

## Highways Committee

8 March 2012

### **B6310 and Unc Birch Cresc, Myrtle Grove & Valley View, Burnopfield Proposed Waiting Restrictions**



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#### **Report of Terry Collins, Corporate Director Neighbourhood Services**

#### **Councillor Bob Young, Cabinet Portfolio Holder for Strategic Environment**

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##### **Purpose of the Report**

- 1 To advise Committee of representations received to the proposed introduction of waiting restrictions in the three separate streets in Burnopfield.
- 2 It is recommended that the Committee endorse the proposals having considered the representations to the proposals and proceed with the implementation of the parking restrictions in the three streets in Burnopfield as per the plans in Appendix 2

##### **Background**

- 3 Representations have been received from the local County Councillor Bob Alderson, residents and the Police about inconsiderate parking and the consequential congestion that is associated with the nearby school and residents.
- 4 Three separate locations were identified as suffering from parking issues and congestion and the proposals are designed to improve road safety at junctions and on a tight bend.

##### **Proposals**

- 5 The proposal for Valley View is for a No Waiting At Any Time restriction to improve visibility to the East on the B6310 and allow better access/egress from Valley View.
- 6 The proposal for Myrtle Grove / Elm Grove is for a No Waiting restriction Monday to Friday between 8am and 6pm. This is aimed at keeping the tight bend in the road free of vehicles at a location where children exit from the primary school pedestrian access. A School Keep Clear marking was proposed during the development of Civil Parking Enforcement scheme but due to a number of issues this proposal was removed. However the road safety and obstruction issues still persist.

- 7 The proposal for Birch Crescent / Leazes Villas is for a No Waiting At Any Time restriction to protect the junction and narrow accesses from the B6310.

### **Consultation**

- 8 Informal consultation was carried out with the affected residents, businesses and statutory consultees from the 19<sup>th</sup> July 2010 to the 9<sup>th</sup> August 2010.
- 9 Out of the 33 letters sent to affected residents covering the three locations, 16 responses were received. In addition, Durham Constabulary, the Ambulance Service and bus company responded in favour to the informal consultation.
- 10 Of the 16 responses from residents, they are as follows:
- For Valley View, 3 were in favour and 1 was against
- For Myrtle Grove, 4 were in favour and 3 were against the proposal. However one of the opponents to the scheme withdrew their objection and supported the scheme when the restrictions were amended at the legal advert stage; resulting in 5 in favour and 2 against.
- For Birch Cresc / Leazes Villas, 4 were against, 1 was in favour and 1 ticked both boxes. One length of restriction which was on Birch Crescent was removed from the proposal to address concerns of two of the objectors.
- 11 A statutory advertisement of the proposals was undertaken from 19<sup>th</sup> May 2011 until the 9<sup>th</sup> June 2011. During this period 4 emails of objection were received against the proposals. Of the 4 responses, 3 were confirming their previous representations (Valley View – 1 and Myrtle Grove – 2) and the fourth was a new objection to Myrtle Grove. Subsequent to this one of the objections to Myrtle Grove was resolved leaving a single objection.
- 12 The local Members, County Councillors Bob Alderson and Reg Ord are minded to support the scheme.

### **Representation and responses – Valley, Myrtle, Birch**

- 13 Representation 1 – Valley View

A number of points were raised by a resident of Valley View

The plan does not match the description in the notice. The southern boundary description differs from the line of the main property garage.

*Response: It is proposed to use the description as the definitive end to the restriction which is the southern boundary to the property, this being a shorter length than shown on the plan.*

The Police already have the power to deal with parking problems. The Police are unable to enforce the restrictions due to lack of maintenance.

*Response: Where there are no existing restrictions such as Valley View the Police can only consider the offence of obstruction, this does not deal with issues of inappropriate parking. Since the consultation and legal advertisement of these proposals the existing restrictions throughout*

*Burnopfield have been recovered as part of the preparation for civil parking enforcement and are now deemed to be in an enforceable condition. Durham County Council in November 2011 have now taken over the enforcement of parking restrictions under civil parking enforcement from Durham Constabulary. We have a dedicated contractor who now enforce parking restrictions on our behalf therefore we are able to respond to any concerns about contravention of parking restrictions in a more positive manner.*

Vehicles will park on the grassed area between Valley View and the flats to the east.

*Response: This piece of land is not public highway and therefore the Police are unable to take action if vehicles park on it. The land is not in public ownership therefore the County Council are unable to make changes to this land. The Highway Authority has no powers to undertake works on private land and we are also unable to expend public monies on the same.*

Introduce a No Motor Vehicles Except for Access or provide a barrier on the grassed area.

*Response: Such a restriction would not prevent vehicles other than residents from entering Valley View or parking in the street as there is a public right of way accessed from the street. Pedestrians accessing the right of way still have the legal right to park on Valley View as long as their vehicle is taxed, tested, insured, road worthy and not parked in contravention of parking restrictions. We also have no powers to reserve the adopted highway network for the use of an individual or residents and their visitors only. In addition previous experience of 'access only' restrictions has shown that they are extremely difficult to enforce and as such are not supported by the Police. The issue of providing a barrier would be for the landowner to consider.*

15 Representation 2 – Myrtle Grove

These issues were raised by two respondents

Can the grassed area be converted for parking?

*Response: Whilst in principle this may be possible, it would be subject to the provision of funding which is not currently available. In past years, we have been able to undertake 'verge hardening' in some particularly problematic areas with joint funding from the ex-District Councils. Unfortunately a recent bid for capital funding for verge hardening was not successful due to other competing Council priorities. The highway maintenance budget is prioritised towards the main adopted carriageway network and so given this and the current economic climate it is unlikely that we will be able to direct monies to verge hardening for the foreseeable future.*

16 The times of the restriction would cause parking difficulties for residents.

*Response: The length of the proposed restriction is to make access /egress from Laurel Terrace easier. Complaints about vehicles parking at this entrance have been received in the past and the proposal addresses this issue. The advertised restriction is limited to Monday to Friday 8am to 6pm to*

*cover working day hours however as a concession for residents it is proposed to reduce the times to Monday to Friday 8am to 4pm.*

17 Representation 3 – Birch Cresc / Leazes Villas

These issues were raised by 4 respondents

The proposed restrictions will create further parking problems for residents

*Response: The proposed restrictions on the western access road between the Primary School and Leazes Villas have been progressed as the street is narrow and any parking would obstruct the road for the free movement of vehicles. It is also adjacent to a*

18 Representation 4

The respondent indicated that if a resident's permit could be issued she would be in favour as access is required for her to board and alight vehicles due to a disability

*Response: The restriction would still permit the boarding and alighting of vehicles so should not prevent the respondent from accessing a vehicle. Short term parking with a Blue Badge would also be likely however any longer term parking would cause an obstruction to all other road users.*

**Recommendations and reasons**

- 19 It is **RECOMMENDED** that the Committee endorse the proposal having considered the objections and proceed with the implementation of the parking restrictions as amended in the report.

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## **Appendix 1: Implications**

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**Finance – Funding from Local Area Members Allowance**

**Staffing – None**

**Risk – None**

**Equality and Diversity / Public Sector Equality Duty – None**

**Accommodation – None**

**Crime and Disorder – None**

**Human Rights – None**

**Consultation – As described in the report**

**Procurement – None**

**Disability Issues – None**

**Legal Implications - None**