

DEVELOPMENT AND REGENERATION DIRECTORATE

COMMITTEE REPORTS WORK SHEET

Name and Date of Committee:
PLANNING AND HIGHWAYS COMMITTEE - 23 rd SEPTEMBER 2008
Report Deadline:
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Report Title:
INTRODUCTION OF WAITING RESTRICTIONS ON WEST PARK, PARK LEA, DURHAM ROAD (A690) AND BROADMEADOWS, EAST HERRINGTON.
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PROPOSED INTRODUCTION OF TRAFFIC REGULATION ORDER ON WEST PARK, PARK LEA, DURHAM ROAD (A690) AND BROADMEADOWS**1.0 PURPOSE OF REPORT**

1.1 The purpose of the report is to inform the Planning & Highways Committee of the objections received to the proposed introduction of waiting restrictions on West Park, Park Lea, Durham Road (A690) and Broadmeadows.

2.0 BACKGROUND

2.1 Concerns have been raised by Northumbria Police, Local Ward Members and local residents about the extensive and intrusive levels of on-street parking, occurring on parts of the streets known as West Park and Park Lea.

2.2 The parking is generally attributed to commuters either working at Doxford International Business Park or meeting up with other colleagues to travel on to their work place within or indeed beyond the Tyne and Wear area. Therefore the named streets are being used by commuters as a 'car park'.

2.3 The level of parking is such that, on West Park and Park Lea, access to properties are obstructed, footway widths are restricted and vehicle movement is restricted which results in issues of road safety, particularly at the junction with Durham Road (A690). In addition access for emergency services is restricted. The situation on West Park and Park Lea has reached a point where the police have to attend on a regular basis to address obstruction issues. Similar problems have been exhibited on Broadmeadows at its junction with Durham Road (A690).

2.4 It is recognised that waiting restrictions to resolve the identified issues will potentially introduce migration of the displaced commuter parking. The extent of this migration will be monitored on the introduction of the proposed orders.

3.0 AREA IN QUESTION

3.1 The streets and roads on which the proposed waiting restrictions are to be introduced are within the area bounded by the A19 to the west, City Way to the south, Herrington Road (B1286) to the north and to the east the Broadmeadows housing area. For details of the area see drawing no. 09 /TM / 1269 / 01 / B

3.2 Doxford International Business Park is located to the south of this area and has vehicular access from City Way.

4.0 CONSIDERATION OF THE PROPOSALS

4.1 The proposed waiting restrictions identified to address the problems outlined in paragraph 2.3 have been considered and determined against the following requirements:-

- (a) Removal of the on-street parking by commuters.
- (b) The need for the proposed waiting restrictions to have a minimal impact on residents and their visitors.

4.2 It is also necessary to extend any waiting restrictions into adjacent streets to take account of the probable migration of the displaced commuter parking into these streets.

West Park & Park Lea

- 4.3 To achieve an appropriate balance between items (a) and (b) a 1 hour waiting restriction would be introduced during the morning and afternoon periods of the day, Monday to Friday. The hours of restriction being staggered for each side of the roads. The exception to this would be the east side of West Park and its junction with Durham Road (A690), which, for reasons of road safety and the need for unrestricted traffic movement would be subject to no waiting at any time and the Park Lea Cul-de-Sacs on which there would be no restriction.
- 4.4 With such waiting restrictions, commuters having parked their vehicles would not be in a position to return to move them in order to comply with the waiting restrictions. Therefore, commuters would be discouraged from parking in the mentioned streets. However, there would always be on-street parking available for residents and their visitors and the disruption caused to them by the waiting restrictions would be minimal.

Durham Road (A690) (Parkside & Parkside South) & Broadmeadows

- 4.5 To help mitigate the commuter on-street parking that is likely to migrate into the adjacent streets as a result of the above waiting restrictions, it is further proposed that the 1 hour restriction be applied on Broadmeadows (part only - Durham Road A690 to Meadow View) except on its immediate approach to Durham Road where waiting would be prohibited at all times. Also, the east side of Durham Road (A690) (A19 to Silksworth Lane) with the exception of its exit from Silksworth Road, entry to the A19 roundabout and either side of its junction with Broadmeadows, would have waiting prohibited at all times.
- 4.6 For the reasons of protecting vehicular movement on Durham Road (A690) between its roundabout junctions of the A19 and Herrington Road / Silksworth Road (B1286) it is proposed to be subject to a prohibition of waiting along its western side.
- 4.7 The lay-by on the west side of Durham Road (A690), to the north of its junction with West Park would be designated as a parking place subject to a 30 minute maximum waiting period with no return within 4 hour restriction.
- 4.8 The Bus lay-by on the west side of Durham Road (A690) north of its junction with West Park would be subject to a Bus Stop Clearway Order in line with the Councils policy.

