

Agenda Item No. 4(e)

DERBYSHIRE COUNTY COUNCIL

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

7 February 2017

Report of the Strategic Director – Economy, Transport and Communities

**OBJECTIONS TO WAITING RESTRICTIONS, LOADING BAY AND ON-
STREET CHARGING ORDER, VARIOUS STREETS, CHESTERFIELD**

(1) **Purpose of Report** To advise the Cabinet Member of the results of the investigations following receipt of two objections to the proposed waiting restrictions element of a Traffic Regulation Order (TRO) scheme that is to be undertaken on West Street, Chesterfield.

(2) **Information and Analysis** West Street is an urban road within the Town Centre area of Chesterfield and provides a useful link to other roads within the urban conurbation. It is a one-way road from the junction with Saltergate through to its junction with Cross Street/Hawksley Avenue. The intention in this location was to maximise the most efficient use of the road space as a consequence of a small scale residential housing development that had taken place.

The proposals, as shown on drawing number HMT/RH/35/17, have followed the statutory consultation process, including the public notice procedure. During the statutory advertising period (8 December 2016 to 6 January 2017), two objections have been received relating to the specific element of the proposals for West Street, as shown on the attached drawing.

Officer Comment

Over the last few years, officers within the Traffic and Safety Team have been collating a number of alterations which are required, to streets within the existing TRO for Zones A, B and C of the Residents Parking Scheme. The intention of promoting a collective number of changes is to minimise the associated costs that the advertising element of a TRO takes from the limited budgets.

With respect to the specific proposals for West Street, as shown in drawing HMT/RH/35/17, the intention was to remove the section of double yellow lines that was in situ outside the frontages of Nos.15 and 17 West Street. It was left

historically to protect a former vehicular access to the site that was in use in 2010, when the Residents' Parking Scheme was being introduced.

In September 2012, an application was received by Derbyshire County Council for the proposed development of two dwellings on the plot of land that now has properties No.17 and No.19 West Street.

The comments provided to Chesterfield Borough Council, as the Planning Authority, by Derbyshire County Council at this time, consisted of the following:

"The principle of in-fill development at this town centre location is considered acceptable from a highway viewpoint and whilst the Highway Authority normally require off street parking to be provided to support any new residential development, in this instance, given the location of the site and the fact that there is a successful residents parking scheme in place controlling on-street parking in the vicinity, it is considered the absence of within curtilage parking may help promote parking restraint and it would not be detrimental to highway safety as the parking bays already in existence and appear to have the capacity to absorb any additional demand."

"Before any other operations are commenced, any existing vehicular access(es) to West Street shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as footway in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority."

Chesterfield Borough Council agreed with the comments pertaining to this being a Town Centre location and therefore any proposed inhabitants of these two dwellings could join the Residents Parking Scheme in the absence of off-road parking provision being provided. Therefore, as the Highway Authority, it was stressed at the time that the developer must convey this to any potential buyers. It appears that the Estate Agents did not adequately convey this constraint to potential buyers.

From a more specific perspective relating to the objectors' concerns, it is appropriate to address each point in turn:

- 1. The double yellow lines you are proposing to remove are not actually the size of a vehicle, therefore you will not be gaining any sufficient extra parking.**

Comment: The removal of the redundant double yellow lines is for a length of 4.5m which, whilst might not be sufficient in isolation to accommodate parking for one specific vehicle, it will form part of an extension to the existing permit holders' parking bay. This will allow for a better utilisation of

the space for respective permit holders, which could include an opportunity for the objectors with the respective purchased permits from Chesterfield Borough Council to be fully utilised.

- 2. Currently, the area of double yellow lines allows a safe place for our children to cross the road without having to cross between parked cars.**

Comment: Whilst the removal of the short length of double yellow lines will result in the road being parked up to the kerbside, this is a situation which is replicated across the County at many locations. Opportunity exists for pedestrians and vulnerable road user groups to cross West Street at the junction with Cross Street and, if they so wish, to cross utilising the double yellow lines outside No's 9-11 West Street.

- 3. The volume of traffic is hazardous enough as West Street is a one-way street and has busy road junctions both at the top and the bottom.**

Comment: West Street is situated within the Town Centre environment and therefore it has to be expected to take a significant volume of traffic. It is a residential road with a 30mph speed limit and, from a collision perspective, the location has seen one personal injury collision occur within the last three years. Whilst regrettable, it involved a vehicle being in a collision with a cyclist coming the wrong way down the one-way flow of traffic.

As a matter of interest, it would appear that in the Planning Officer's report for this development at Chesterfield Borough Council, a reference was made within it to the proposed reintroduction of the dwarf wall along the site frontage as part of the housing development. If this requirement had been fulfilled, it would have presented an opportunity for the frontage of the properties to have been more secure. However, it appears that this was not pursued.

- 4. Both properties either side of the two new dwellings have 3 vehicles and one has asked for the removal of the double yellow lines to provide more parking space.**

Comment: The Authority did receive an enquiry from one of the dwellings adjacent to the development in March 2015 requesting the County Council to consider looking at utilising the road space on West Street more effectively as a consequence of the development taking place. Whilst officers appreciate the feedback from local residents, it was something which had been identified for amendment in 2012 when the planning

application for the development was approved and the properties were subsequently constructed.

