

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Highways
on or after 26 October 2012**

**Various Roads, Nuneaton
Proposed Waiting Restrictions**

Recommendations

That the Warwickshire County Council (Borough of Nuneaton and Bedworth) (Waiting Restrictions, On-Street Parking Places and Residents Parking) (Consolidation) (Variation No. 4) Order 2012 be made as advertised but with the following amendment:-

- (i) The proposal for a Disabled Persons Parking Place in Cooper Street be withdrawn.

1.0 Key Issues

- 1.1 Proposals for waiting restrictions and parking places in various locations in Nuneaton were advertised on 16 August 2012. The report considers the objections and comments that were received and recommends how they should be dealt with.
- 1.2 A number of proposals were included in the consultation with no objections being received and it is recommended that these be implemented as advertised.
- 1.3. The proposals which attracted objections or comments are in the following locations:-
 - (i) Chesterton Drive and School Lane, Galley Common
 - (ii) Cooper Street, Nuneaton
 - (ii) Walsingham Drive and St David's Way, Bermuda Park, Nuneaton
- 1.4. The comments, suggestions and objections that have been received are discussed below together with the reasons for the proposals. The number of objections received is shown in brackets [].
- 1.5 The statutory criteria for decisions on making Traffic Regulation Orders/Parking Orders is included as **Appendix D**.

2.0 Chesterton Drive and School Lane, Galley Common – Proposed Prohibition of Waiting At Any Time (Plan in Appendix A)

- 2.1 The proposals are part of a road safety scheme in the vicinity of Galley Common Infants School and are designed to keep the respective junctions with Hickman Road and Plough Hill Road clear of parked vehicles.
- 2.2 The following objection has been received.

Objection [1]

The restrictions proposed on Chesterton Drive do not extend far enough to deal with the problem of parking during school pick up and drop off times as parents often park on the bus stops.

Response

The proposals are considered to be the minimum necessary to achieve safer access to and exit from the junctions. The situation will be monitored and consideration can be given to additional restrictions if this proves necessary. Consideration can also be given to the provision of Bus Stop Clearway signs and road markings.

2.3. Recommendation

That the proposals shown on the plan in **Appendix A** be implemented as advertised.

3.0 Walsingham Drive and St David's Way, Bermuda Park, Nuneaton – Proposed Prohibition of Waiting At Any Time (Plan in Appendix B)

- 3.1 Concerns have been raised locally for a number of years about parking in the Bermuda Park area particularly by heavy goods vehicles (HGVs). Various consultations have been carried out on proposals to deal with the traffic management, road safety and environmental issues that have arisen. These latest proposals are designed to eliminate obstructive parking but maintain as much on-road parking space as possible.
- 3.2 The following objections have been received:-

Objection (2)

No overnight parking for HGVs should be removed until a suitable alternative is provided.

Response

It is accepted that the proposals may result in some displacement of HGVs. However, these will only be from locations where parking cannot be safely accommodated and alternative overnight parking is available at Corley Services on the M6 and in lay-bys on the A444.

3.3. Recommendation

That the proposals shown on the plan in **Appendix B** be implemented as advertised.

4.0 Cooper Street, Nuneaton - Proposed Disabled Persons Parking Bay (Plan in Appendix C)

4.1 A disabled persons parking bay was proposed on Cooper Street following the request of a resident. Since the bay was advertised the resident has contacted us to advise that this is no longer required.

4.2. Recommendation

That this proposal be withdrawn.

