



**Oldham**  
Council

## **Delegated Decision**

# **Proposed Experimental Prohibition of Waiting – Denshaw Road, Delph, Oldham**

Report of: Deputy Chief Executive – People and Place

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Ext. 1946

15 November 2018

### **Reason for Decision**

The purpose of this report is to consider a number of requests for the introduction of prohibitive waiting restrictions on the north side of Denshaw Road to alleviate obstructive parking practices taking place.

### **Recommendation**

It is recommended that no waiting at any time (double yellow line) restrictions be introduced on part of Denshaw Road, Delph on an experimental basis for a period of 18 months in accordance with the schedule at the end of this report. If no objections are received it is recommended that the Order be made permanent.

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## **Proposed Experimental Prohibition of Waiting – Denshaw Road, Delph, Oldham**

### **1 Background**

- 1.1 A number of requests have been received for the introduction of waiting restrictions on the north side of Denshaw Road to alleviate obstructive parking practices.

### **2 Current Position**

- 2.1 Denshaw Road is a local distributor route which connects the Delph and Denshaw villages. It is fronted mainly by residential properties on both sides of the road apart from Delph Primary School which is located on the south side near to Delph Village. As well as connecting two villages Denshaw Road also serves a large residential area and therefore experiences high traffic volumes as well as high pedestrian activity due to the location of Delph Primary School.
- 2.2 The residential properties located on the north side of Denshaw Road have private off street parking provision in the form of driveways/garages. However, the properties on the south side do not and therefore rely on parking within the highway. As on-street parking is limited outside the properties on the south side of the road, the residents also park on the north side. Vehicles parking on the north side can cause visibility problems for residents wanting to enter and exit their private driveways. The absence or narrow width of the footway in this location can also force pedestrians to walk in the carriageway when vehicles park in this location.
- 2.3 Observations have revealed residents could park their vehicles in the additional available space on the south side of Denshaw Road between the school and their properties. However, this option would mean residents would have to walk a short distance of up to 100 metres to and from their property.
- 2.4 In 2015 a report was submitted to Oldham Council proposing the introduction of double yellow lines on the north side of Denshaw Road as per the schedule at the end of this report. The restrictions on the north side were proposed to alleviate obstructive parking for both residents trying to enter and exit their driveways and also prevent motorists parking on the footways forcing pedestrians into the carriageway.
- 2.5 The proposal received Delegated Approval on 9 February 2016 and was subsequently advertised. However, due to the level of objections received from residents who rely on parking within the highway, it was recommended by the Traffic Order Panel that the proposal be rescinded. The Traffic Order Panel also recommended Access Protection Markings (APM) be offered to any resident living on the north side of the proposed scheme area in the hope of removing some of the obstructive parking.

- 2.6 Unfortunately the introduction of the APM's does not appear to have helped as motorists are parking as close as possible to the end of the markings, therefore, visibility is still an issue for residents entering and exiting their driveways and pedestrians are still forced to walk in the carriageway.
- 2.7 Concerns have also been raised by other road users that double parking on this section of Denshaw Road is creating a bottleneck and preventing the free flow of traffic within close proximity to the brow of a hill and a bend, thus creating a highway safety issue for all road users.
- 2.8 In addition to the above a complaint has also been raised relating to vehicles parking on both sides of the carriageway on Denshaw Road within close proximity to Pingle Lane which has on occasion prevented vehicular movements for delivery vehicles through the junction.
- 2.9 Residents living on the south side of Denshaw Road who rely on parking on the highway not only objected to the previous proposal, on the grounds it would result in them having to find an alternative place to park, but also raised concerns that if parking was removed from one side of the carriageway speeds would increase along this section of Denshaw Road.
- 2.10 The introduction of waiting restrictions in this location will displace some on-street parking. The subsequent absence of parked cars will improve the free flow of traffic and may result in a small increase in traffic speeds. However, the road safety benefits of addressing the current situation that results in pedestrians being forced into the carriageway and restricted visibility for residents entering and exiting their driveways outweighs the safety implications of vehicles travelling at slightly higher speeds.
- 2.11 The measures introduced since the previous proposal have had limited effect and the current arrangement is not fully preventing obstructive parking from taking place. It is therefore proposed to introduce an Order which prohibits waiting for an experimental period of 18 months, to remove the obstructive parking from the north side of Denshaw Road. A speed survey will be undertaken before the restrictions are introduced and after their implementation to assess any increase in speed. Should excessive speeds be recorded consideration will be given to reviewing the Traffic Regulation Order.

