

Agenda Item No. 4(d)

DERBYSHIRE COUNTY COUNCIL

MEETING OF CABINET MEMBER – HIGHWAY, TRANSPORT AND
INFRASTRUCTURE

31 January 2019

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTION TO THE (DERBY ROAD, HAWTHORNE STREET,
SHERWOOD STREET, HADY LANE, UPPER LUM CLOSE, CLAYTON
STREET, WAIN AVENUE, OWEN FALLS AVENUE AND PICCADILLY
ROAD, CHESTERFIELD) (WAITING RESTRCITIONS) ORDER 2018**

(1) **Purpose of Report** To consider objections following the public advertisement and consultation on the (Derby Road, Hawthorne Street, Sherwood Street, Hady Lane, Upper Lum Close, Clayton Street, Wain Avenue, Owen Falls Avenue and Piccadilly Road, Chesterfield) (Waiting Restrictions) Order 2018 and to recommend that the Order be made as advertised with three minor amendments as detailed in this report.

(2) **Information and Analysis**

Background

Officers have been aware for a number of years of parking problems on residential streets in and around Chesterfield Railway Station and Chesterfield Royal Hospital. Due to the close proximity of these facilities to some residential streets, commuter, shopper and visitor parking has become increasingly problematic as residents find it difficult to find parking spaces during the day. Indiscriminate parking on bends and junctions has made many streets congested and has compromised road safety at certain locations. Officers have therefore advertised and consulted upon waiting restrictions on streets in and around the hospital and railway station, as well as a couple of nearby locations, to encourage better parking management and free up spaces by all day commuter parking.

The above Traffic Regulation Order (TRO) was initially consulted upon in February 2018 and then legally advertised on street and in the Derbyshire Times from 28 June 2018 to 19 July 2018. Following these statutory processes, a small number of objections were received and are summarised as follows.

Officer Comment

The initial consultation for the proposed restrictions was welcomed by many residents who felt they were long overdue. Many residents requested additional restrictions and amendments to some of the lengths of double yellow lines and these amendments were made and included as part of the formal consultation stage. Detailed in this report is a brief synopsis of the parking problem at the six locations in the St. Leonards Ward where the TRO has been advertised and details the objections and proposals following the formal advert stage.

Wain Avenue (Riverside Estate) Dwg. No HMT/BG/27/18_REV_2 Background to proposal

Wain Avenue forms the main route through the Riverside Estate which was formally adopted in 2009. There are a number of cul de sacs located off it and these roads are located only a short walk to the railway station and, therefore, commuters and workers/shoppers to Chesterfield Town centre use the available on-street parking to park all day, free of charge instead of using the nearby designated car parks.

When the Riverside Estate was constructed, funding was provided as part of a Section 106 Agreement (works carried out by the Highway Authority but funded by the developer) to look at parking practices and provide solutions to commuter parking. Due to the majority of these properties having garages and off-street parking spaces for at least one car and designated as town centre living, a Residents Only Parking (ROP) permit scheme was, and still is not considered appropriate due to the available off-street parking the majority of properties have. There would be insufficient funds generated from the sale of yearly permits to finance the administration costs required. With any permit parking scheme, the on-street parking has to be formalised in bays and double yellow lines provided across vehicle dropped kerbs which would significantly reduce the amount of available on-street parking. In 2010 and 2012, various restrictions were consulted upon and implemented in and around the Riverside Estate which included single yellow lines, as well as sections of double yellow lines, to better manage the parking.

These restrictions have been in place for a number of years, but residents still struggle to find additional parking for visitors, particularly during the day. They have ongoing problems with commuter vehicles being parked on footways and half across drives. Officers have therefore consulted on the proposal to extend various sections of double yellow lines and provide three areas of three hour limited waiting. This will free up sections of all day commuter parking and allow visitors an area to park their vehicle for a limited period, something which is virtually impossible to do at the present time.

Throughout the estate there are sections of kerbs in between residential drives that are not long enough to fully accommodate a vehicle safely,

however, the commuters that park on the estate do so and this has caused extreme problems with residents struggling to access their drives. Officers have therefore provided and extended sections of double yellow lines at strategic points around the estate to combat this indiscriminate parking. Following the initial consultation of these proposals, the residents were generally supportive of the proposals as they have been subjected to dangerous parking and general lack of consideration by commuters. Some minor amendments were made following the initial consultation prior to the formal advert stage. Considering that officers consulted with over 70 residents on the estate, the number of objections was minimal and to be expected, and whilst many wanted a ROP scheme, this is not feasible as detailed above in this report.

One resident was concerned about enforcement of the restrictions as currently vehicles park on footways and obstruct the route for pedestrians and they also wanted to know whether permits are going to be issued. Officers can confirm that from January 2018 to July 2018, Enforcement Officers have made 101 visits and issued 4 Penalty Charge Notices.

One resident, whilst not objecting to the proposal, wanted a single yellow line all around the estate like those present on Marine Drive. However, properties on Marine Drive are all large detached properties, many with double garages and parking for a number of cars. They also wanted the existing double yellow lines around Foyers Way extending but they are already 16m in length and many of the properties on Wain Avenue are classed as terraced with provision for one car only and many rely on the road space to park additional vehicles.

Objection (a): Officers received three formal objections to the proposals for Wain Avenue from residents from Foyers Way who wanted to know why they were not consulted, and wanted to know exactly where visitors and residents were expected to park with all the proposed lengths of double yellow lines.