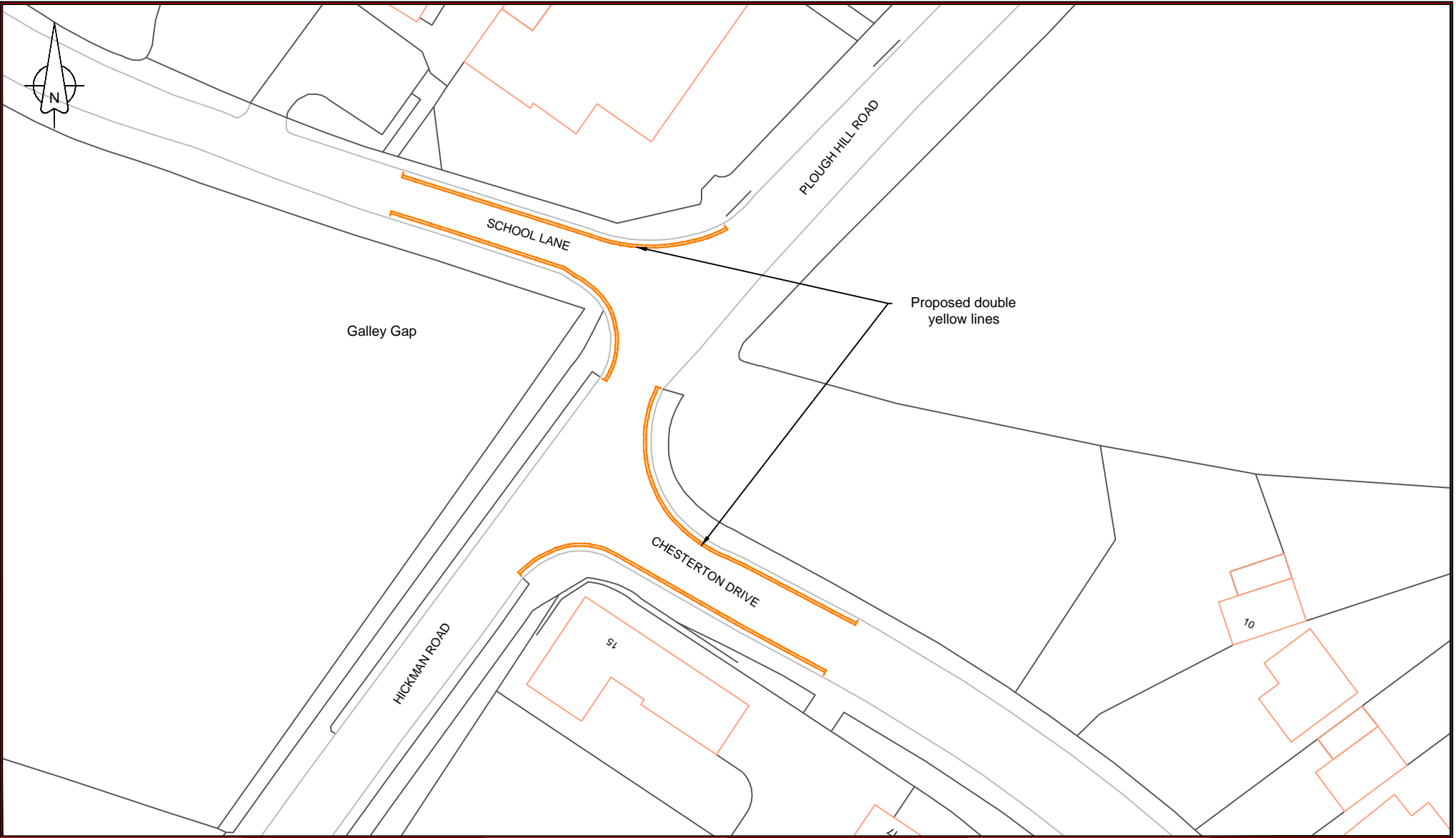
5.0 Associated Timescales

5.1 The aim will be for the fourth variation of the Consolidated Traffic Regulation Order to be made and implemented within 8-10 weeks of the decision.