Local Member Comment

Councillor Mihaly has been consulted and made the following comment:

"I am sympathetic to the concerns of the two residents but this is overridden by the arguments put forward by officers."

(3) **Financial Considerations** This work forms part of the approved 2016-17 Local Transport Plan and the cost of the lining removal and relay will be approximately £100.

(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 area 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 enables 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 not considered that modifications are required.

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 shall not be made until after the last date for objections. 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, 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.

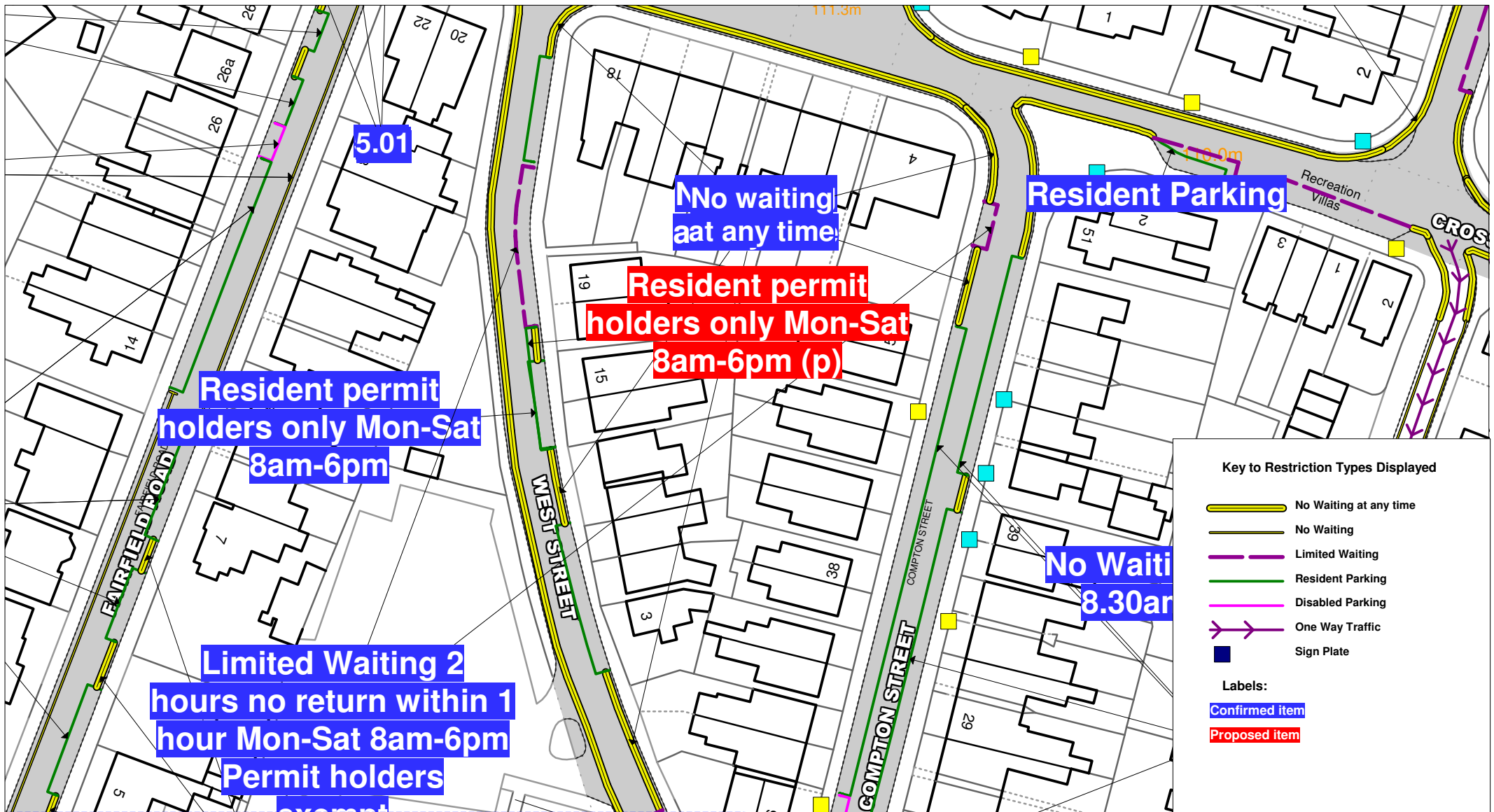
(7) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Richard Handbury, extension 38569.

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

8.1 The proposed element of the Traffic Regulation Order (Derbyshire County Council, Various Street, Town Centre, Chesterfield) (Waiting Restrictions, Loading Bay and On-Street Charging) Order 2016 be introduced as advertised and implemented in due course.

8.2 The Local Member and two objectors be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Communities



DERBYSHIRE
County Council
Improving life for local people

MIKE W. ASHWORTH
Strategic Director
Economy, Transport & Communities

Location of Proposed TRO Objections

OUTSIDE NO.17-19
TOWN CENTRE

WEST STREET
CHESTERFIELD

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SCALE	1 : 721
DATE	11/01/2017
DRAWING No.	HMT/RH/35/17
DRAWN BY	RH