

DERBYSHIRE COUNTY COUNCIL

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

9 December 2014

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTION TO A TRAFFIC REGULATION ORDER TO PROVIDE
DOUBLE YELLOW LINES – MERCIAN CLOSE AND MANNERS AVENUE,
ILKESTON**

(1) **Purpose of Report** To inform the Cabinet Member of objection to a proposal to provide double yellow lines on Mercian Close and Manners Avenue, Ilkeston, as shown on the attached plan (HMT/KH/217/13).

(2) **Information and Analysis**

Background

A letter from a local business was received in May 2013, in anticipation of the old Co-op building opposite their business premises being occupied by the County Council. The letter claimed that the parking in the area was a problem, and that as barriers had been erected on the Co-op car park and cars which had been parked there would now be parked on the road. A request for yellow lines on at least one side of the road, was made, due to having fencing damaged previously, and concerns about safety.

Following receipt of the letter a site inspection was undertaken and it was observed that unhitched heavy goods vehicle trailers and crash-damaged vehicles were stored on the road, along with several vehicles obstructing the footway. The police and Erewash Borough Council neighbourhood wardens were then contacted and appropriate action was taken with those concerned being contacted. In addition VOSA were contacted regarding the parking of unhitched trailers. The complainant was also advised to contact the police and other agencies as necessary, if further contraventions occurred.

It was then confirmed that the old Co-op property had been taken on, by the County Council, and that staff would be relocating from a number of properties from across Long Eaton and Ilkeston. It was agreed that the situation be monitored during the occupation process of the building.

Following further complaints and observations which confirmed that numerous vehicles were parked on the road, including at the junction with Manners Ave; and following a meeting with the Local Member, the complainant and officers,

it was agreed that double yellow lines be promoted to limit the amount of parking on Mercian Close.

Following the public consultation and advertisement stage of the Traffic Regulation Order process an objection to the proposals was received from the original complainant, in the form of comments and observations on the proposals, although, as this included changes to the proposals it has been considered as an objection.

The comments and observations include:

- a request for an additional length of yellow lines at the junction with Manners Avenue, and also opposite Mercian Close on Manners Avenue, which it is claimed would improve visibility for exiting vehicles and improve safety and visibility for pedestrians crossing the road.
- A request for an additional length of yellow line around the access to the complainants business premises and to the end of Mercian Close on the west side which it is claimed would provide clear access and two-way movement and removing a back-up of traffic, and provide clear access to the complainants business premises.
- Additional yellow lines on the eastern side of Mercian Close to 20m from the Manners Road junction, which it is claimed would improve visibility for exiting vehicles and left turning heavy goods vehicles.
- Speed awareness display on Manners Avenue for vehicles entering and leaving the industrial estate.
- Carry out a highways safety audit.

A plan was submitted with the objection (attached).

Site Details

Mercian Close is a single carriageway cul-de-sac, it leads from Manners Avenue to the entrances to a cleaning business, a haulage company, and the old Co-op building, now occupied by the County Council.

The road is street lit, has a footway on both sides and is provided with a centre line and give way markings at the junction, it is subject to a 30mph speed limit.

There have been no recorded injury collisions recorded on Mercian Close.

Officer Comment

The site is a cul de sac, which leads to three premises; it is not a through road and generally the only pedestrians are those accessing the business premises. Speeds are very low, and whilst we appreciate that the complainants' fence may have been damaged by large vehicles from the haulage company manoeuvring, this does not translate into a significant risk to personal safety.

The concern about the situation on Mercian Close is understood, but the County Council also has to take into account the effect of proposals on the surrounding area. It is considered that vehicles parked on Mercian Close – a quiet cul de sac with low speeds, are safely parked out of the way; these same vehicles, if displaced onto Manners Avenue, would be likely to pose a greater risk to safety and congestion due to a significantly higher traffic flow, speeds and goods vehicles.

It is accepted that access to the cul de sac is currently difficult at times when there are a significant number of vehicles parked on both sides of the road, however due to very low speeds, it cannot be accepted that this poses a significant risk to personal safety, particularly in view of the low numbers of pedestrians.

