



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: Downgate Drive: Report on the proposed waiting restrictions to reduce inappropriate parking and objections to the advertised TRO.

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? 585

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 parking on Downgate Drive, Brightside through the introduction of double yellow line (no waiting at any time) parking restrictions.

It sets out officers' responses to objections 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 the associated double yellow lines as shown in Appendix B

Inform the objector accordingly.

Background Papers:

Appendix A: Original scheme/TRO proposals drawing

Appendix B: Revised scheme/TRO proposals drawing.

Appendix C: Objections – full responses

Lead Officer to complete:-	
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 th August 2019
	Legal: Richard Cannon / Bob Power Date: 2 nd September 2019
	Equalities: Annemarie Johnston Date: 13 th 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	Lead Officer Name: Andy Godson
	Job Title: Senior Engineer
Date: 24th July 2019	

1. PROPOSAL

- 1.1 The Council received a number of complaints from businesses on Downgate Drive in Brightside, regarding vehicles frequently parking on both sides of Downgate Drive at junctions and on the bend that gives access to commercial premises. This inconsiderate, potentially illegal parking caused access and visibility problems particularly for large delivery vehicles transporting steel components. It was suggested that the majority of the parked vehicles belonged to staff of a nearby car showroom.
- 1.2 In order to address the problem double yellow line (no waiting at any time) restrictions were proposed on both sides of Downgate Drive from its junction with Carlisle Street East. It was noted that all the business premises along this part of Downgate Drive had private off street car parking available for customers and staff. Unrestricted on street parking would still exist on Downgate Drive but only in locations where it would not cause an obstruction to moving traffic.
- 1.3 The original 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 for large vehicles to commercial premises on Downgate Drive and therefore support business activity. There is no impact on climate change and there is no economic impact. The situation will, however, be improved for HGV access.

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 21st February 2019 and the 14th March 2019. Officers consulted all affected businesses (7 letters), 4 street notices were displayed on street, statutory Consultation was undertaken and an advert was placed in the local press.
- 3.2 Responses were received from the consultation:
- Eight responses fully supported the proposals.
 - Two responses from businesses near the bottom of Downgate Drive generally supported the proposals but expressed concerns regarding pushing the parking problem further down the road.
 - One response from a member of the public requesting information on alternative parking locations.
 - One response from a local business, objecting to the proposals.

A full presentation of the responses is given in Appendix C.

- 3.3 Objection: *The removal of parking spaces on both sides of the road would negatively impact their business; Downgate Drive is wide and has no significant access issues; Other businesses on Downgate Drive will have no yellow lines directly outside their frontage, where there are pavements.*

Response: The proposals were amended after consultation and the proposed waiting restrictions were reduced to allow parking where it would not cause an obstruction to passing vehicles – however the objection remains unresolved insofar as restrictions are still intended to be implemented, albeit to a lesser extent.

- 3.4 Objection: *parking would be moved further down the road creating problems where none currently occur (2 received))*

Response: The proposals were amended after consultation and the proposed waiting restrictions were reduced to allow parking where it would not cause an obstruction to passing vehicles. However 1 objector still has concerns that a parking problem will occur elsewhere on Downgate Drive, due to displaced vehicles being parked elsewhere on the road. It is felt that the changes made following consultation to reinstate some parking means that any displaced parking is likely to be minimal and not likely to create problems elsewhere on Downgate Drive.

- 3.5 Objection: *The removal of parking would remove a parking opportunity close to his place of work (which does not have staff parking).*

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.

The objector was sent the revised plan and no further response was received.

- 3.6 In the light of the objection received, the scheme was revised to resolve objections received during the consultation. The revised scheme is shown in Appendix B. The revised scheme proposes less waiting

restrictions so unrestricted street parking (11 vehicles) can occur at locations that do not obstruct passing traffic on Downgate Drive. Those motorists who previously parked on these roads will clearly not agree with the introduction of parking restrictions. On balance, therefore, this proposal is considered to improve the situation for drivers of large vehicles whilst maintaining parking where, it is appropriate to do so.

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 revised measures benefit the majority of local businesses in particular those operating larger vehicles.

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 £3,000.

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 to parking restrictions have been considered.

6. REASONS FOR RECOMMENDATIONS

- 6.1 The proposed measures will address obstructive parking. This will improve access and visibility for all road users, in particular larger vehicles accessing commercial premises on Downgate Drive.

7. RECOMMENDATIONS

The reasons to support the proposals outweigh any unresolved objections and it is recommended that the Traffic Regulation Order is made in accordance with the Road Traffic Regulation Act 1984;

Introduce the associated double yellow lines as shown in Appendix B.

Inform the objectors accordingly.