### **3 Options/Alternatives**

- 3.1 Option 1: To approve the recommendation.
- 3.2 Option 2: Not to approve the recommendation.

### **4 Preferred Option**

- 4.1 The preferred option to approve is Option 1.

## 5 **Justification**

- 5.1 The introduction of a Traffic Regulation Order on Denshaw Road is necessary to ensure that access can be maintained for pedestrians using the footway and residents living on the north side have clearer visibility when entering and exiting their driveways.

## 6 **Consultations**

- 6.1 G.M.P. View - The Chief Constable has been consulted and has no objection to this proposal.
- 6.2 T.f.G.M. View - The Director General has been consulted and supports this proposal as this road is a bus route the restrictions should assist accessibility of vehicles along this section.
- 6.3 G.M. Fire Service View - The County Fire Officer has been consulted and has no comment on this proposal.
- 6.4 N.W. Ambulance Service View - The County Ambulance Officer has been consulted and has no comment on this proposal.

## 7 **Comments Of the Saddleworth North Ward Councillors**

- 7.1 The Ward Councillors have been consulted and Councillor P Byrne supports the proposal.
- 7.2 Councillor G Harkness has commented:- This went to panel before and was not introduced as there were concerns that there was a significant number of objectors last time I think it was 27 objectors and one in support. How many have we had this time and how many have requested such a restriction? Parking in Delph is challenging so I am reluctant to support such a scheme.

## 8 **Response to Councillors Comment**

- 8.1 Whilst the number of complaints received are by no means as many as the objections from residents wanting to park within the highway, the concerns raised include:-
1. Vehicular manoeuvres for larger vehicles are restricted turning out of Pingle Lane when vehicles are parked on both sides of Denshaw Road in this location. Also visibility to the left is restricted.
  2. A resident living in one of the properties on the north side of Denshaw Road is still experiencing difficulty when exiting her driveway due to vehicles still parking within close proximity to her entrance, also these vehicles are obstructing clear visibility and parking on the footway.
  3. A cyclist has raised concerns that due to parked vehicles, the free flow of traffic is restricted and an incident occurred were he had to take evasive action due to an oncoming vehicle.

4. A motorist has advised of several near misses due to vehicles not having clear visibility over the brow of the hill and around the bend and then again having to take evasive action due parked vehicles preventing the free flow of traffic.
- 8.2 Whilst it is appreciated there are only four complaints, each one on its own merit would justify proposing the introduction of waiting restrictions to remove obstructive parking and create a safer environment for all highway users.
- 8.3 The provision of on-street parking at this location is a request that we have tried to balance for many years. However, with increasing car ownership and limited road space in front of the terraced properties it is becoming more and more difficult to both satisfy residents and maintain appropriate highway standards.
- 8.4 As you know, the primary function of an adopted highway is for the safe and efficient passage of vehicles between two points. Any provisions made for parking must come secondary to this, in particular, if road safety, traffic capacity and manoeuvrability are significantly compromised.
- 8.5 We do however understand the sensitive nature of the matter and it is for this reason that we are progressing the TRO on an experimental basis.