The request to extend the restriction along one side of the cul-de-sac is understood, particularly due to the numbers of HGVs accessing the haulage yard, similarly, the request to include the entrance to the complainants property in the restrictions would appear to be reasonable, as it is likely that the wide entrance may look inviting to those looking for somewhere to park.

However, displacement of vehicles onto Manners Avenue and other areas must be taken into account, and whilst the complainant may not agree, Mercian Close provides an appropriate location for on-street parking due to the low numbers of vehicles and pedestrians and its non-through nature. The proposed level of junction protection is considered adequate to provide exiting vehicles and crossing pedestrians with adequate forward visibility, without removing too many parking spaces from Mercian Close. There is currently no justification for the inclusion of waiting restrictions on Manners Avenue opposite Mercian Close, although this will need to be monitored to determine what effect displaced vehicles will have.

Vehicles which are currently parking at the head of the cul de sac have been observed to pose no problem to goods vehicles accessing and exiting the haulage yard, and it is proposed that this area remain available for parking. This location has been used to park heavy goods vehicles previously, and this is considered unacceptable and perhaps contrary to the licence held by the haulage company in question, and it is recommended that the complainant be advised to contact the police/VOSA in the event of this occurring in the future.

With regard to the request for a speed awareness display on Manners Avenue, this site does not meet the Council road safety criteria for vehicle activated speed signs, but the concerns will of course be forwarded to the Police for their attention.

The Council does not undertake road safety audits for the straightforward provision of yellow lines, but this location has been inspected by Officers, and observations undertaken. Sites at which yellow lines are implemented, are

initially monitored to ensure that the restrictions are having the desired effect, and this is considered to be an appropriate course of action.

In view of the above it is recommended that the proposals be extended to include one side of Mercian Close and the entrance to the complainants business (as shown on dwg HMT/DB/489/14) and the other requests be refused.

Local Members Comments

The local Member comments *"I welcome the proposed double yellow lines. I support the objectors request for the proposed restrictions to be extended, since the tight nature of this very busy road appears to need drastic measures to see improvements made. I accept the officers overview and recommendations but I particularly welcome the comments that promise monitoring of the situation post restriction placements."*

(3) **Financial Consideration** The cost of this work will be funded through the Local Transport Plan 2014/15.

(4) **Legal Considerations** Section 1 of the Road Traffic Regulation Act 1984 enables a traffic authority to make a Traffic Regulation Order (TRO) if it considers it expedient for a number of purposes.

Section 2 of the 1984 Act states what a TRO may provide for and this includes requiring vehicular traffic (either generally or a specified class) to proceed in a specified direction or prohibiting it from doing so; specifying the part of the carriageway to be used by such traffic proceeding in a specified direction; prohibiting or restricting the waiting or loading and unloading of vehicles; prohibiting the use of roads by through traffic; prohibiting or restricting overtaking. 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.

Section 122 of the 1984 Act 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 both 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 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.

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 within the Economy, Transport and Environment Department. Officer contact details - Dawn Bryan, extension 38695.