Officer comment to objection: Foyers Way is one of the side roads off Wain Avenue where restrictions are not being proposed and, therefore, officers did not consult with these residents. Whilst a short section of double yellow lines are being proposed on Wain Avenue nearby, this is at a location where double parking has been causing an issue for larger vehicles to pass. If visitors to any part of the Riverside Estate, including Foyers Way, came during the day, there is nowhere to park and, with the proposed sections of three hour limited waiting located nearby, it is considered that this will enable visitors the ability to park as long term commuter parking at these locations make it currently impossible to park. There is also sections of un-restricted parking nearby where residents can park long term if required.

Objection (b): One resident has objected to the proposals as they have two cars but only one dedicated parking space and unfortunately have to rely on parking on the highway.

Officer comment to objection: Officers do have sympathy with residents who do not have sufficient off-street parking, however, due to the town centre location, limited off-street parking is usually a requirement under planning conditions. Despite the limited waiting restriction proposals there are still sections of unrestricted parking available in the vicinity of the objector's property to park long term.

Objection (c): Following the formal consultation process, officers received an additional request that was not accommodated following the initial consultation and this was for the removal of the double yellow lines from across the drive to No.65 Wain Avenue.

Officer Comment to Objection: Officers did consider this at the early proposal stage but did not hear back from any of the residents so presumed they were happy with the proposals. Officers consider that this can be easily accommodated and officers therefore seek the Cabinet Member approval to remove a 5m section of double yellow line from across the drive of No. 65 Wain Avenue, as shown on attached drawing HMT/BG/27/18_REV_2.

Owen Falls Avenue - Dwg. No HMT/BG/26/18_REV_1

Background to proposal

Owen Falls Avenue is a cul de sac located off Wain Avenue and initially concerns were expressed by residents from this road regarding the parking for two cars located at the junction of Owen Falls Avenue with Wain Avenue. Officers propose to remove this parking with double yellow lines and at the initial consultation process, numerous representations were made from the residents of Owen Falls Avenue about long term commuter parking and obstruction to drives. Officers consulted with residents on a number of different proposals but it became apparent that the residents all had different problems that could not be solved collectively.

Officers decided, therefore, to provide a short section of limited waiting which would enable visitors and residents the ability to at least park for a short period of time near to their property.

No objections were received following the legal advert process.

Piccadilly Road – Dwg. No. HMT/BG/25/18_REV_2

Background to proposal

Piccadilly Road residents also have a variety of issues associated with being located close to the railway station with some properties having available off-street parking and some not, and, therefore, these have no alternative but to

park on the road. Whilst some of these properties would benefit from a ROP permit scheme, there is an insufficient number of properties to make a scheme viable. Again, officers have consulted on plans to provide short sections of double yellow lines where indiscriminate parking occurs between drives and three lengths of three hour limited waiting.

Objection (a): Following the consultation process, there was general support for the proposals, however, objections were received from a resident of Piccadilly Road who did not want the limited waiting bay outside their property. Some of their neighbours had supported this element of the TRO, however, the objector submitted a signed letter from their neighbours requesting this element was removed.

Officer comment to objection: Officers are happy to remove this element of three hour limited waiting between No.6 – No.10 Piccadilly Road as there are still two remaining three hour limited waiting bays being proposed on the opposite side of the carriageway. Officers therefore seek the Cabinet Member approval to remove all of the three hour limited waiting bays outside Nos.6 –10 Piccadilly Road, as shown on attached drawing. No.HMT/BG/25/18_REV_2.

Objection (b): Another resident objected to the proposal because they anticipate that the restrictions will lead to further obstruction of their drive and they do not believe that any enforcement is carried out as when they walk to the train station, parking occurs on the pavement and on existing double yellow lines.

Officer comment to objection: As officers have previously said, there is enforcement carried out on the Riverside Estate and the parking on the footway is an offence enforceable only by the Police.

Hady Lane/Upper Lum Close/High View Road - Dwg. No. HMT/BG/24/18_Rev_2

Background to proposal

Hady Lane is located off Hady Hill and provides a cut through to Hasland, as well as having Hady Primary School located part way along it. The school has no available parking for parents and, therefore, they park on Hady Lane and various nearby side roads when dropping off and collecting their children. At the junction of Hady Lane with Hady Hill, visitor and staff parking for the Chesterfield Royal Hospital takes place on the bend and this is causing concern as there is no forward visibility and buses and car drivers are therefore forced onto the opposite side of the carriageway. Parking by hospital staff and visitors also obscure a number of private drives. Officers have therefore proposed lengths of double yellow lines from its junction with Hady Hill and around its junction with High View Close, as well as extending them into the nearby cul de sac known as Upper Lum Close.

Objection: At the initial consultation process many comments were received and changes were made from the initial plan to accommodate these where possible. The changes were made prior to formal consultation and advert, and were welcomed by the residents, however, officers received one objection as a result of the changes to the original plan. The objector did not want to see double yellow lines extended across the front of their property due to the lack of off-street parking they had. This would take the proposal back to the original plan with which officers received request to extend.

Officer comment to objection: Officers consider that parking by visitors/hospital staff will take place outside the objector's property if restrictions are not provided, however, they are willing to remove them as requested as they do only affect the objector's property and their ability to park. Officers will monitor the situation once the restrictions are in place and could look at additional amendments if required in the future. Officers therefore seek the Cabinet Member's approval to reduce the length of double yellow lines by 17m the west side of Hady Lane, as shown on the attached drawing HMT/BG/24/18_REV_2, in front of the resident's property.

Clayton Street Dwg. No. HMT/BG/23/18

Background to proposal

Clayton Street is an industrial road located off Hady Hill with very few restrictions. Parking occurs on both sides of the road all the way down to the bottom which is a cul de sac with no dedicated turning area. Representations have been received over a number of years by some unit owners regarding the difficulty they have with larger vehicles being unable to turn round at the end of the road due to parked cars and by some unit owners having difficulty entering / exiting their units because cars are parked so close to their vehicular accesses. The proposal is to provide short sections of double yellow lines around the majority of the accesses to the industrial units to afford some area of manoeuvrability and to extend the restrictions to the end of Clayton Street to enable larger delivery vehicles the ability to turn round.