## 9 Financial Implications

- 9.1 The cost of making this restriction along with initial road marking and maintenance thereafter is as follows -

	£
Advertisement of Order	1,200
Introduction of Road Markings	800
<b>TOTAL</b>	<b><u>2,000</u></b>
Annual Maintenance Costs (calculated July 2018)	35

- 9.2 The advertising and initial road marking cost of £2,000 will be funded from cost centre 40916 (Highways Operations – Unity).
- 9.3 The annual maintenance costs estimated at £35 per annum will be met from cost centre 40350 (Highways Operations). If there are pressures in this area as the financial year progresses, the Directorate will have to manage its resources to ensure that there is no adverse overall variance at the financial year end. (Nigel Howard/Sadrul Alam)

## 10 **Legal Services Comments**

- 10.1 The Council must be satisfied that it is expedient to make the Traffic Regulation Order in order to avoid danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or for preventing damage to the road or to any building on or near the road, or for facilitating the passage on the road or any other road of any class of traffic, including pedestrians, or 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 for preserving or improving the amenities of the area through which the road runs.
- 10.2 The Council may, for the purposes of carrying out an experimental scheme of traffic control, make an order under section 9 of the Road Traffic Regulation Act making any such provision as may be made by a traffic regulation order. Experimental orders should not be seen as a way of quickly making an order without going through the normal consultation procedures for permanent orders. To avoid the possibility of a successful challenge in the High Court, the Council must be able to demonstrate where the element of experiment or uncertainty lies, as an experimental order can only be made for the purpose of carrying out an experimental scheme of traffic control. An experimental traffic order shall not continue in force for longer than 18 months.
- 10.3 In addition to the above, under section 122 of the Road Traffic Regulation Act 1984, it shall be the duty of the Council so to exercise the functions conferred on them by the Act as 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. Regard must also be had to the desirability of securing and maintaining reasonable access to premises, 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, the strategy produced under section 80 Environmental Protection Act 1990 (the national air quality strategy), 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 and any other matters appearing to the Council to be relevant. (A Evans)

## 11 **Co-operative Agenda**

- 11.1 In respect of the introduction of prohibitive waiting restrictions along Denshaw Road there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

## 12 **Human Resources Comments**

- 12.1 None.

## 13 **Risk Assessments**

13.1 None.

**14 IT Implications**

14.1 None.

**15 Property Implications**

15.1 None.

**16 Procurement Implications**

16.1 None.

**17 Environmental and Health & Safety Implications**

17.1 Energy – Nil.

17.2 Transport – Nil.

17.3 Pollution – Nil.

17.4 Consumption and Use of Resources – In accordance with current specifications.

17.5 Built Environment – Nil.

17.6 Natural Environment – Nil.

17.7 Health and Safety – None.

**18 Equality, community cohesion and crime implications**

18.1 None.

**19 Equality Impact Assessment Completed?**

19.1 No.

**20 Key Decision**

20.1 No.

**21 Key Decision Reference**

21.1 Not applicable.

## 22 Background Papers

22.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act :

None.

## 23 Proposal

23.1 It is proposed that an experimental Prohibition of Waiting Order be introduced on Denshaw Road, Delph in accordance with drawing number 47/A4/1511/1 and the following schedule.

### Item to be Included

#### Drawing Number 47/A4/1511/1

Oldham Borough Council (Saddleworth Area) Consolidation Order 2003  
As amended by the Oldham Borough Council (Variation of the Oldham Area, Lees Area, Chadderton Area, Failsworth Area, Royton Area, Crompton Area and Saddleworth Area Consolidation Orders) Minor Order 2004

### **Insert in Part I Schedule 1 Prohibition of Waiting**

Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Denshaw Road, Delph</u> (North Side)  Extending from a point 50 metres west of its junction with Friarmere Road for a distance of 87 metres in a westerly direction	At any time	A, B1, B2, B3, B4, C, E, F, J, K5	

**APPROVAL**

**Decision maker**

Signed



Cabinet Member,  
Neighbourhood Services

Dated 03/12/2018 \_\_\_\_\_

**In consultation with**

Signed



\_\_\_\_\_  
Director Of Environmental  
Services

Dated 27/11/18 \_\_\_\_\_

