

Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	9 th May 2012	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2404
TITLE:	(Various Roads Newbridge & Weston Bath)(Prohibition & Restriction of Waiting)(Prohibition of Loading/Unloading) Order 201x	
WARD:	Newbridge & Weston	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Appendix 1 containing comments received during Public Consultation. Appendix 2 containing map schedules of all proposed schemes for implementation after modification where recommended.		

1 THE ISSUE

- 1.1 To consider the points raised during the public consultation of Traffic Regulation Order "(Various Roads Newbridge & Weston Bath) (Prohibition & Restriction of Waiting)(Prohibition of Loading/Unloading) Order 201" and decide whether to proceed with the proposed scheme.

2 RECOMMENDATION

Recommendation - The Cabinet member is asked to agree that in regard to the advertised proposals below that the proposals are implemented, modified or withdrawn as below:

- 2.1 (i) prohibit parking in lengths of Apsley Road, Burleigh Gardens, Cedric Road, Chelsea Road, East Lea Road, Manor Road, Meadow Gardens, Newbridge Gardens, Newbridge Hill, Newbridge Road, Partis Way, Penn Gardens, Penn Hill Road, Penn Lea Road, South Lea Road, Westfield Park, West Lea Road and Weston Park;

Apsley Road: That the Double Yellow Line (DYL) junction protection in Apsley Road from Newbridge Road is implemented as advertised. That the proposal for DYL on the west side of Apsley Road from Newbridge Hill is modified to reduce the length of DYL to commence at a point 94 metres south of the junction of Newbridge Hill, extending for a distance of 20 metres in a south westerly direction into the western cul-de-sac, in response to public feedback.

Burleigh Gardens: That the proposal to implement DYL on the east side from its junction with South Lea Road for a distance of 190 metres in a southerly then

westerly direction encompassing the turning head in the western spur of Burleigh Gardens is modified to implement DYL on the east side from its junction with South Lea Road for a distance of 11 metres in a southerly direction. Then DYL on the south side of Burleigh Gardens from a point 150 metres south westerly from the eastern kerbline of its junction with South Lea Road in a westerly direction for a distance of 44 metres, encompassing the turning head in the western spur of Burleigh Gardens to allow traffic movement.

That the DYL on the west side of the road from the junction from its junction with South Lea Road for a distance of 11 metres in a southerly direction is implemented as advertised for junction protection purposes.

Cedric Road: That the proposals are implemented as advertised as no objections were received.

Chelsea Road: That the proposals are implemented as advertised as no objections were received.

East Lea Road: To implement DYL on the junction on the east side from its junction with South Lea Road for a distance of 19 meters as advertised to ensure traffic flow and road safety issues are resolved. To modify the proposal on the western side of East Lea Road to DYL from the junction of South Lea Road for a distance of 19 meters then reduce restriction to Single Yellow Lines in operation 10am till 4pm Monday to Friday only for a distance of 155 meters in response to public feedback on the issues faced in the location.

Manor Road: That the proposals are implemented as advertised as no objections were received.

Meadow Gardens: That the proposals are implemented as advertised as no objections were received.

Newbridge Gardens: That the proposals are implemented as advertised as no objections were received.

Newbridge Hill: That the proposals are implemented as advertised as no objections were received.

Newbridge Road: That the proposals for DYL at the junction with Apsley Road are implemented as advertised to protect the junction. That the proposals for DYL at the junction of Westfield Park are modified and reduced from a point 8 meters west of its junction with Westfield Park for a distance of 28 metres in an easterly direction.

Partis Way: That the proposal to implement DYL on the west side of Partis Way from its junction with South Lea Road for a distance of 20 metres in a southerly direction is implemented as advertised.

That the proposal to implement DYL on the east side of Partis Way from a point 5 metres south of its junction with South Lea Road for a distance of 182 metres in a southerly direction is modified to DYL from a point 5 metres south of its junction with South Lea Road for a distance of 15 meters in a southerly direction then Single Yellow Lines from a point 20 metres south of its junction with South Lea Road for a distance of 167 metres in southerly direction in operation 10am till 4pm Monday to Friday only.

That the proposal to implement DYL on the west side of Partis Way from its junction with Newbridge Hill for a distance of 43 metres in a northerly direction is modified and reduced to 20 metres in length.

That the proposal to implement DYL on the east side of Partis Way from its junction with Newbridge Hill for a distance of 209 metres in a northerly direction then easterly direction encompassing the turning head in the eastern spur of Partis Way is modified to DYL on the east side of Partis Way from its junction with Newbridge Hill for a distance of 20 metres in a northerly direction for junction protection purposes, then Single Yellow Lines in operation 10am till 4pm Monday to Friday only on the east and south side of Partis Way, in response to public feedback on the issues faced in this location, from a point 20 metres north of its junction with Newbridge Hill for a distance of 132 metres in a northerly then easterly direction and DYL in the turning head in the eastern spur of Partis Way on the south side from a point 152 metres north easterly of its junction with Newbridge Hill for a distance of 55 metres encompassing the turning head for traffic flow purposes.

Penn Gardens: That the proposal is modified and the DYL are reduced in length on the north side to extend a distance of 15 metres in an easterly direction from its junction with Penn Hill Road to increase residential parking availability whilst protecting the junction for safety reasons.

Penn Hill Road: That the proposals are implemented as advertised as no objections were received.

Penn Lea Road: That the proposals are withdrawn and not implemented at this time due to public objections to the proposals.