Objection: Following the formal consultation and advert stage, one letter of objection was received. The objector stated that the street was used by officers at the local Police Station to park as they cannot afford to pay to park in the pay and display car parks. They also consider that the proposals would negatively affect local businesses as they do not have sufficient room for their staff to park. They consider that implementing a 'no parking' zone will push the people into parking on nearby residential roads and put more pressure on the Police who will see an increase in reported crime and congestion on these residential streets.

Officer comment to objection: Whilst officers appreciate there will be some loss of on-street parking, the ability for the units to operate safely and have easy access and egress is far more important than providing the local Police

with on-street parking. Chesterfield Borough Council offers very reasonable rates for long term parking in its car parks and the locally based officers should investigate this option for parking as an alternative.

A61 Derby Road/Hawthorne Street/Sherwood Street - Dwg. No HMT/BG/22/18

Background to proposal

These two residential streets join the A61 Derby Road and do not have double yellow lines around their junctions. Representations were made by some residents about visibility issues when turning in and out of the streets and the business located at the end of Sherwood Street expressed concerns about access issues for its larger delivery vehicles. It was therefore proposed to provide 10m junction protection at both Hawthorne Street and Sherwood Street junction with the A61 Derby Road. Following the legal advert, one letter of objection was received.

Objection: The objector lives on Derby Road itself with very limited on road parking and relies on parking on these two nearby streets. They can appreciate why the Council is proposing these restrictions but considers them excessive. They also want to know what other parking is being provided for residents in the area with the loss of this parking.

Officer comment to objection: Officers appreciate the demand for parking on these streets but unfortunately, there is no alternative or the possibility of creating additional parking nearby. The Council does not provide residential parking but does allow parking on-street where it safe to do so. Parking across the dropped kerbs at the junction is an offence and already enforceable by the Council's Civil Parking Enforcement Officers. The dropped kerbs currently cover an approximate length of 5m, therefore the extra 5m length of proposed double yellow lines would reduce the parking by approximately 2/3 cars on each street. It is important that parking is carried out in a safe manner which allows the access and egress of all vehicles at these two locations and therefore officers consider that the 10m of junction protection with double yellow lines will achieve this and should proceed as advertised.

Local Member Comment

Councillor Sharon Blank has been contacted.

(3) **Financial Considerations** This work forms part of the approved Local Transport Plan 2017 Capital Programme of works at a cost of £4,000.

(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 and 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.

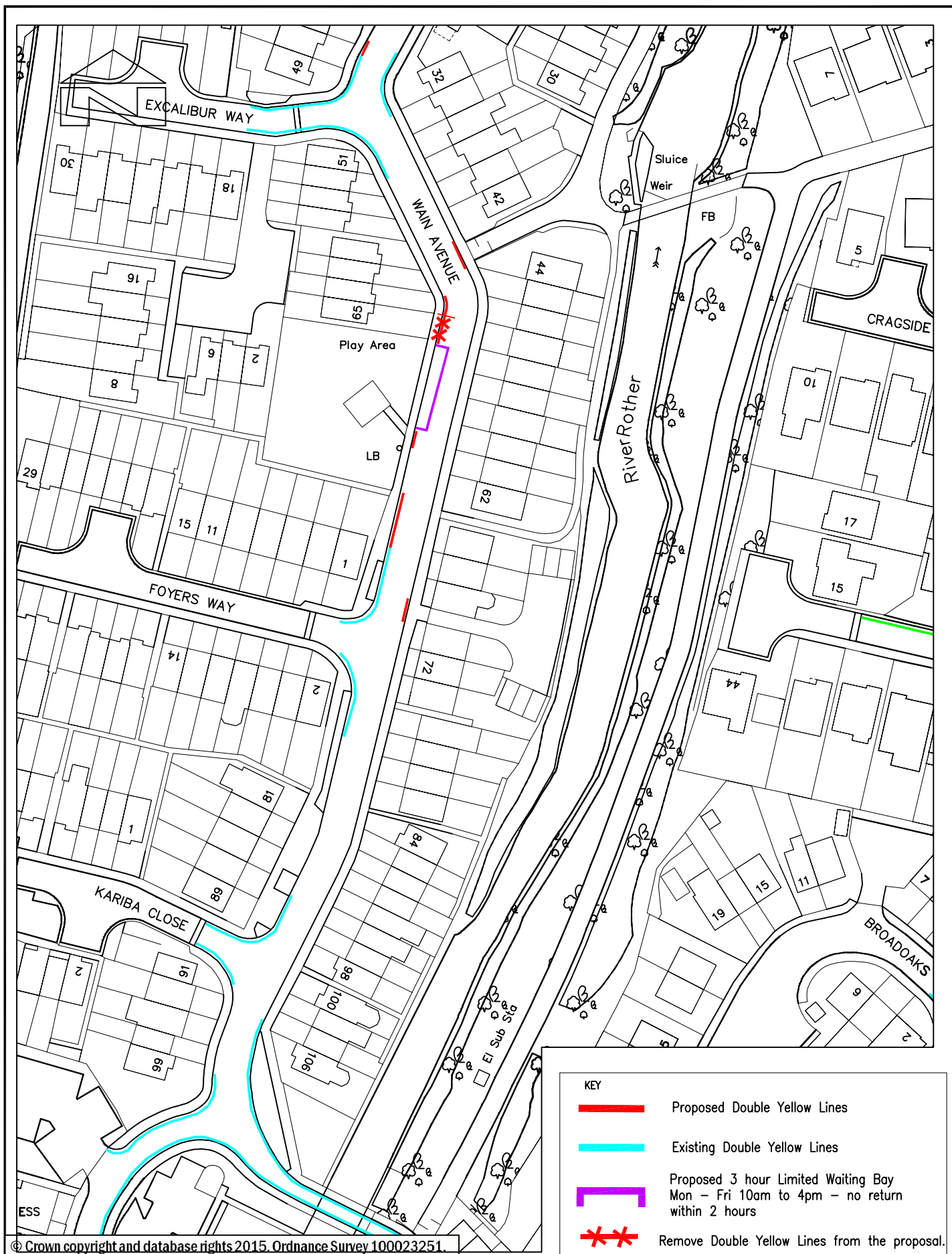
Having determined all objections, the Council may determine to introduce the new restrictions. The Order will need to be formally made, advertised and the requisite signs erected. An Order cannot be made until after the last date of publication of the notice of proposals. No part of a TRO can come into force before that date when it is intended to publish a notice of making it.

