

Report to TRO Panel

Moston Road, Middleton – Objection to Traffic Regulation Order

Portfolio Holder:

Councillor A Chadderton, Cabinet Member for Neighbourhoods

Officer Contact: Deputy Chief Executive – People and Place

Report Author: Andrew Cowell, Traffic Engineer

Ext. 4377

29 July 2021

Reason for Decision

The purpose of this report is to consider two objections to a proposal for prohibition of waiting restrictions to be introduced at Moston Road, Middleton.

Recommendation

It is recommended that the objections be dismissed and the proposal introduced as advertised in accordance with the schedule in the original report.

Moston Road, Middleton – Objection to Traffic Regulation Order**1 Background**

- 1.1 A report recommending the introduction of prohibition of waiting restrictions at Moston Road, Middleton, was approved under delegated powers on 6 January 2020. The proposal was subsequently advertised and two letters of objection were received.
- 1.2 A copy of the approved report is attached at Appendix A and a copy of the objections are attached at Appendix B.
- 1.3 The proposal was promoted to address an issue with vehicles parking in a dedicated turning facility, in the form of a turning head, positioned on the west side of Moston Road. It was reported by a local business and by the Council's Waste Management Team.
- 1.4 At the midway point along the road, which extends from Grimshaw Lane to Greengate, there is a section of unadopted highway unsuitable for the passage of larger vehicles. The turning head situated near here provided a place for these vehicles to turn and exit in forward gear via the entry point at Grimshaw Lane. The unadopted section was closed in 2019 due to fly-tipping issues and this led to an increase in demand for use of the turning facility.
- 1.5 There are a number of residential, commercial and industrial properties in the vicinity of the turning head which generate a demand for on-street parking. The turning head is regularly used as a parking area for vehicles preventing it from being used as intended.

2 Objections

- 2.1 Two objections were received from local businesses. In summary, the objectors claim that there is already a high demand for on-street spaces near the turning head and the proposal will reduce the availability of spaces further, increasing tensions between residents and the businesses over parking spaces. The objectors also claim that restrictions would not be required if the road was signed as a no through road and request that the Council consider alternative options such as opening up the disused car park positioned behind the turning head.
- 2.2 Although there are competing demands for on-street parking in this area, site inspections have found that ample on-street spaces are available further north along Moston Road, although the objectors claim that staff are reluctant to use these areas because of anti-social activity. The Highway Authority is not responsible for providing on-street parking but has a duty in respect of road safety matters. The turning head was constructed specifically for use as a turning facility and when it cannot be used this increases the number of reversing manoeuvres along Moston Road.

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- 2.3 It should be noted that the car park behind the turning head is now in use and cannot provide the extra spaces as suggested and the Council is not responsible for creating extra on-street parking spaces in situations such as these. The Council will however look into providing a no through road sign to reduce the number of vehicles travelling to the end of the road, but it should be noted that this does not render the turning head redundant. The turning head should be kept free of parked vehicles to allow legitimate access and egress safely. Since the scheme was advertised the advanced signing for the low bridge located on Grimshaw Lane has been upgraded. This should also reduce the number of HGVs entering Moston Road looking for an alternative route to avoid the low bridge.
- 2.4 The lengths of restriction proposed are not considered excessive and are the minimum thought necessary to prevent parking within the turning head and to provide space for larger vehicles to turn in and out of the turning head safely. The restrictions also protect some of the accesses to the benefit of the businesses. However, given the strength of objections, the TRO Panel may want to consider relaxing the proposal by reducing the length of restriction on the west side of Moston Road to lessen any effect on on-street parking, but it should be borne in mind that this may affect turning manoeuvres into and out of the caravan storage facility at 181 Moston Road.
- 2.5 In considering the objections, the TRO Panel should be mindful that the original request to deal with the issue of obstruction at the turning head was reported to the Council by one of the objectors and by the Councils own Waste Management Team to allow refuse collection vehicles to turn around safely.

