

DERBYSHIRE COUNTY COUNCIL

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

9 December 2014

Report of the Strategic Director – Economy, Transport and Environment

**PROPOSED ‘NO WAITING AT ANY TIME’ RESTRICTIONS, BOYTHORPE
ROAD, CHESTERFIELD - CONSIDERATION OF COMMENTS**

(1) **Purpose of the Report** To inform the Cabinet Member of the results of the investigations following receipt of two written comments received during the preliminary consultation period for the proposed “No Waiting at any Time” (double yellow line) restrictions on Boythorpe Road, Chesterfield and to recommend that the Order be made as advertised.

(2) **Information and Analysis**

Background

A planning application for a new leisure centre on Queens Park Annexe site was approved by Chesterfield Borough Council's Planning Committee on 19 May 2014. The access is located off Boythorpe Road, which is the main route from Birdholme to the A619 West Bars roundabout. In the interests of highway safety, Derbyshire County Council was approached by Chesterfield Borough Council and asked to protect the visibility splays of the new access where it meets Boythorpe Road with double yellow lines. There is already a section of double yellow lines along Boythorpe Road leading from its junction with Boythorpe Avenue and therefore, the proposal is to extend the existing double yellow lines by 43m, as shown on drawing number HMT/SMD/232/14.

In order for double yellow lines to be provided, a Traffic Regulation Order (TRO) is required whereby a Legal Order is advertised and consulted upon. Following the preliminary consultation exercise, two written comments were received from residents of Boythorpe Road.

Officer Comment

The initial consultation undertaken was to determine the view of local residents before the proposal was taken further, and only two comments were received. It was uncertain whether these comments should be treated as objections to the proposed restrictions or were objections to the positioning of the new leisure centre. The first comment related directly to the positioning of the new leisure centre and the additional traffic that it may generate at this location on Boythorpe Road. In addition, this comment raised the issue of

overspill parking from the leisure centre using their dwelling frontage parking area on the opposite side of Boythorpe Road. Officers acknowledged the resident's concerns, particularly regarding the positioning of the new leisure centre and directed them to Chesterfield Borough Council as it was the Borough's development.

The other comment received was one of support for the restrictions on the understanding there would be provision for tradesmen carrying out emergency repair work and that there would be protection to trees on the leisure centre site. The address of this consultee was on the opposite side of Boythorpe Road and therefore, there would be no change to the parking regime at their property for tradesmen. Again, any concerns relating to the trees would be directed to Chesterfield Borough Council as part of its planning process.

Following the comments received at the initial consultation stage, officers considered that they were not grounds for objection and the proposal was advertised. Following consultation and public notice procedure, no further objections were received.

Whilst officers appreciate that the comments received are not objections to the proposals, they felt that they should be reported to the Cabinet Member.

Local Member Comments

The local Members, Councillor Blank and Councillor Mihaly, are in agreement with the Officer's comment and supports the proposal.

(3) **Financial Considerations** The cost of the provision of a TRO and the associated carriageway marking is to be funded by Chesterfield Borough Council.

(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 and giving them an opportunity to make a representations 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 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.

(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:

- 8.1 The extension of the 'No Waiting at Any Time' restrictions (double yellow lines) on Boythorpe Road, Chesterfield, as detailed in the schedule, shown on the attached drawing number HMT/SMD/232/14, be approved.
- 8.2 The local Members, Chief Constable and the residents who made the initial comments be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment