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 Derby Road, Hawthorne Street, Sherwood Street, Hady Lane, Upper Lum Close, Clayton Street, Wain Avenue, Owen Falls Avenue and Piccadilly Road, Chesterfield) (Waiting Restrictions) Order 2018 and to recommend that the Order be made, subject to the three minor amendments as detailed in this report.
- 8.2 The Local Members, objectors and the Chief Constable be notified accordingly.

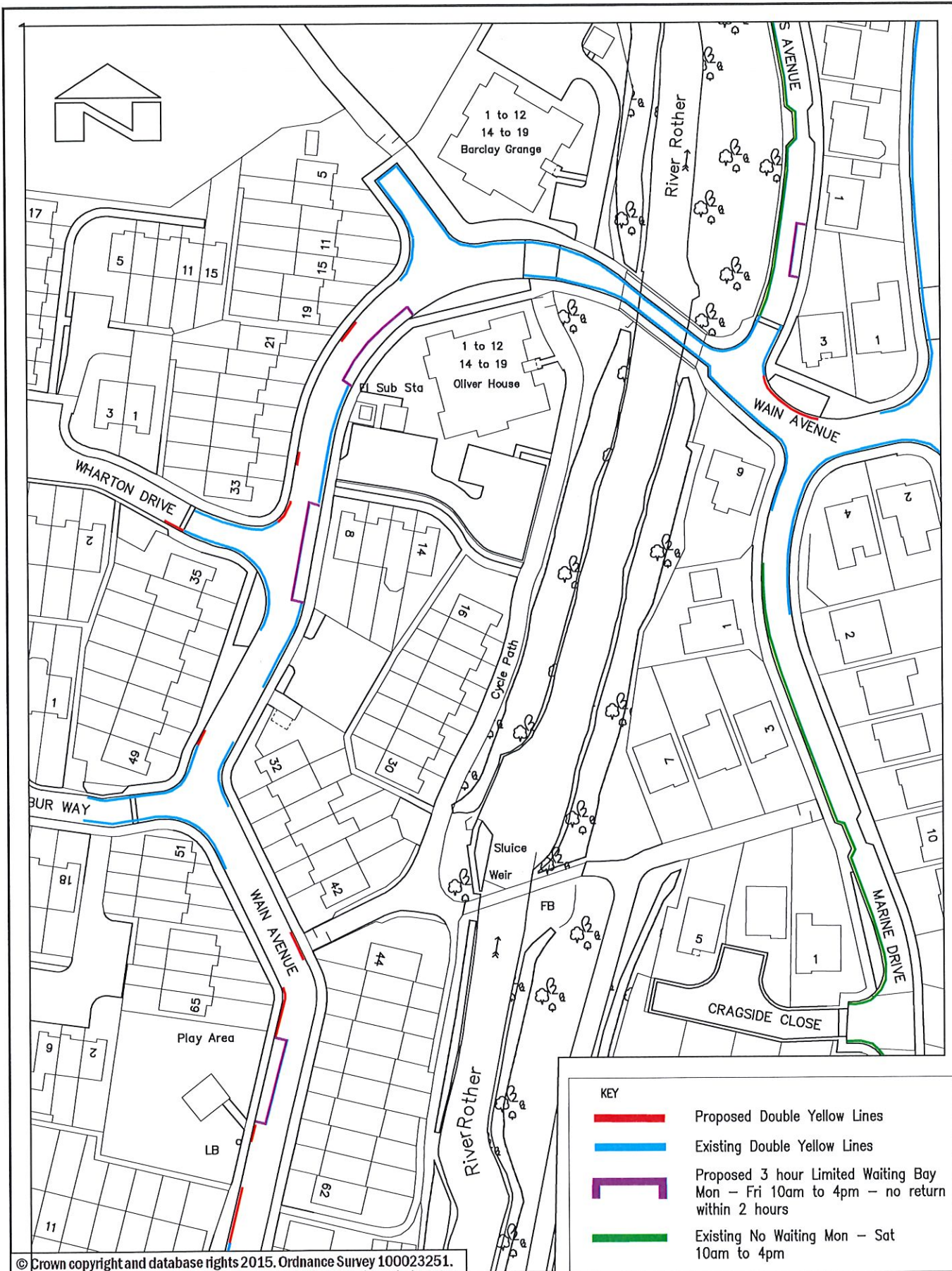
Mike Ashworth
Strategic Director – Economy, Transport and Environment




KEY	
—	Proposed Double Yellow Lines
—	Existing Double Yellow Lines
[]	Proposed 3 hour Limited Waiting Bay Mon – Fri 10am to 4pm – no return within 2 hours
X X X	Remove Double Yellow Lines from the proposal.