3 Options/Alternatives

- 3.1 Option 1 – Introduce the proposed restrictions as advertised.
- Option 2 – Relax the length of the proposed restrictions.
- Option 3 – Do not introduce the proposed restrictions.

4 Preferred Option

- 4.1 The preferred option is Option 1.

5 Consultation

- 5.1 These were detailed with in the previous report.

6 Comments of Chadderton Central Ward Councillors

- 6.1 The Ward Councillors have been consulted and all Councillors from Chadderton Central Ward have been approached on a number of occasions during the past few years to try and find a solution to this problem. The situation has been exacerbated by the closure of the unadopted section of Moston Road and the introduction of the Public Space Protection Order. The proposed waiting restriction should help to alleviate the situation.

7 Financial Implications

- 7.1 These were dealt with in the previous report.

8 **Legal Services Comments**

8.1 These were dealt with in the previous report.

9 **Co-operative Agenda**

9.1 In respect of introducing prohibition of waiting restrictions on Moston Road, there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

10 **Human Resources Comments**

10.1 None.

11 **Risk Assessments**

11.1 None.

12 **IT Implications**

12.1 None.

13 **Property Implications**

13.1 None.

14 **Procurement Implications**

14.1 None.

15 **Environmental and Health & Safety Implications**

15.1 These were dealt with in the previous report.

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

16.1 These were dealt with in the previous report.

17 **Equality Impact Assessment Completed?**

17.1 No

18 **Key Decision**

18.1 No.

19 **Key Decision Reference**

19.1 Not applicable.

20 **Background Papers**

20.1 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.

21 **Appendices**

21.1 Appendix A – Approved Mod Gov Report
Appendix B - Copy of Objections

APPENDIX A
APPROVED MOD GOV REPORT

Delegated Decision

Moston Road, Middleton – Prohibition of Waiting

Report of: Deputy Chief Executive – People and Place

Officer contact: Alister Storey, Traffic Engineer
Ext. 5766

19 December 2019

Purpose of Report

The purpose of this report is to consider the introduction of Prohibition of Waiting restrictions on Moston Road, Middleton.

Recommendation

It is proposed that the existing that new Prohibition of Waiting restrictions are introduced, in accordance with the schedule detailed in the proposal at the end of this report.

Moston Road, Middleton – Prohibition of Waiting

1 Background

- 1.1 Moston Road is a local road that is fronted by a mixture of residential, commercial and industrial properties. The route is subject to street lighting, the speed limit is 30mph. Footway is present throughout the length of the route.
- 1.2 There is a section of track in the middle of Moston Road that is unadopted highway. Due to a recent spate of anti-social behaviour including fly tipping, this track has recently been gated off at both ends, restricting access.
- 1.3 The southern section of Moston Road is now accessed from Greengate, with the northern section being accessed from Grimshaw Lane.
- 1.4 Towards the end of the northern section is a turning head to enable larger vehicles to turn and exit via Grimshaw Lane. This turning head is regularly used as a parking area for vehicles for works and adjacent businesses. These parked vehicles are causing issues for vehicles attempting to turn.
- 1.5 To combat this parking issue it is proposed to introduce areas of No Waiting at Any Time (double yellow lines).

2 Options/Alternatives

- 2.1 Option 1: To approve the recommendation.
- 2.2 Option 2: Not to approve the recommendation.

3 Preferred Option

- 3.1 The preferred option is Option 1.

4 Justification

- 4.1 In view of the obstructive parking taking place on Moston Road, it is felt that restrictions should be introduced in accordance with the drawing number 47/A4/1559/1 and the schedule at the end of this report.

5 Consultations

- 5.1 G.M.P. View - The Chief Constable has been consulted and has no objection to this proposal.
- 5.2 T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

5.3 G.M. Fire Service View - The County Fire Officer has been consulted and has no comment on this proposal.

5.4 N.W. Ambulance Service View - The County Ambulance Officer has been consulted and has no comment on this proposal.

6 **Comments of Chadderton Central Ward Councillors**

6.1 The Ward Councillors have been consulted and the Ward Councillors have been approached on a number of occasions during the past few years in order to find a means of addressing this problem. The situation has been exacerbated following the closure of the unadopted section of Moston Road. The proposed waiting restriction will alleviate the situation and will be supported by the various businesses located on Moston Road.