6.0 Background Papers

6.1 Various letters and emails.

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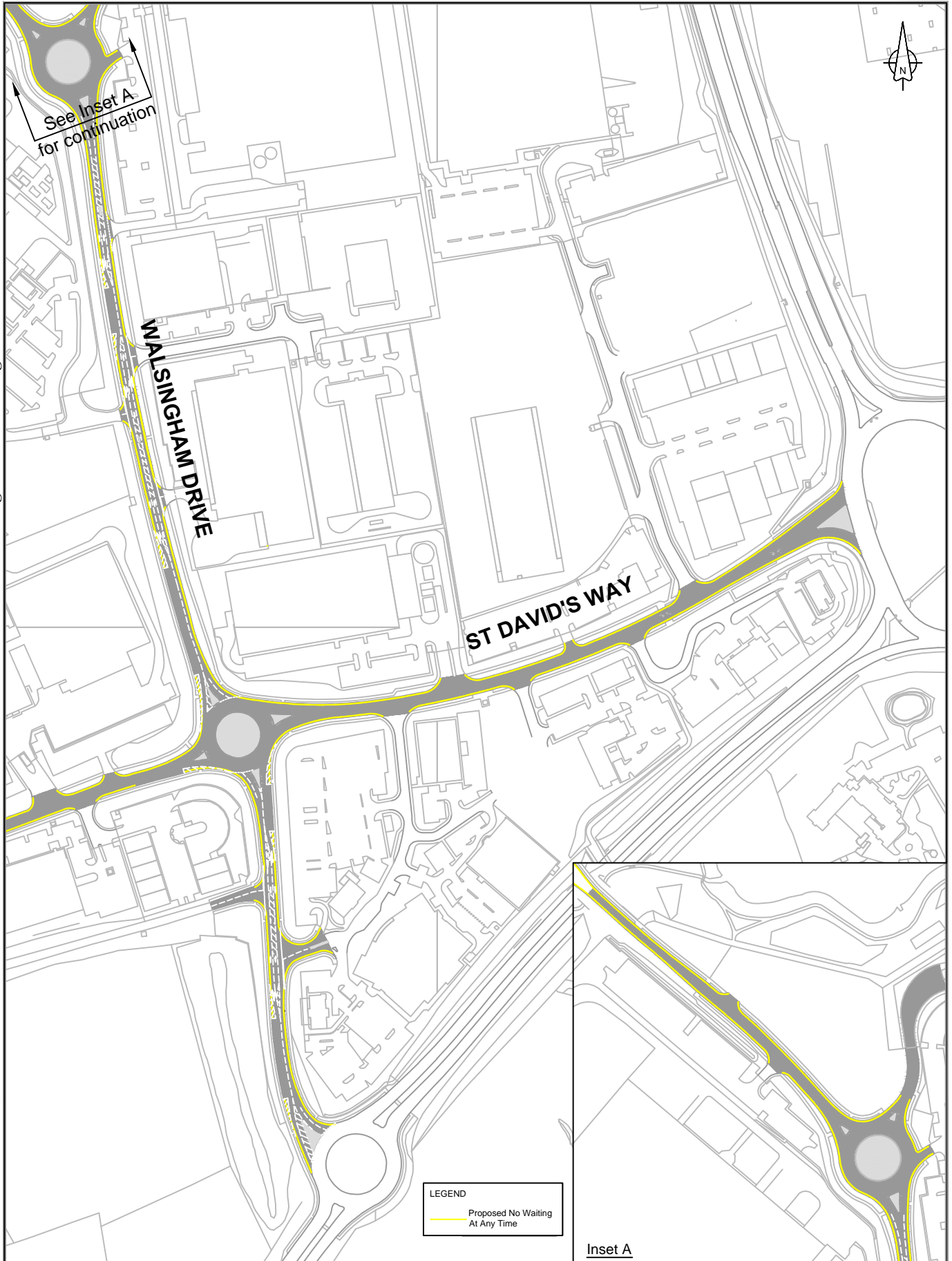
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Transport and Highways - Portfolio Holder Decision
Chesterton Drive/School Lane, Galley Common - Proposed Double Yellow Lines
Appendix A