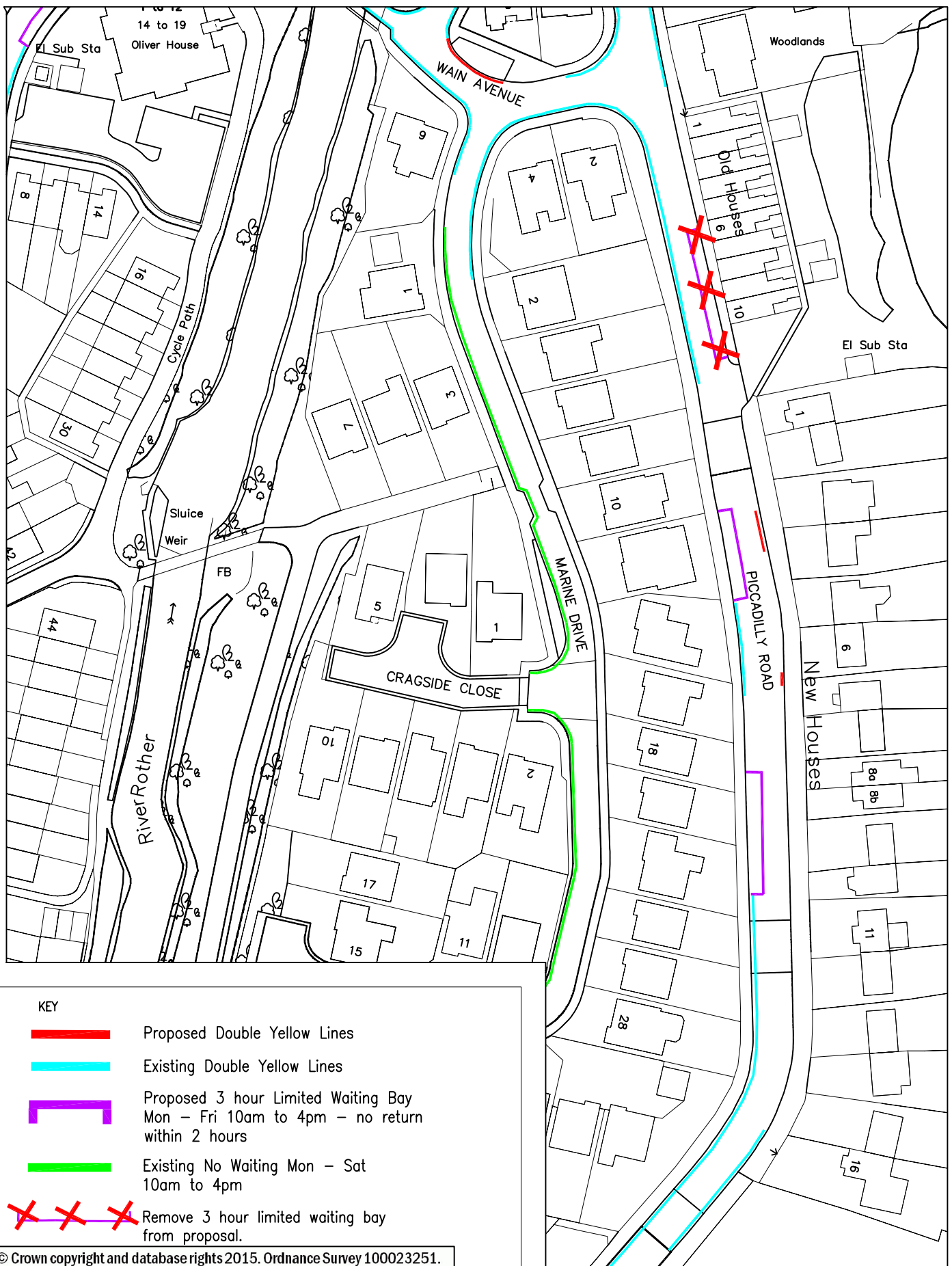
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 DERBYSHIRE COUNTY COUNCIL MIKE ASHWORTH Strategic Director Economy, Transport and Environment	PROJECT TITLE	DRAWN	CHECKED	APPROVED
	WAIN AVENUE, CHESTERFIELD	B.GOULD	S.TRANTER	S.TRANTER
	SHEET 2	Date	Date	Date
		OCT.2018	OCT.2018	OCT.2018
	DRAWING TITLE	Project / Confirm		
PROPOSED WAITING RESTRICTIONS	Reference No.			N.T.S.
CONSULTATION PLAN	Drawing Number			
	HMT/BG/27/18_REV_2			
	ORIGINAL DRAWING SIZE 210 x 297 (A4)			



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 <div>DERBYSHIRE COUNTY COUNCIL</div> <div>MIKE ASHWORTH Strategic Director Economy, Transport and Environment</div>	PROJECT TITLE		DRAWN	CHECKED	APPROVED
	WAIN AVENUE, CHESTERFIELD		B.GOULD	S.TRANTER	S.TRANTER
	SHEET 1		Date	Date	Date
			JAN.2018	JAN.2018	JAN.2018
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	PROPOSED WAITING RESTRICTIONS CONSULTATION PLAN		Drawing Number HMT/BG/26/18_REV_1		N.T.S.
			ORIGINAL DRAWING SIZE 210 x 297 (A4)		



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MIKE ASHWORTH
Strategic Director
Economy, Transport and Environment