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

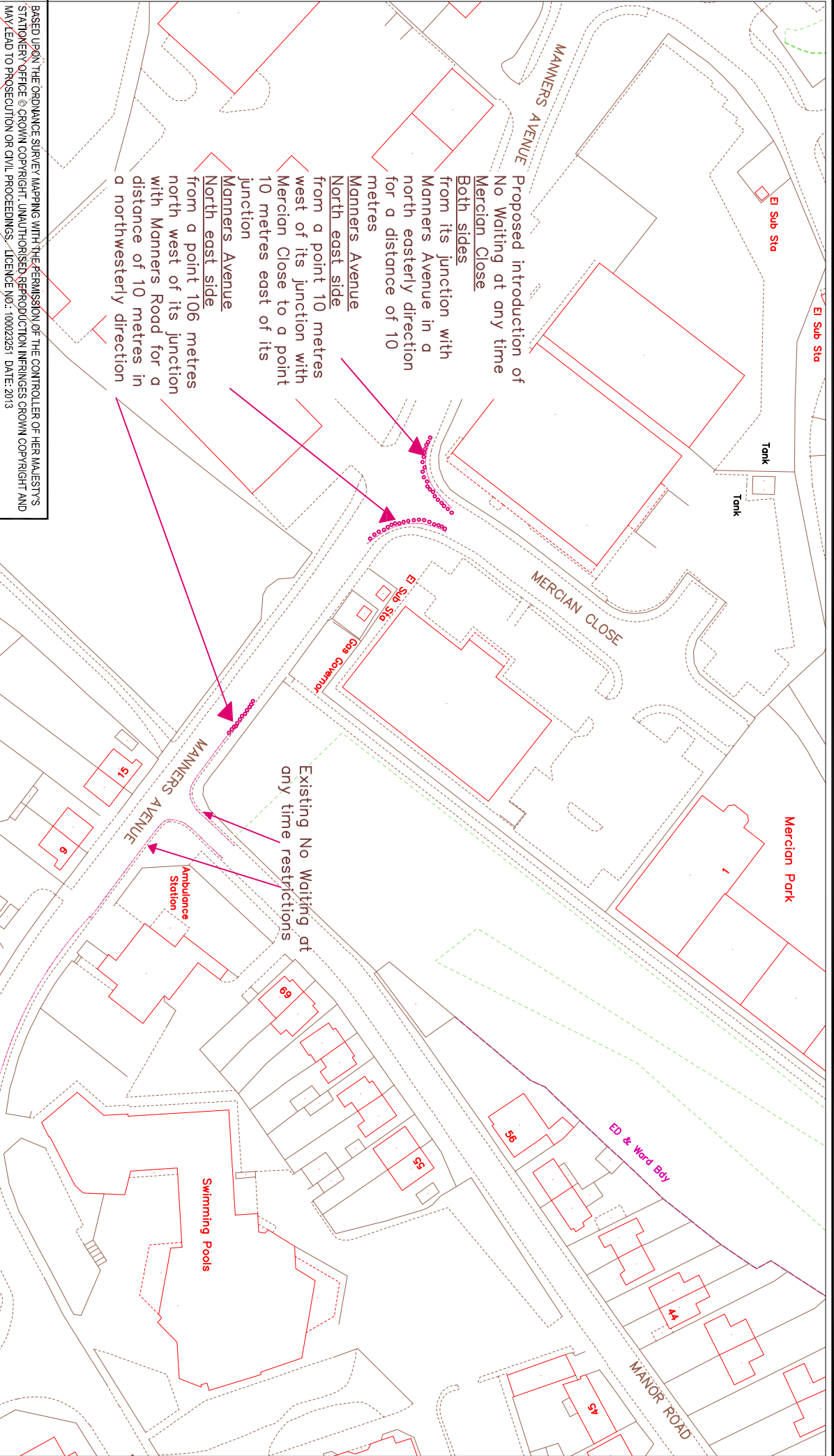
- 8.1 The lining be extended to include the west side of Mercian Close, up to and including the complainants business access (as shown on drawing no. HMT/DB/489/14).
- 8.2 The remaining requests be refused and the remaining proposals be implemented as advertised.
- 8.3 The local Member and objector be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



AMENDMENT DETAILS	BY	CHKD	APVD	DATE

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PROJECT TITLE	MANNERS_AVENUE MERCIAN_CLOSE ILKESTON		
	DRAWN K_HAIR	CHECKED CHECKED_NAME	APPROVED APPROVED_NAME
DRAWING TITLE	Date 20/11/2013	Date DATE-C	Date DATE-A
	Project / Confirm Reference No. PROJECT/CONFIRM_REF Drawing Number HMT/KH/217/13		
PROPOSED INTRODUCTION OF-WAITING RESTRICTIONS		SCALE NTS	
ORIGINAL DRAWING SIZE 297 x 210 (A4)			