7 **Financial Implications**

7.1 The cost of introducing the Order is shown below:-

	£
Advertisement of Order	1,200
Introduction of Road Markings	500
TOTAL	1,700
Annual Maintenance Costs (calculated July 2019)	100

7.2 The advertising/road marking costs of £1,700 will be funded from the Highways Operations – Unity budget.

7.3 The annual maintenance costs estimated at £100 per annum will be met from the Highways Operations budget. 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)

8 **Legal Services Comments**

8.1 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.

8.2 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)

9 Co-operative Agenda

9.1 In respect of this proposal there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

10 Human Resources Comments

10.1 None.

11 Risk Assessments

11.1 None.

12 IT Implications

12.1 None.

13 Property Implications

13.1 None.

14 Procurement Implications

14.1 None.

15 Environmental and Health & Safety Implications

15.1 Energy – Nil.

15.2 Transport – Nil.

15.3 Pollution – Nil.

15.4 Consumption and Use of Resources – Nil.

15.5 Built Environment – Minor alteration to the visual appearance of the area.

15.6 Natural Environment – Nil.

15.7 Health and Safety – Nil.

16 Equality, community cohesion and crime implications

16.1 By removing obstructive parking access along the highway and visibility at road junctions will be improved and meet the aspirations of drivers.

17 Equality Impact Assessment Completed?

17.1 No.

18 Key Decision

18.1 No.

19 Key Decision Reference

19.1 Not applicable.

20 Background Papers

20.1 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.

21 Proposal


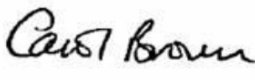
21.1 It is proposed that a Traffic Regulation Order covering the waiting and parking restrictions along Moston Road be amended in accordance with the following schedule:

