



## Executive Director/Director Non-Key Executive Decision Report

**Author/Lead Officer of Report:** Andy Godson,  
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**Report to:** Cabinet Member for Environment and Transport  
**Date of Decision:** 23 October 2019  
**Subject:** Arthington Street, Valley Road, Whiting Street,  
Southall Street: Objections to the proposed  
waiting restrictions

Which Cabinet Member Portfolio does this relate to? Environment and Transport

Which Scrutiny and Policy Development Committee does this relate to? Economic and Environmental Wellbeing

Has an Equality Impact Assessment (EIA) been undertaken? Yes  No

If YES, what EIA reference number has it been given? 594

Does the report contain confidential or exempt information? Yes  No

If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-

### **Purpose of Report:**

This report describes the measures to restrict inappropriate junction parking on Arthington Street, Valley Road, Whiting Street, and Southall Street through the introduction of double yellow line (no waiting at any time) parking restrictions.

It sets out the officers' response to the objection received and seeks a decision from the Cabinet Member for Transport and Development.

**Recommendations:**

Having considered the representations received and having determined that the reasons to support the proposals outweigh any unresolved objections, it is recommended that;

The Traffic Regulation Order is made in accordance with the Road Traffic Regulation Act 1984;

Introduce associated double yellow lines as shown in Appendix A;

Inform the objector accordingly.

**Background Papers:**

Appendix A: Original scheme/TRO proposals drawing

Appendix B: Objections – full responses

Appendix C: Background information from objector.

<b>Lead Officer to complete:-</b>	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Damian Watkinson Date : 14 <sup>th</sup> August 2019
	Legal: Bob Power / Richard Cannon Date: 2 <sup>nd</sup> September 2019
	Equalities: Annemarie Johnston Date 13 <sup>th</sup> August 2019
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	<b>Lead Officer Name:</b> Andy Godson
	<b>Job Title:</b> Senior Engineer
<b>Date:</b> 3 <sup>rd</sup> July 2019	

## **1. PROPOSAL**

- 1.1 The Council received a complaint from a business on Arthington Street, regarding vehicles frequently parking on both sides of the road at several junctions that provided access to the commercial units off Arthington Street. This inconsiderate, potentially illegal parking caused access and visibility problems for delivery vehicles to the units and for other road users, including pedestrians crossing at the Arthington Rd and Valley Rd junction.
- 1.2 In order to address the problem double yellow line (no waiting at any time) restrictions were proposed to prevent obstructive parking. The measures proposed do **not** exceed the distances stated in the Highway Code rule 243 which says “do not stop or park: opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space”.
- 1.3 The scheme proposals are shown in Appendix A.

## **2. HOW DOES THIS DECISION CONTRIBUTE?**

- 2.1 The primary function of the scheme is to improve access and visibility for all road users at the junctions.

## **3. HAS THERE BEEN ANY CONSULTATION?**

- 3.1 Legislation requires a 3 week consultation period to be provided, during which affected parties can submit comments on the proposals. The consultation took place between 21<sup>st</sup> February 2019 and the 14<sup>th</sup> March 2019. Officers consulted all affected businesses and residents (22 letters were hand delivered) and 4 street notices were displayed on street, statutory Consultation was undertaken and an advert was placed in the local press.
- 3.2 The proposals received three responses:
- Two responses from local businesses fully supporting the proposals.
  - One response from a local business objecting to the proposals.

Full presentation of the Objectors comments are in Appendix B and additional information in Appendix C.

- 3.3 Details of the objectors comments and officer responses are as follows:

Objection: *That the business premises did not receive a copy of the hand delivered letter.*

Response: Legislation requires that a Notice is placed in the local press, beyond that the Council is required to take such other steps as it may consider appropriate for ensuring that adequate publicity about the order is given to persons likely to be affected by it. The Council ensures that affected properties and members of the public are made aware of proposals by additionally placing Notices on street and delivering consultation letters by hand to all directly affected properties. From this the objector has been made aware of the proposals and has been able to respond.

Objection: *Questions the validity of the reasoning that the proposal will improve access and visibility for all road users. They have been at this location since 1992 and have never had any access/visibility problems.*

Response: Site observations noted parking at the junctions was taking place. The proposed waiting restrictions will protect the junctions and prevent obstruction from occurring to improve access and visibility for all road users.

Objection: *To our knowledge the waste refuse personnel attending this location has never had any issues undertaking their tasks. We have small to medium sized lorry deliveries and none have ever failed to undertake their task.*

Response: Larger service vehicles are often obstructed by parked vehicles at junctions this can limit access and slow down progression. This is also an indication that emergency vehicles would experience access problems should they be required to attend.

Objection: *We have taken the action of keeping the access gates to our development closed as the use of our entry by neighbours oversized 40 tonne vehicles for turning has rendered the drains cracked and damaged.*

Response: This is unfortunate however it is an issue to be resolved between the two companies where damage is being caused to private property.