PROJECT TITLE
PICCADILLY ROAD, CHESTERFIELD

DRAWING TITLE
**PROPOSED WAITING RESTRICTIONS
CONSULTATION PLAN**

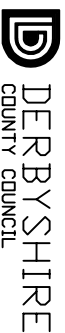
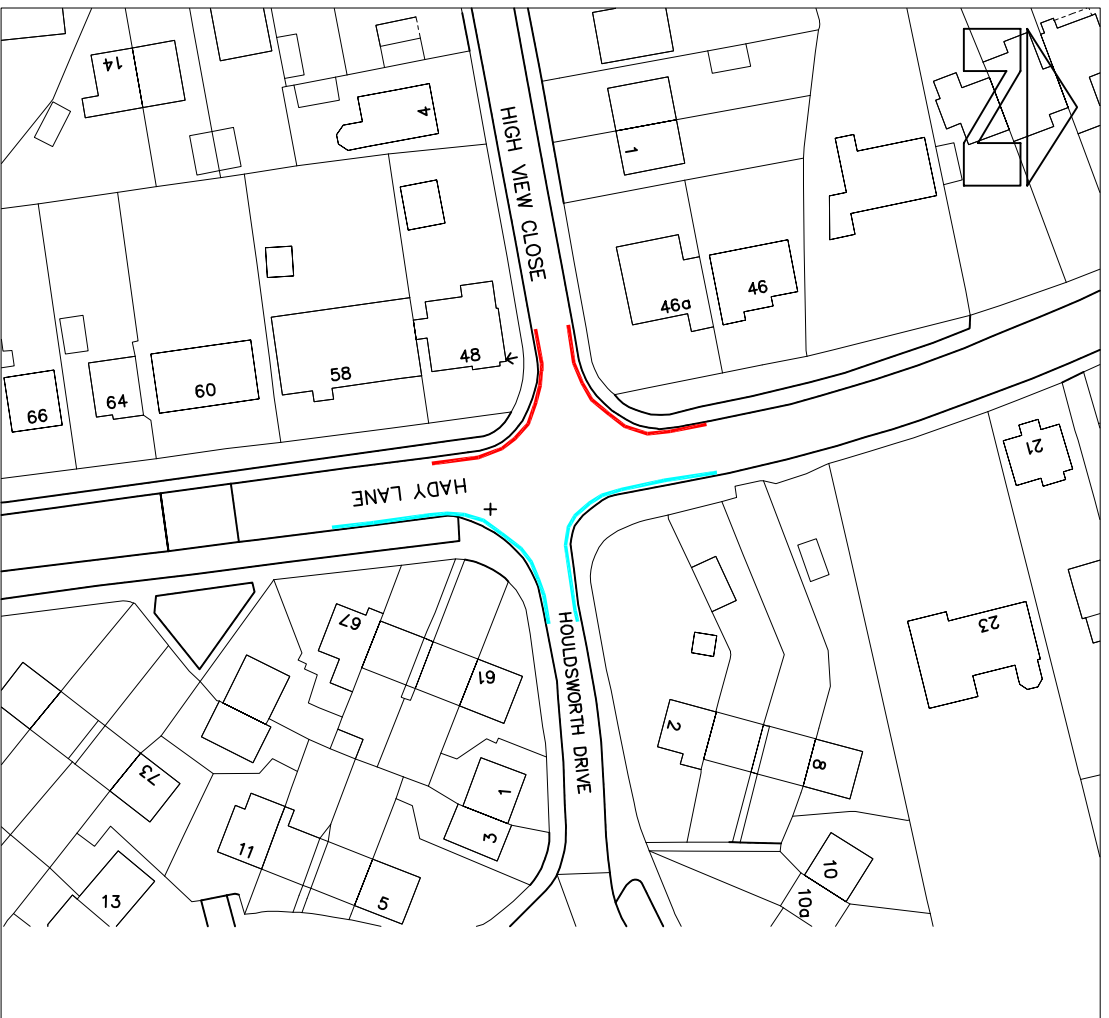
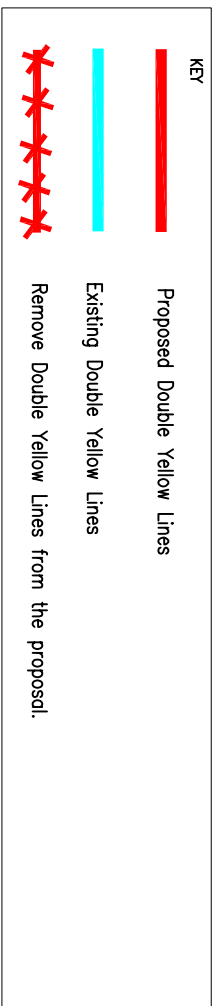
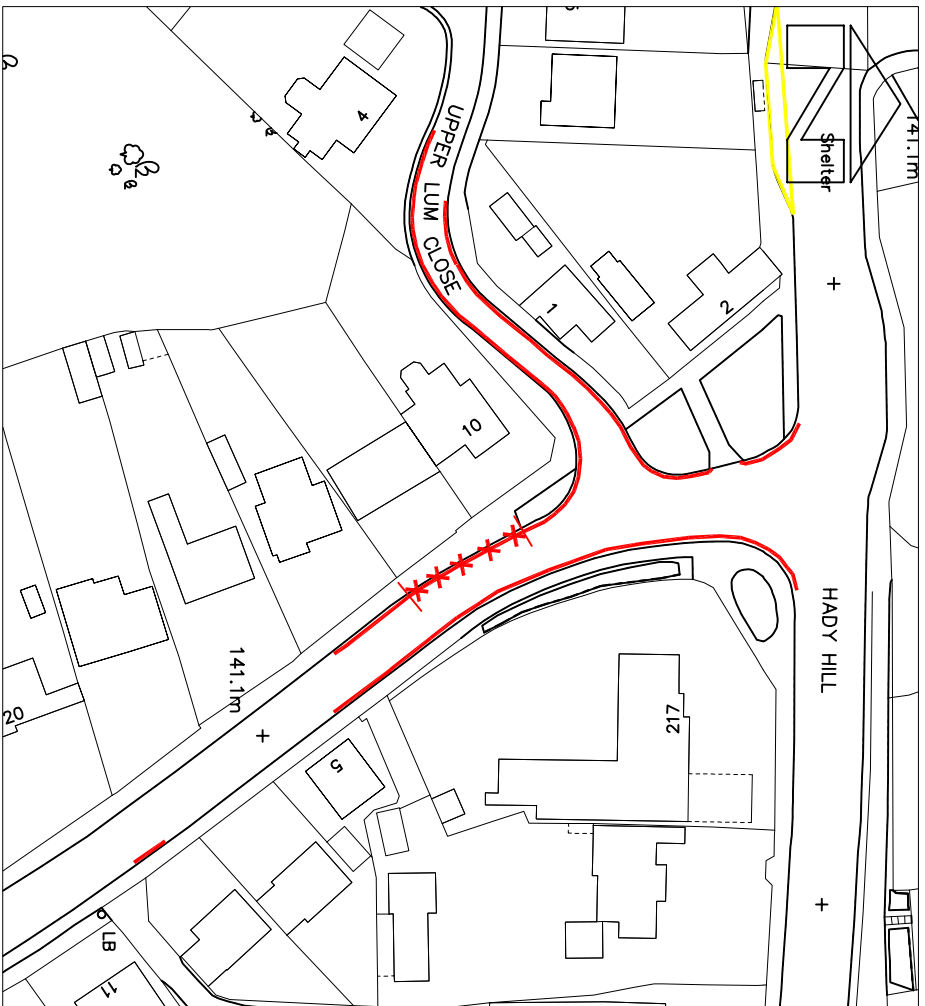
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DERBYSHIRE
COUNTY COUNCIL