Summary

- 4.9 The proposed waiting restrictions referred to in paragraphs 4.3 to 4.8 are shown on the attached copy of drawing no. 09 / TM / 1269 / 01 / B.

5.0 CONSULTATIONS

Informal Consultations

- 5.1 In November 2007, the current proposals were circulated to 393 residential / business premises through an informal consultation pack
- 5.2 There were 265 responses a return of 67.43% in connection with the informal consultation. Of these 265 responses 136 were from the Broadmeadows area, the remaining 129 being from the properties on Park Lea, West Park and Durham Road (A690).

- 5.3 However, 21 properties returned more than one response to the proposals. No responses were received from properties outside the designated consultation area.
- 5.4 Of the total responses, 127 (47.92%) were in favour of the proposals, 133 (50.18%) responses were opposed to the proposals and 5 (1.88%) did not specify whether they were in favour or opposed to the proposals.

Summary of Informal Consultation

- 5.5 Consideration of the responses has been undertaken on an area basis for reasons recognised that the residents of each may have differing views and there is a need for these to be clearly identified and considered.

West Park & Park Lea

- 5.6 A total of 55 responses were received from residents / occupiers of 97 properties on Park Lea. Of these, 41 were in favour and 14 were opposed to the proposals.
- 5.7 A total of 31 responses were received from residents / occupiers of 48 properties on West Park. Of these, 18 were in favour and 13 were opposed to the proposals.

Durham Road (A690) (Parkside & Parkside South)

- 5.8 A total of 18 responses were received from residents / occupiers of 44 properties on Durham Road (A690). Of these, 15 were in favour and 3 were opposed to the proposals.

Broadmeadows Area (including Meadow Lane, Meadow Drive & Meadow View)

- 5.9 A total of 136 responses were received from residents / occupiers of 194 properties within the Broadmeadows residential area. Of these, 51 were in favour and 85 were opposed to the proposals. Those in Broadmeadows who opposed the proposals did so generally on the basis that the introduction of waiting restrictions in West Park and Park Lea would displace further parking into Broadmeadows. They did not object specifically to the proposals for Broadmeadows.
- 5.10 From consideration of the responses on an area basis, it revealed that the main issues were similar as detailed below:-
- (a) Residents feel that they are being significantly penalised for the current parking situation which is not as a result of their actions.
 - (b) The proposals do not address the cause of the problem namely Doxford International Business Park and the current lack of parking facilities.
 - (c) The proposals will only serve to move the parking problems to the surrounding residential area.
 - (d) A Residents Parking Scheme was preferred by residents.

Those residents who advised of their opposition to the scheme did so generally on the basis of the above issues.

5.11 Throughout the consultation process, meetings have been held with the St. Chad's Ward Councillors and the Portfolio Holder for Planning and Transportation and they generally support the proposals.

Statutory Consultation

5.12 Statutory consultation was undertaken during June and July 2008 on the proposed Order, with notices being displayed on site and deposited at the relevant local and city libraries. One minor amendment was made to the proposals consulted on at the informal consultation stage. This was to change part of the restriction on the south side West Park at its junction with Herrington Road from a 1 hour restriction morning and afternoon to No Waiting At Any Time in order to keep the junction free from parking at all times.

5.13 In total 6 objections / representations were received in response to the proposals. For the purpose of this report the responses have been included as appendix A with reasons given as to why they should not be upheld.

6.0 ALTERNATIVE OPTIONS

6.1 The other options to be considered would be those relating to the introduction of some form of resident only parking scheme. However, this is not an option which at present can be considered until the conclusion of the current feasibility study into the use of residents parking zones and the Council has decided upon proposals for the two trial Royal Hospital and Stadium of Light pilot parking management schemes.

7.0 FUNDING

7.1 The estimated cost for the works is £15,000 and funding for the scheme will be met through the Councils capital allocation from the Local Transport Plan (LTP).

8.0 HUMAN RIGHTS IMPLICATIONS

8.1 It is considered that the proposals do not contravene the provisions of the Human Rights' Act 1998. Drivers have no general right to park on the highway. Further, objectors have the right to make representations regarding the proposed Order during the formal consultation process.