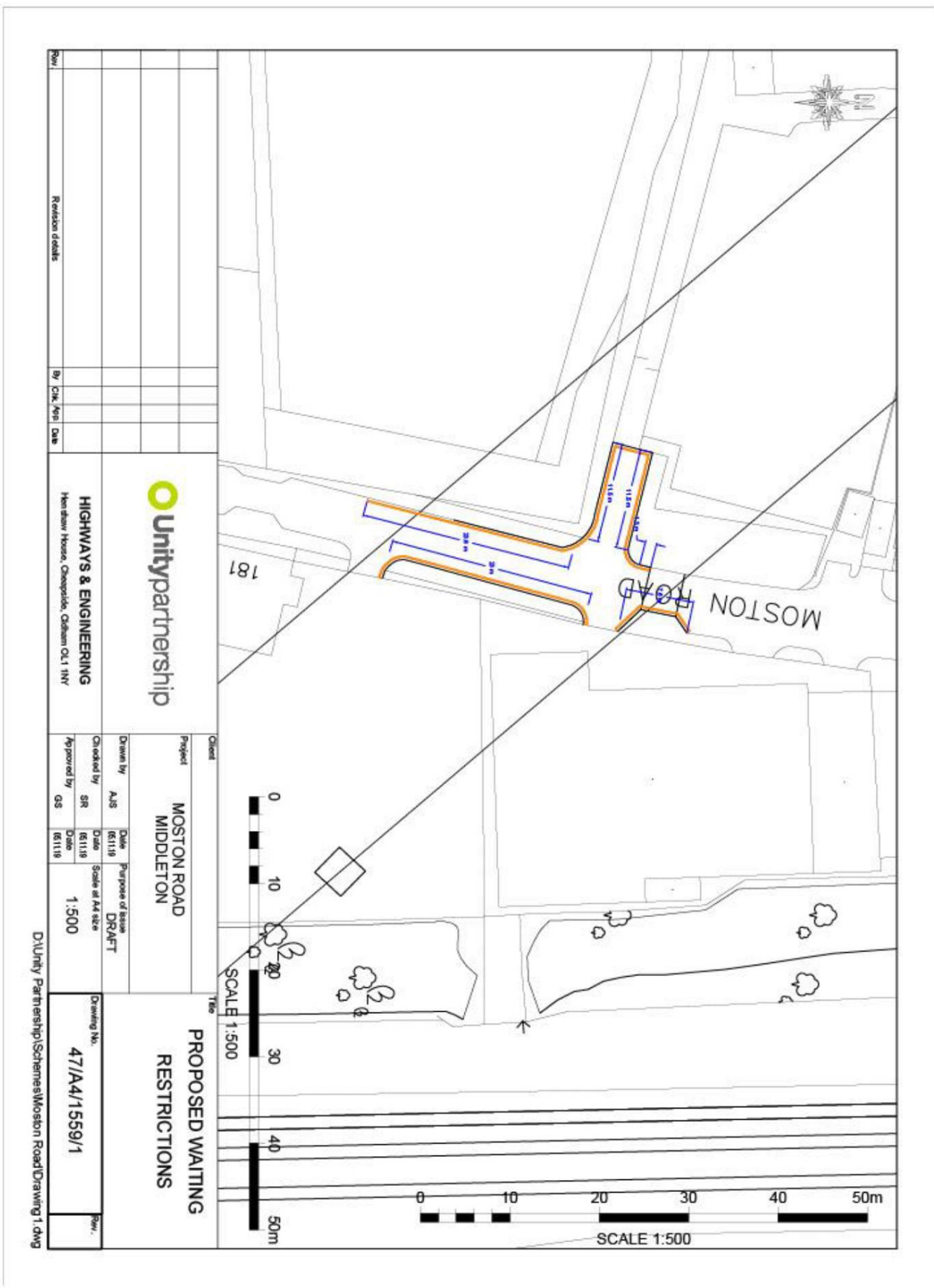
Schedule
Drawing Number 47/A4/1559/01

Delete from the Oldham Borough Council (Oldham area) Consolidation Order 2003
Part III Schedule 8

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Moston Road</u> (West Side) From a point 463 metres south of its junction with Booth Street for a distance of 32.5 metres in a southerly direction	At Any Time	A,B1,B3,B4,C,K,E,K3	
	<u>Moston Road</u> (East Side) From a point 457 metres south of its junction with Booth Street for a distance of 35 metres in a southerly direction	At Any Time	A,B1,B3,B4,C,K,E,K3	
	<u>Turning Head to West side of Moston Road</u> (Whole length) The turning head off Moston Road located 467.8 metres south of Moston Road junction with Booth Street for its entire length	At Any Time	A,B1,B3,B4,C,K,E,K3	

APPROVAL

<p>Decision maker Signed  Cabinet Member, Environmental Services</p>	<p>Dated _06/01/2020</p>
<p>In consultation with Signed  Director Of Environmental Services</p>	<p>Dated 20.12.19</p>



Rev	Revision details	By	C/A, April	Date

Unitypartnership

HIGHWAYS & ENGINEERING
 Henderson House, Chesapeake, Oldham OL1 1NY

Client	MOSTON ROAD MIDDLETON
Project	MOSTON ROAD MIDDLETON
Drawn by	AAS
Checked by	SR
Approved by	GS
Date	16/11/18
Date	16/11/18
Date	16/11/18
Purpose of issue	DRAFT
Scale at A4 size	1:500

PROPOSED WAITING RESTRICTIONS

Drawing No. **47/A4/1559/1**

Scale 1:500

APPENDIX B
COPY OF OBJECTIONS

The Environment Group Solicitor to the Council
Civic Centre,
West Street,
OLDHAM
OL1 1UL

Your Ref: LJM/TO20/9

Dear Sirs

Proposed Prohibition of Waiting – Moston Road, Chadderton Drawing No 47/A4/1559/1

We write with our objection in reference to your letter 10.05.20 and the proposed traffic regulation order “The Oldham chadderton area consolidation order prohibition of waiting amendment order 2020.

