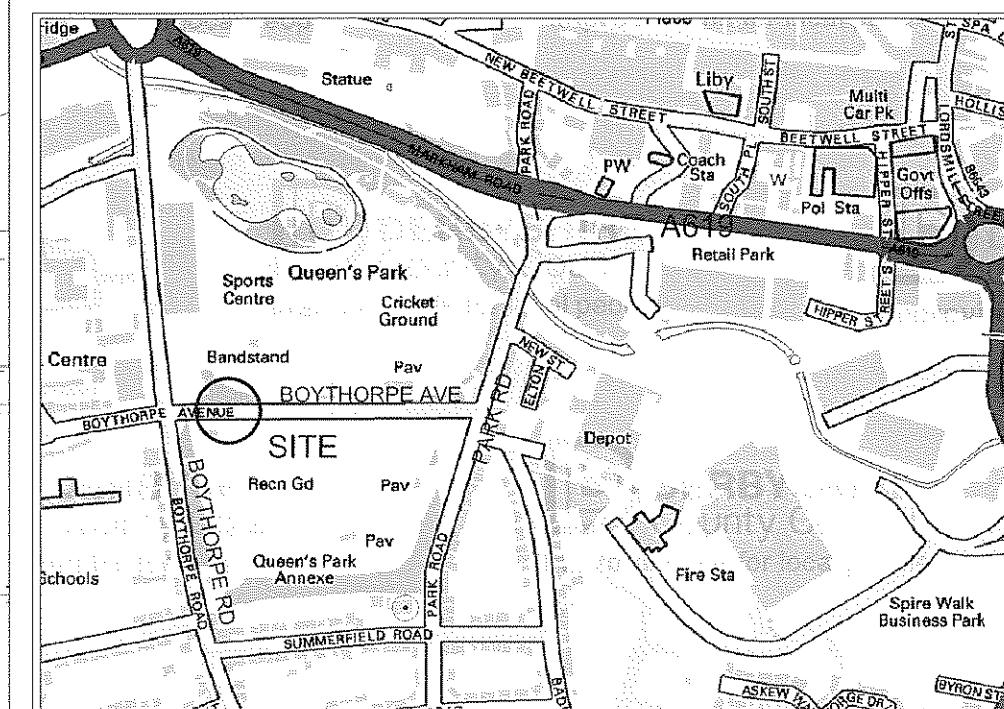
(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member approves:

- 8.1 The implementation of the proposed traffic calming measures, as shown on plan HMT/SMD/80/15, on Boythorpe Avenue, Chesterfield, that are jointly funded from the 2015 – 16 Capital Programme and the Traffic and Safety Revenue budget at a total cost of approximately £25,000.
- 8.2 The Derbyshire County Council (Parking, Waiting and Loading Prohibitions and Restrictions) Chesterfield Considerations Order 2009 be varied as shown on plan HMT/SMD/80/15.
- 8.3 The Local Member and the organisations which made objections be informed of the decision.

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Environment**



## LOCATION PLAN



MIKE ASHWORTH  
Strategic Director - Economy, Transport and Environment

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- XXXXX EXISTING NO WAITING AT ANY TIME RESTRICTIONS. (DOUBLE YELLOW LINES)
- PROPOSED NO WAITING AT ANY TIME RESTRICTIONS. (DOUBLE YELLOW LINES)
- REMOVAL OF SHORT STAY PARKING BAY

AMENDMENT DETAILS

BY CHKD APVD DATE NO.

PROJECT TITLE

Boythorpe Avenue, Chesterfield  
Removal of a short stay parking bay  
replacement with no waiting at any time restrictions

DRAWING TITLE

Traffic Regulation Order  
General Layout Plan

DRAWN

S. Dungworth

Date

2/03/2015

CHECKED

B. Gould

Date

2/03/2015

APPROVED

B. Gould

Date

2/03/2015

Project / Confirm Reference No.

8050050

Drawing Number

HMT/SMD/80/15

ORIGINAL DRAWING SIZE 420 x 297 (A3)

SCALE

As Shown