8.2 The objections received through the statutory consultation process are summarised at appendix A for consideration by the Planning & Highways Committee.

9.0 RECOMMENDATIONS

9.1 It is therefore RECOMMENDED that: -

- (i) The Planning & Highways Committee considers the content of this report and indicates its support for the proposed scheme and that the formal objections received during the statutory consultation process from local residents opposed to the introduction of the waiting restrictions are not upheld.

Appendix 1 – Consideration of objections received to statutory consultation

Issue	Consideration of Issue
<p><i>Under the proposed restrictions we would be forced, when in residence during the day to move the car four times a day to ensure no breach of restrictions takes place.</i></p> <p><i>Given that the majority of the residents are either elderly or have young children this constant movement of cars is not viable.</i></p>	<p>It is acknowledged that the moving of vehicles during the hours of the restrictions is of some inconvenience. However in order to address the current parking problems the only option available to the Council is the introduction of waiting restrictions. To reduce the impact upon residents the restrictions have been staggered to allow on street parking on one side of the road or on an adjoining street. It has been necessary to operate a restriction in both the morning and afternoon periods in order to remove the effects of indiscriminate and long term parking problems.</p> <p>Notwithstanding the above, it is the case that nearly all properties affected by the proposals have off street parking facilities which in turn negates the need for long term on-street parking.</p>
<p><i>The option of parking restriction suggested is in no way practical or sensible and urge the council to rethink their proposal and to pay more than lip service to the opinions of residents.</i></p>	<p>The proposal of waiting restrictions is considered to be a practical and sensible option to relieve the current parking situation. In consideration of the road safety and access concerns identified through current parking practice, it has been necessary to address this matter as a course of urgency using the most practical options available within a reasonable timescale. The Council is actively working towards an improved parking system at the Doxford Business Park site. However, due to the complexity of the parking issues they will be addressed as part of a long term strategy.</p>
<p><i>It appears that the residents will be disadvantaged more than those who use the area in which to park – they will find alternative parking which is not an option to open to residents.</i></p> <p><i>We feel that the restrictions would unfairly punish residents and their bona fide guests and have a detrimental effect to our use and enjoyment of our property.</i></p>	<p>It is acknowledged that the proposals do affect the residents of West Park, Park Lea, Durham Road (A690) and Broadmeadows. The proposals have been designed to have maximum impact upon those using the above streets for long term parking whilst incurring the least impact upon the residents. Unfortunately it is not possible to introduce waiting restrictions that apply to certain groups of road user.</p>
<p><i>We purchased the property in October 2007 and were not aware of any proposed restrictions or we would have re-considered buying the property.</i></p>	<p>Preliminary and informal consultations were carried out in September and November 2007 respectfully. The preliminary consultation exercise in September consulted with residents of properties that were considered to be directly affected by the proposals. Namely those residents to which the restriction lines would be on the carriageway to the front or side of their property. In result of this consultation exercise the proposals were amended and the</p>

	<p>consultation area extended to incorporate all residents and businesses of West Park, Park Lea, Durham Road (A690) and the Broadmeadows residential areas for the Informal Consultation exercise. On completion of this consultation A report was produced detailing the findings of the consultation and making recommendation to the Director of Development & Regeneration for the approval of the scheme. Approval was granted in January 2008. Until approval had been granted the proposals would not be included in the search documentation.</p>
<p><i>With your new proposals where are the cars going to go.</i></p> <p><i>The restrictions would no doubt push the cars further into the estate and into the lay by, meaning I would have to park my car on the restricted lines before going to work.</i></p>	<p>It is acknowledged that drivers currently parking vehicles on the areas of highway that will be affected by the proposed TRO will be displaced. Assumptions can be made as to where drivers will find alternative parking, however, it is not possible to positively identify the locations to which the displacement will occur.</p> <p>To reduce the impact upon residents the restrictions have been designed to allow on street parking at all times, albeit on differing sides of the road or on an adjoining street. Residents will be required to move their vehicle to a location where the restrictions were not active.</p>
<p><i>In accordance with the Public Health Act 1925, the eastern side of the A690 in this location is officially known as Parkside or Parkside South, but not as Durham Road.</i></p>	<p>The conventions used within National Street Gazetteer (BS7666) dictate that the names of Parkside and Parkside South refer to the property addresses only and not to the main carriageway and footway. This continues to be known as Durham Road A690.</p>
<p><i>The use of such terminology as 'extended building line' is inappropriate such terminology is used in the town and country planning act 1990, but not in the RTRA 84.</i></p>	<p>The RTRA 1984 does not specify methods / terminology for the reference and measuring of Traffic Regulation Orders. The Town & Country Planning Act 1990 is not relevant to this matter.</p>
<p><i>The use of extended kerblines gives rise to mistakes, and the traffic and highway authority standards of measurement are based on the back of the highway adjacent to a property line and reference points are taken along that line, irrespective of the many 'ins and outs' of the carriageway kerblines, with the restricted area being from the back of the highway to the centre of the road.</i></p>	<p>There is no requirement to use the back of footway as a reference point for a Traffic Order. As long as the reference point is accurate in describing the location and extent of the restriction then it is acceptable. A Traffic Order applies to the area from the centre of the carriageway to the back of footway. Regardless of how the extent of the restriction is described this remains unless the Order specifies that it applies to the carriageway only. This order does not specify that the restriction applies to the carriageway only; therefore, it is applicable to the entire side of its extent</p>