Usage of Moston Road

Investment tooling international ltd has been providing jobs in manufacturing for over 35 years based at their premises on Moston Road. This road is used by residents in domestic vehicles as well as 40 foot trucks delivering supplies to ourselves and Darcy Joinery located in the premises next to us. The employees of both factories use the road for parking approximately 30 cars together with resident vehicle parking. Large dustbin wagons collect refuse from the houses and factories. A good percentage of the traffic is cars and lorries instructed to use Moston Road by their Sat Nav to ensure avoidance of the low bridge on Grimshaw Lane.

Background Information

During recent years Moston Road has suffered from a high proportion of fly tipping at the less populated end of the area. The council has had to bear increasing costs for cleaning up operations. In view of this and without consultation with ourselves or Darcy Joinery the road was closed to through traffic by erecting a gate.

If consultation had taken place we could have informed the Council of the heavy road usage.

The road has been closed since March 2019. We are still waiting for signage to be erected by the council stating this is not a through road. This would stop a significant proportion of traffic thinking they can still get through.

The fly tipping has moved further up the road but has not stopped.

Your Proposal

Again without consultation a new proposal has been put forward to create a turning circle outside our factory and to prohibit cars from parking along the entire southerly length of the road.

This turning circle is not large enough for the trucks that deliver to ourselves and Darcy joinery and they will still have to reverse down the full length of Moston Road past all the residents parked cars because there is no way through.

However it will help the dustbin wagons and other vehicles that use this road in error because of their Sat Nav.

Prohibiting parking in the whole of the proposed area is again going to exasperbate the continued problems on this road.

The consequences of prohibiting parking at this end of the road will cause further squabbling with residents and factory employees as to where cars can be parked. Our employees will not park further up the road because of the continuing issue with drug dealers and fly tippers. It is not safe.

Our Proposal


Can I suggest that the area of prohibitive parking is reduced to a minimum but still allows smaller commercial vehicles to use the turning circle.

If this minimum is used we will still have to locate parking for eight cars belonging to our own employees plus other cars from Darcy Joinery.

There should be signage at the end of the road and the council should inform the correct authority with regard to the SatNav issue.

We have previously requested assistance from the council to help with our purchasing of the ex-council land directly opposite our factory and currently unused by the business park for the last three years. This could provide a turning area for large lorries and ample parking for the two factories on Moston Road which would stop further problems arising from the consequences of the councils proposal.

There needs to be a complete plan developed to cover not only the proposal but also all consequences arising. A series of single actions will cause more problems in the future which will have to be addressed by the council yet again.

Yours faithfully,


Dear Mrs Elwood,

I refer to the above and your letter dated 10th May 2020.

I would like it to be noted that I strongly object to the proposed plans to introduce no waiting areas where stated.

there is strong feeling amongst the neighbouring community with regards to parking in this area.

On the afternoon of Friday 5th June neighbours at Moston Road verbally abused and threatened physical violence to three members of my staff over parking issues. this is not the first time this has happened.

Tensions are very high and this will only aggravate the situation.

we as a company are in a very difficult position,

- ITI (our neighbours) have assumed all parking spaces across the road belong to them
- Neighbours in the terraced housing opposite feel they have a legal right to park outside their own houses even though some now have multiple vehicles.
- (land leaseholder) of Moston Rd., feels he has a right to demand space for caravaners to turn to access his land for caravan storage twice a year.
- this leaves us in the middle and everyone thinks we are the guilty party for parking outside people's houses etc.

this then creates a tit for tat situation where the neighbours then park directly on the land directly outside our building (which is part of our leasehold) causing difficulties for us loading and unloading and parking.

The council really need to step in here and come up with a sensible solution to increase parking spaces for all, not reduce space.

if the plans go ahead, staff will be forced to park down the street along with us causing greater tensions amongst the neighbours.

I propose opening up the large parking area which belongs to the business park on Greengate opposite us

there is a ramp already built from our side which currently has a locked barrier, this would provide the perfect relief to the situation.

If you have any further queries, please do not hesitate to get in touch.

I trust this is ok and look forward to hearing from you soon.