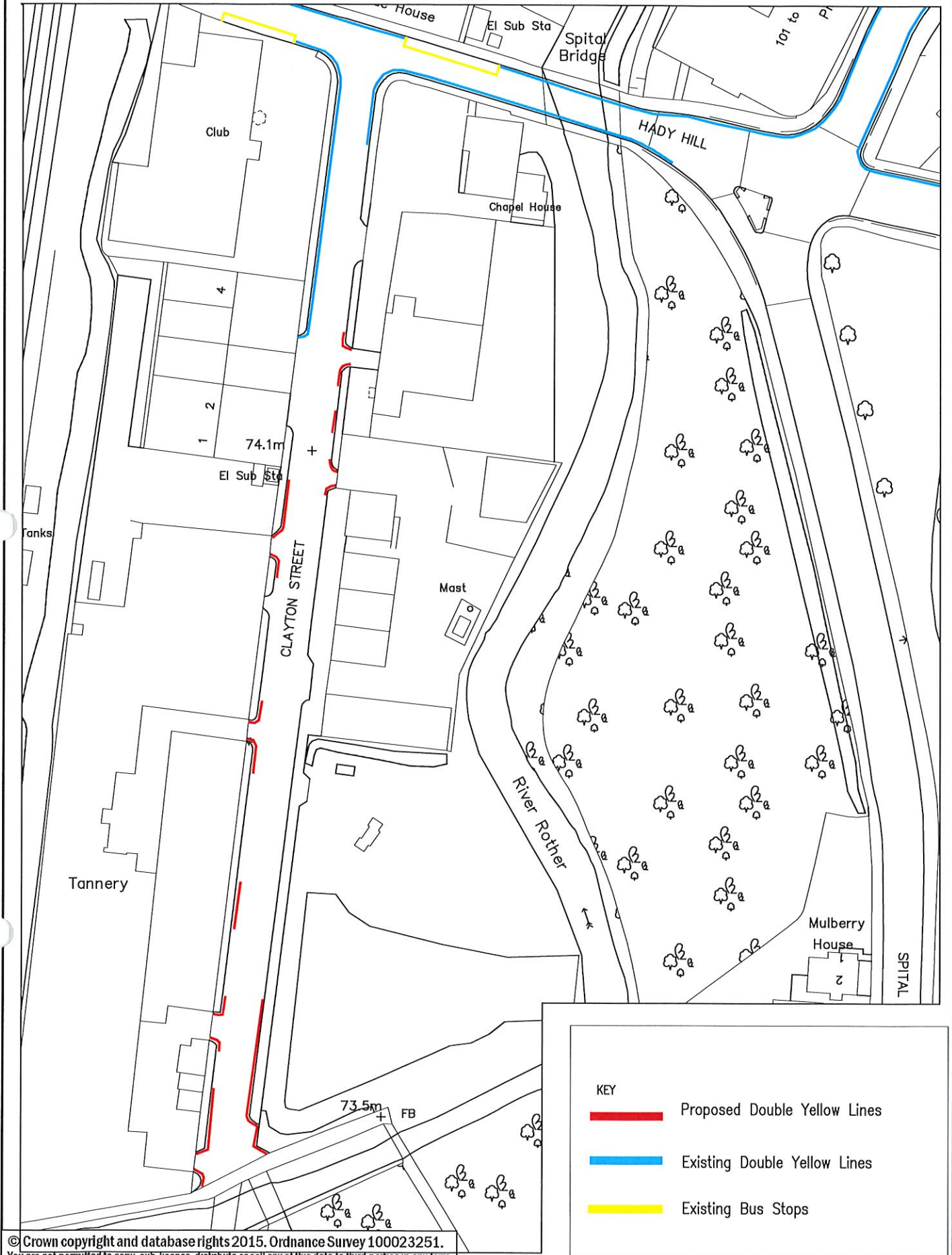
MIKE ASHWORTH
Strategic Director
Economy, Transport and Environment

AMENDMENT DETAILS	BY	CHKD	APVD	DATE	NO.