<p><i>Kerblines can be altered at will within the Highways Act 1980, there being no requirement to amend a traffic order made under the RTRA 84, which is why the back edge of the highway is used in making appropriate traffic orders</i></p>	<p>Regardless of there not being any requirement within the RTRA 1984 to amend an existing Traffic Order in conjunction with alterations to the existing highway layout, the Council would always give consideration to how the any works to the highway would impact upon a Traffic Order and amend the Order(s) as necessary.</p>
<p><i>Broadmeadows - What is the 'western extent boundary'? at the western end of the carriageway at least 5 metres are within the highway boundary of Parkside / Parkside South. Where does the 11 metres start from?</i></p>	<p>There is not a physical highway boundary line between adjoining roads therefore a protocol has been developed for use in all such circumstances. This protocol required that a boundary is established by creating an imaginary line connecting the back of highway at each side of that junction.</p> <p>Therefore, in this instance the western extent of Broadmeadows is its boundary with the imaginary back of highway of Durham Road (A690).</p> <p>Any restriction west of this line/point is referred to as Durham Road (A690) and any restriction east of this line/point is referred to as Broadmeadows.</p> <p>The restrictions referred to on Broadmeadows start from the location as explained above for a distance of 11 metres and the '5 metres within the highway boundary of Parkside/ Parkside South' are referred to as Durham Road.</p>
<p><i>1/A/20151 Durham Road - 'the extended southern kerblines of Broadmeadows' is this extension to the north or the west?</i></p>	<p>The section of Broadmeadows in question lies geographically in a west / east alignment. As its junction with Durham Road (A690) is at its western extent the southern kerblines can therefore be extended in a westerly direction only.</p>
<p><i>1/A/20151 Durham Road – Inetrsection of eastern kerblines and extended southern building line of no 18 Parkside South,.....intersection of its eastern kerblines and the extended joint boundary of 15 and 16 Parkside South. This clearly indicates that the restricted area does not include the footway. Why?</i></p>	<p>A Traffic Order applies to from the centre of the carriageway to the back of footway. Regardless of how the extent of the restriction is described this remains unless the Order specifies that it applies to the carriageway only. This order does not specify that the restriction applies to the carriageway only; therefore, it is applicable to the entire eastern side of its extent.</p>
<p><i>1/A/20151 Durham Road – Similarly the use of extended building lines and kerblines, only this time the Traffic order refers to 'Herrington Gate Lodge which is a property on</i></p>	<p>Highway layout does not always allow for a clear reference point or description to be taken on the same side of the highway to which the order applies. Should a clearer reference point and description be presented on the opposite side of the highway then this should be considered for the ease of determining the location and</p>