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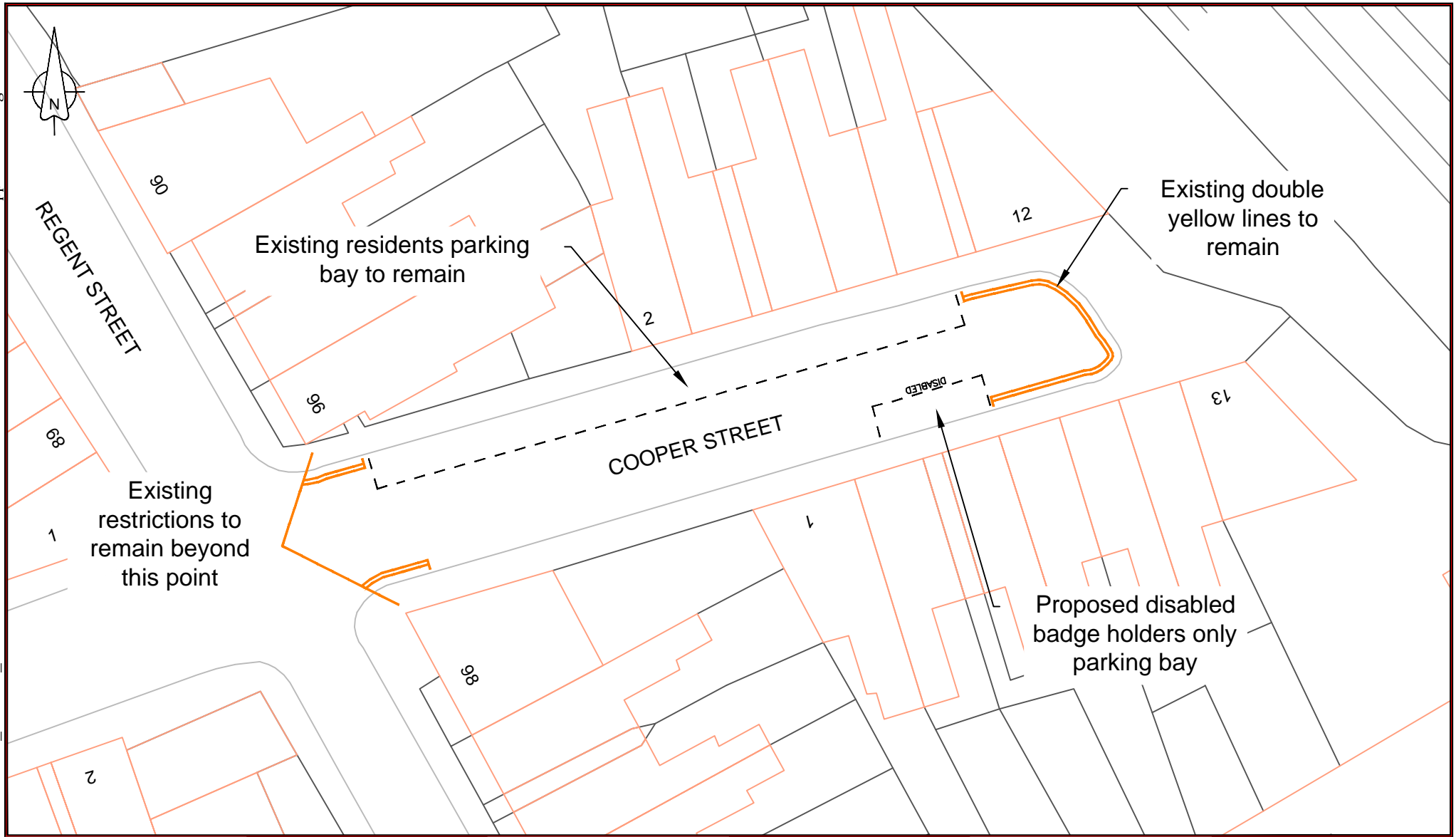
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Transport and Highways Portfolio Holder Decision
Bermuda Park - Proposed Double Yellow Lines
Appendix B

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Transport and Highways - Portfolio Holder Decision
Cooper Street Proposed Disabled Bay
Appendix C

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Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders

The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-

- (a) avoiding danger to persons or traffic;
- (b) preventing damage to the road or to buildings nearby;
- (c) facilitating the passage of traffic;
- (d) preventing use by unsuitable traffic;
- (e) preserving the character of a road especially suitable for walking and horseriding;
- (f) preserving or improving amenities of the area through which the road runs;
- (g) for any of the purposes specified in section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.

TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.

TROs must not have the effect of preventing pedestrian access at any time or preventing vehicular access for more than 8 hours in 24 to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.

The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic and those of the owners/occupiers of adjoining property and in particular:-

- (i) the need for maintaining the free movement of traffic;
- (ii) the need for maintaining reasonable access to premises; and
- (iii) the extent to which off-street parking is available in the neighbourhood.

In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable having regard to the matters specified in section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.

The matters to which the Council must have regard are:-

- (i) The desirability of securing and maintaining reasonable access to premises.
- (ii) The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run.
- (iii) The national air quality strategy prepared under section 80 of the Environmental Protection Act 1995.
- (iv) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
- (v) Any other matters appearing to the Council to be relevant.

Therefore whilst the overall objective of the Council must be to secure the expeditious convenient and safe movement of vehicular traffic this will sometimes need to give way to the objectives in section 122(2) and a balance has to be achieved between the overall objective and the matters set out in section 122(2).