Objection: *The proposal if passed would result in a much reduced level of parking for the local community and employees, as a result of these restrictions. This will thus congest the remaining road space and cause an unacceptable level of blockages for the general road users, pollution and safety levels will be detrimental to the environment. The day to day retail shopping customers to the food wholesaler on Whiting Street will particularly clog up the whole area rendering it impassable.*

Response: The highway provides a legal right for the public to 'pass and

repass'. Parking should only occur where it does not interfere with that right and cause an obstruction to the movement of traffic. The powers available to the Council to restrict parking are exercised pursuant to its legal duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

*Objection: The proposed restrictions would create a general level of hardship to the other businesses their employees and the residential tenants on Whiting Street.*

Response: The proposed restrictions will provide improved access and visibility to the commercial units. The Council received one letter of objection and two letters of support from the local businesses. The letters of support outline how the current problem is affecting their access and their business. No communication was received from local residents.

*Objection: It is clear to those residing and working within the local environment that the by far the biggest issue of congestion, access, visibility, pollution, vehicular turning, health and safety is being created by the presence of articulated vehicles entering the local environment from Valley Road.*

Response: A weight restriction is not felt appropriate in this instance, as articulated vehicles would still be allowed access to make deliveries to premises within the restriction. Therefore, there would be no material effect from such a restriction being implemented at this location.

*Objection: The local authority has a duty and obligation to the local community to create as safe and healthy environment as reasonably possible. This would easily be satisfied by vehicle weight restrictions at the junction of Valley Road and Arthington Street*

Response: See above response.

*Objection: We consider that the local authority has an obligation to take no further action until the concerns detailed above have been fully investigated, directly consulted upon with the local community, residential and business as a very minimum. The authority should undertake a 24hr/7 day monitoring exercise to satisfy themselves that this proposal will resolve the issues to which their proposal alludes.*

Response: There is a management plan for deliveries approved by the local planning authority. It covers size of vehicles, times and frequency of deliveries. Regular deliveries are by fixed chassis, high sided vans with occasional articulated lorries, periodically. In 2006, it was reported to the Council that Lembas were not adhering to this plan when a neighboring business had their fence damaged by an articulated lorry. The information

held by the Council dating from 2006 is that they were complying with this plan. The Council's Planning Enforcement section have not received any evidence to the contrary and there have been no further incidents reported since.

*Objection: This is a repeat of a TRO consultation since a business moved into Whiting street. On the previous occasions the local businesses informed the Authority of their reservations, that the proposed parking restrictions would not help the situation, but would make it worse. Since then a new tenant/business owner has moved in and the situation is the same.*

Response: The proposed waiting restriction reflects rule 243 of The Highway Code, which states "do not stop or park: opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space". Due to the code not being adhered to at this location, the implementation of a restriction to prevent obstructive parking is considered necessary. No other alternative options are considered to be appropriate for addressing this issue.

Of the 22 residential and business properties that received letters, the council received 2 letters of support and one objection. It is evident that the vast majority did not raise an objection to the proposals. The Council has not been presented with any evidence that Lembas are in breach of their planning obligations, however the concern expressed about this alleged breach will be passed to the Council's planning enforcement section to consider whether investigation is required. In the meantime officers will write to Lembas reminding them of the requirement to load within the curtilage of their property.

#### **4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION**

##### **4.1 Equality of Opportunity Implications**

4.1.1 An Equality Impact Assessment has been carried out for the scheme. Overall there are no significant differential, positive or negative, equality impacts. The proposed measures benefit the majority of local businesses and residents, in particular those who are elderly or disabled, by removing parking that blocks sight lines and obstructs the footways.

##### **4.2 Financial and Commercial Implications**

4.2.1 The total cost of implementing the scheme, including commuted sum payment for ongoing maintenance costs, is to be funded from the allocated capital budget for 'Double Yellow Lines 19/20' within the Local Transport Plan. The total cost of implementing these works is anticipated to be around £2,500

### 4.3 Legal Implications

- 4.3.1 The Council has powers under Part V of the Highways Act 1980 and the Road Traffic Regulation Act 1984 ('the 1984 Act') to implement the improvements requested in this report. The Council has the power to make Traffic Regulation Orders (TRO) under section 1 of the Road Traffic Regulation Act 1984 ('the 1984 Act') for reasons that include the avoidance of danger to people or traffic and for facilitating the passage on the road or any other road of any class of traffic (including pedestrians). In exercising the powers under the 1984 Act, the Council must have regard to its duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) as well as the provision of suitable and adequate parking facilities on and off the highway.
- 4.3.2 Before the Council can make a TRO, it must consult with relevant bodies and publish notice of its intention in a local newspaper in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 ('the 1996 Regulations'). The Council has complied with these requirements and has considered any duly made public objections received as a result.

## 5. **ALTERNATIVE OPTIONS CONSIDERED**

- 5.1 The only alternative is to not introduce any parking restrictions at this location. This is not considered to be an acceptable option. No other alternatives have been considered.

## 6. **REASONS FOR RECOMMENDATIONS**

- 6.1 The proposed measures will address inconsiderate and illegal parking practices. This will improve access and visibility for all road users. In particular vehicular access to the commercial units and pedestrians access and visibility crossing at the Arthington Street and Valley Road junction.