PROJECT TITLE
HADLEY LANE, UPPER LUM CLOSE
AND HIGH VIEW CLOSE
CHESTERFIELD

DRAWING TITLE
PROPOSED WAITING RESTRICTIONS
CONSULTATION PLAN

DRAWN	CHECKED	APPROVED
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Date	Date	Date
OCT.2018	OCT.2018	OCT.2018
Project / Confirm Reference No.	SCALE	
	N.T.S.	
Drawing Number	HMT/BG/24/18_REV_2	
	ORIGINAL DRAWING SIZE 297 x 210 (A4)	



KEY

- Proposed Double Yellow Lines
- Existing Double Yellow Lines
- Existing Bus Stops

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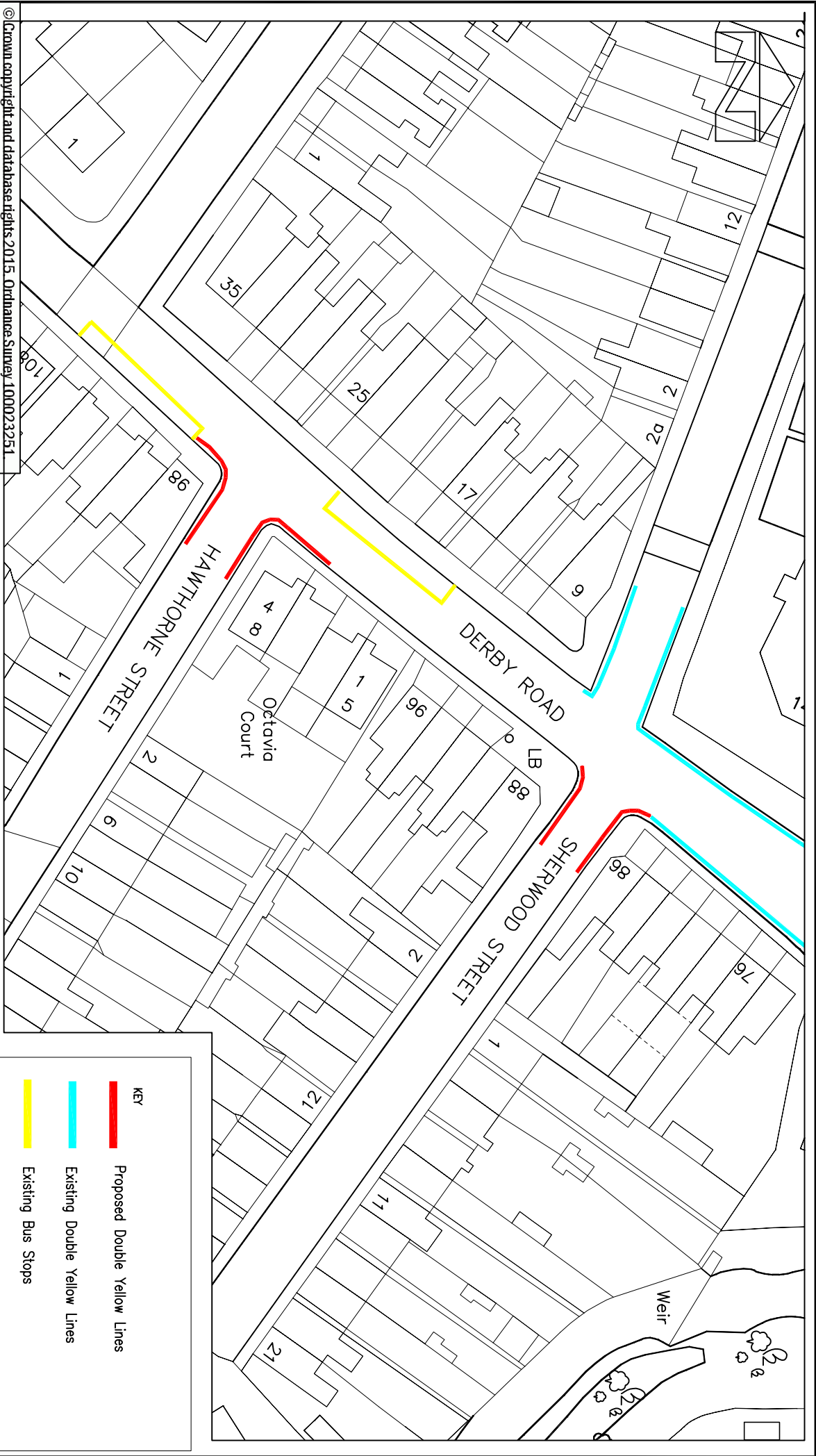
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 Strategic Director
 Economy, Transport and Environment

PROJECT TITLE	
CLAYTON STREET, CHESTERFIELD	
DRAWING TITLE	
PROPOSED WAITING RESTRICTIONS CONSULTATION PLAN	

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AMENDMENT DETAILS				
BY	CHKD	APVD	DATE	NO.

PROJECT TITLE
SHERWOOD STREET AND HAWTHORNE STREET
JUNCTION WITH DERBY ROAD, CHETERFIELD

DRAWING TITLE
PROPOSED WAITING RESTRICTIONS
CONSULTATION PLAN

KEY

Proposed Double Yellow Lines

Existing Double Yellow Lines

Existing Bus Stops

DRAWN	CHECKED	APPROVED
B.GOULD	S. TRANTER	S. TRANTER
Date JAN.2018	Date JAN.2018	Date JAN.2018
Project / Confirm Reference No.		
Drawing Number HMT/BG/22/18		
SCALE N.T.S.		