<p><i>the West side so, why is it being used to determine a measurement on the eastern side of the highway.</i></p> <p><i>1/A/20151 Durham Road - Both reference points are on the Eastern side of the highway yet the side of the highway in question is the western side.</i></p>	<p>extent of the restriction.</p>
<p><i>1/A/32050 Herrington Road – the use of an extended kerbline makes determination of the measurement illogical.</i></p>	<p>Using the extended kerbline to reference the extent of the order at this location is done so in the same manner as those also described this way in the order. It is not considered illogical to reference it in this way.</p>
<p><i>Is the intention in Article 5(2) to introduce residents permits, however section 2 of the RTRA 84 quite clearly states that TRO's can only be made to restrict vehicle classes, and not a class of user. i.e. and OMA cannot issue permits to exempt certain user from the waiting restrictions (disabled badge holders are exempted by the Secretary of State).</i></p> <p><i>If it is required to restrict the use of a highway for parking by certain users, then you have to introduce permit parking places using sections 32 and 35 etc. such that it is then possible to introduce a permit parking bay for the proposed times.</i></p> <p><i>Could I apply for a parking permit.</i></p>	<p>It is not intended to issue residents' permits under Article 5(2) of the order. The Article provides a power for the Council to issue waivers which will be issued to vehicles where out of necessity due to the nature of any work being undertaken the vehicle must be adjacent to a property. The waiver allows unrestricted parking on the highway during prescribed hours. Each application is considered on its own merits and waivers will only be issued as a last resort.</p> <p>It should be noted that it is possible to issue waivers (whether for residents or not) pursuant to provisions contained in an order made under Section 1 of the Road Traffic Regulation Act 1984 (RTRA). Section 2 of that Act specifies what provisions an Order may contain. The powers are very wide. Section 2 states - "A traffic regulation order may make any provision prohibiting, restricting or regulating the use of a road, or of any part of the width of a road, by vehicular traffic, or by vehicular traffic of any class specified in the order -</p> <p>(a) either generally or subject to such exceptions as may be specified in the order or determined in a manner provided for by it and</p> <p>(b) subject to such exceptions as may be so specified or determined, either at all times or at times, on days or during periods so specified."</p> <p>The Order is restricting the use of the road to all vehicular traffic, subject to such exceptions as are to be determined in the manner provided in the Order. This is permissible under Section 2 of the Act.</p>
<p><i>Although the current situation of parking in the entrance to Broadmeadows is an accident waiting to happen regarding a</i></p>	<p>It is the case that an 'accident' can occur on any part of the highway network. Just because the perception of conflict is greater at a specific location it does not mean it is more likely to occur at that location than at a location where</p>

<p><i>traffic collision, moving the parked cars further into the estate will only cause a higher risk of accidents involving children playing.</i></p> <p><i>The current restrictions will only move traffic further into the estate, cause restrictions for residents trying to get off their '3 car driveways' (which the residents have probably had altered and extended at their own expense to prevent on street parking), causing greater problems with regard to the safety of children playing in what should be a quiet road.</i></p>	<p>conflict is perceived to be of lesser extent.</p> <p>Indeed it has been established that what appears to be a dangerous location can have fewer injury accidents than apparently 'safer' areas. Where danger appears obvious people tend to be more careful and take fewer risks. This phenomenon is known as risk compensation.</p> <p>The function of the highway is for the passing and re-passing of vehicles and pedestrians, and it should be stressed that it can never be regarded as a safe area for children to play, regardless of whether traffic management measures are present or not.</p>
<p><i>The restrictions will not solve the current problem only move it, therefore the option of residents parking was seen as a long term solution rather than to raise new concerns over what will become new parking issues, and spend a further several months discussing them.</i></p>	<p>The Council is conducting a feasibility study into the use of Residents Parking Zones within the City. Two locations in the City which are subject to the worst effects of indiscriminate parking have been identified as pilot areas for parking management schemes. Any decision regarding this matter would depend upon the out come of the study. Therefore at this time The Council is unable to provide the residents of West Park, Park Lea, Durham Road and the Broadmeadows affected by indiscriminate parking with such a scheme.</p> <p>The Council will give consideration to any issues that arise in result of the introduction of the proposals and implement remedial measures should they be needed in the future.</p>

TRAFFIC SCHEMES

Column A
Ref No. _____

Column E
Scheme Name _____

Column J
Is the scheme any of the following? (Yes/No)

Indicate 'x' for type of works included in scheme and '0' in others

Code	Column L Type of Works	
(a)	permanent stopping up or diversion	0
(b)	waiting or loading restrictions	X
(c)	one way driving	0
(d)	prohibition of driving	0
(e)	pedestrianisation	0
(f)	vehicle width or height restriction	0
(g)	traffic calming works e.g. road humps	0
(h)	residents parking controls	0
(i)	minor road widening or improvement	0
(j)	pedestrian crossings	0
(k)	cycle tracks	0
(l)	bridge construction	0

Engineer