South Lea Road: To implement DYL on north side junctions with West Lea, East Lea and Penn Lea Roads as advertised to ensure traffic flow and road safety issues are resolved. To modify the proposal on the south side of South Lea Road from DYL to Single Yellow Lines in operation 10am till 4pm Monday to Friday only in response to public feedback on the issues faced in the location apart from the following junctions; with West Lea Road where DYL will be implemented from its junction with West Lea Road for a distance of 23 metres in an easterly direction, from its junction with Burleigh Gardens where DYL will be implemented from a point 8 metres west of its junction with Burleigh Gardens for a distance of 29 metres in an easterly direction and Partis Way where DYL will be implemented from a point 8 metres west of its junction with Partis Way for a distance of 8 metres in an easterly direction for junction protection purposes.

Westfield Park: To modify the advertised restrictions of DYL on both sides of Westfield Park from its junction with Newbridge Road for a distance of 18 metres in a southerly direction to a reduced length of 10 metres extending from its junction with Newbridge Road in a southerly direction in response to public feedback. This will strike the best possible balance between junction protection and availability of parking.

West Lea Road: To implement DYL on East side for a distance of 9 meters as advertised to ensure traffic flow and road safety issues are resolved. To modify the proposal on the western side of West Lea Road to DYL from the junction of South Lea Road for a distance of 9 meters then reduce restriction to Single Yellow

Lines in operation 10am till 4pm Monday to Friday only for a distance of 211 meters in response to public feedback on the issues faced in the location.

Weston Park: That the proposals are implemented as advertised as the changes will increase road safety at the junction.

2.2 (ii) restrict parking in lengths of Lucklands Road, Purlewent Drive and Chelsea Road:

Recommendation –

Lucklands Road: That the proposals are withdrawn and not implemented at this time.

Purlewent Drive: That the proposals are withdrawn and not implemented at this time.

Chelsea Road: That the restrictions are implemented as proposed as no objections were received.

2.3 (iii) introduce prohibition of loading /unloading in lengths of Cedric Road;

Recommendation – That the proposals are implemented as advertised as no objection have been received.

2.4 (iv) vary the residents' parking places in Cedric Road;

Recommendation - That the proposals are implemented as advertised as no objection have been received.

2.5 (v) remove 2 disabled parking bays in Chandler Close.

Recommendation - That the proposal is implemented as advertised. Chandler Close will still retain 3 disabled bays for use by residents whilst increasing the availability of parking of all.

3 FINANCIAL IMPLICATIONS

3.1 Funding for the scheme is estimated as between £3,620 – 4,344. Funds are confirmed as available from within the Local Transport Plan Capital Budget.

3.2 The consultation process included Highways and no concerns were raised regarding on-going maintenance costs and these works can be incorporated within the existing revenue budget.

4 CORPORATE OBJECTIVES

- *Building communities where people feel safe and secure*
- *Improving transport and the public realm*

4.1 Comment on the Proposed Changes to Parking Restrictions (see Appendix 1), take into account the matters referred to above.

5 THE REPORT

- 5.1 The proposals were made as the result of the concerns of local residents caused by increasing problems as a result of the growing number of vehicles parking in inappropriate places in the area throughout the day including those from staff and visitors to the hospital. These vehicles park in close proximity to junctions (causing visibility problems) and close to driveways (where vehicle access is affected). Additional issues have been raised regarding the movement of scheduled bus routes through some of the areas where restrictions are proposed.
- 5.2 Consideration needs to be given to the responses received and a decision made on the way forward. Common Law states the highway is for the passage and re-passage of persons and goods, and consequently any parking on the highway is an obstruction of that right of passage. There are no rights to park on the highway but parking is condoned where the right of passage along the highway is not impeded. The consideration of the objections to the introduction of controls has to be considered in this context. There is also no legal right to park on the highway either outside a property or even within a specific street.
- 5.3 The TRO is being proposed is the duty of every local authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities as set out in section 122 Road Traffic Regulation Act 1984 (RTRA) .
- 5.4 The points raised in relation to the proposed scheme are set out in the attached Appendix with officer comments.

6 RISK MANAGEMENT

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

- 7.1 An EqlA has been completed. No adverse or other significant issues were found.
- 7.2 The proposals will improve access to and from residential properties in the area and traffic flow including bus services. Additionally the proposals will improve pedestrian access at junctions by removing parking vehicles to allow full use of the pedestrian dropped kerb crossings, facilitating access for pedestrians with wheelchairs and pushchairs.

8 RATIONALE

- 8.1 The recommended restrictions are proposed so as to avoid danger to persons or other traffic using the road or to prevent the likelihood of any such danger arising and to facilitate the passage on the road or any other road of any class or traffic.
- 8.2 Under Section 1 of the Road Traffic Regulation Act 1984 a Traffic Authority may make an Order as specified below:

The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road] where it appears to the authority making the order that it is expedient to make it—

(a)for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or

(b)for preventing damage to the road or to any building on or near the road, or

(c)for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or

(d)for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or

(e)(without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or

(f)for preserving or improving the amenities of the area through which the road runs or

(g)for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

9 OTHER OPTIONS CONSIDERED

9.1 To implement all restrictions as advertised. This option was rejected based on the public feedback to the proposals.

9.2 To not implement any of the schemes. This option was rejected as the proposals, including those modified, improve the parking and traffic movement situation.

10 CONSULTATION

10.1 *Ward Councillors; Other B&NES Services; Local Residents; Stakeholders/Partners; Other Public Sector Bodies*

10.2 The proposals were advertised by erecting notices along the affected lengths of road for a 21 day period ending on 29th September 2011, inviting written comments to the proposal. At the same time a copy of the notice was placed in the Public Notice section of the local newspaper. Responses made are set out in the Appendix to this report.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

11.1 *Customer Focus; Health & Safety; Other Legal Considerations*

12 ADVICE SOUGHT

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Chris Major 01225 394231
Sponsoring Cabinet Member	<i>Councillor Symonds</i>
Background papers	Nil
Please contact the report author if you need to access this report in an alternative format	