

Delegated Officer Report **(Non Key and Contracts up to a value of £100k)**

Decision Maker: Director of Environment, Nasir Dad

Date of Decision: 3 March 2023

Subject: Proposed Prohibition of Waiting – Magnolia Gardens and Primrose Bank, Oldham

Report Author: Andy Cowell / Darryll Elwood

Ward (s): Werneth

Reason for the decision:

Over the last five years, this location has undergone extensive demolition and regeneration work resulting in a new housing and associated road layout incorporating a large number of new properties. The new properties have all been provided with off street parking, either at the front of the properties via a driveway, or to the rear as part of a private parking court area. In 2017, when the development was partially finished, a request was received from the Housing PFI Team to introduce double yellow lines in front of the properties recently built and occupied. This was due to the residents persistently refusing to utilise the off-street parking provisions.

The development is now finished, and a second request has been received from the PFI Team to extend the double yellow lines on Magnolia Gardens to remove obstructive parking.

Magnolia Gardens was constructed in a loop with entrance/exits leading onto Chamber Road. As part of the development, a play area has been constructed in the centre of the loop, providing a safe play area for children. Unfortunately, due to motorists parking on both side of Magnolia Gardens, visibility is severely obstructed for pedestrians entering and exiting the park, especially younger children, creating a

highway safety issue. In addition, observations revealed that due to the problematic parking, pedestrians can be put in direct conflict with vehicles and causes obstruction/visibility issues at junctions and along the road in general. The obstructively parked vehicles can also impact refuse collections, as on occasion, the refuse vehicle is unable to gain access.

One of the main access points to Magnolia Gardens is from Primrose Bank. In a separate request, residents have raised concerns about parking outside the First Choices Homes Depot for several years since it opened. The depot is positioned on the north side of Primrose Bank opposite one of the access points to Magnolia Gardens. Ward Councillors have asked the Council to install double yellow lines as there have been several near misses involving pedestrians and vehicles. Officers have visited the site and also witnessed obstructive parking further east, near the mini-roundabout and towards Ashton Road.

In view of the above, it is felt that 'no waiting at any time' restrictions should be introduced on Magnolia Gardens to remove the obstructive parking taking place and to encourage the use of the off-street parking provided for residents and their visitors and create a safe environment for all highway users. No waiting at any time restrictions should also be introduced on Primrose Bank to address the reported issues outside the depot and prevent obstructive parking between Magnolia Gardens and Ashton Road.

It is proposed to promote new prohibition of waiting restrictions on Magnolia Gardens and Primrose Bank as detailed on plan 47/A4/1657/1.

Summary:

The purpose of this report is to consider the introduction of prohibition of waiting restrictions along Magnolia Gardens and Primrose Bank, Oldham.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1: To approve the recommendation
Option 2: Not to approve the recommendation

Consultation: including any conflict of interest declared by relevant Cabinet Member consulted

The Ward Members have been consulted and Councillor J Iqbal supports the proposal.

Councillor F Hussain has stated I am happy with the actual Primrose Bank restrictions which should have been done a long time ago

G.M.P. View - The Chief Constable has been consulted and supports this proposal on the grounds of pedestrian safety and large/emergency vehicle access

T.f.G.M. View - The Director General has been consulted and has no comment on this proposal.

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

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

Recommendation(s):

It is recommended that a new Traffic Regulation Order be introduced in accordance with the plan and schedule at the end of this report.

Implications:

What are the financial implications?

The cost of introducing the Order is shown below:

	£
Advertisement of Order	1,200
Introduction of Road Markings	1,000
TOTAL	2,200
Annual Maintenance Cost	100

The advertising and road marking expenditure of £2.2k will be funded from the Housing PFI budget.

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.

(John Edisbury)

What are the **legal** implications?

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.

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)

What are the **procurement** implications?

None

What are the **Human Resources** implications?

None

Equality and Diversity Impact Assessment attached or not required because (please give reason)

Not required because the measures proposed are aimed at improving highway safety.

What are the **property** implications

None, the work is being undertaken on the public highway which is under the control of the Highway Authority. (Rosalyn Smith)

Risks:

None

Co-operative agenda

Implementing new waiting restrictions on Magnolia Gardens and Primrose Bank, will reduce obstructive parking on Magnolia Garden, and increase visibility of the road for pedestrians, keeping residents safe (Mahmuda Khanom, Policy Support Officer)

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

Schedule

Drawing Number 47/A3/1657/1

Delete from the Oldham Borough Council (Oldham area) Consolidation Order 2003

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
	<u>Magnolia Gardens</u> (Both sides) From its eastern junction with Chamber Road for a distance of 33 metres in a north westerly direction	At any time	A, B1, B3, B4, C, E, K3	
	<u>Magnolia Gardens</u> (Both sides) From its western junction with Chamber Road for a distance of 67 metres in a north westerly direction	At any time	A, B1, B3, B4, C, E, K3	

Add to the Oldham Borough Council (Oldham area) Consolidation Order 2003

Column 1	Column 2	Column 3	Column 4	Column 5
Item No	Length of Road	Duration	Exemptions	No Loading
	<p><u>Magnolia Gardens</u> (West side)</p> <p>From its eastern junction with Chamber Road for a distance of 70 metres in a general north westerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Magnolia Gardens</u> (East side)</p> <p>From its eastern junction with Chamber Road for a distance of 60 metres in a general north westerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Magnolia Gardens</u> (West side)</p> <p>From its western junction with Chamber Road for a distance of 67 metres in a general north westerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Magnolia Gardens</u> (East and south sides)</p> <p>From its western junction with Chamber Road for a distance of 140 metres in a general north westerly, then north easterly and then south easterly direction covering the perimeter of the play area</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Magnolia Gardens</u> (West side)</p> <p>From its junction with Primrose Bank for a distance of 53 metres in a general southerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	

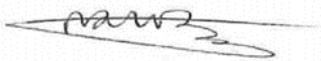
	<p><u>Magnolia Gardens</u> (East side)</p> <p>From its junction with Primrose Bank for a distance of 67 metres in a south westerly and then south easterly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Primrose Bank</u> (South side)</p> <p>From its junction with Ashton Road to a point 19 metres west of its junction with Magnolia Gardens</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Primrose Bank</u> (North side)</p> <p>From its junction with Crossbank Street for a distance of 16 metres in a westerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Primrose Bank</u> (North side)</p> <p>From a point 27 metres west of its junction with Crossbank Street to its junction with Hoyle Avenue</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Primrose Bank</u> (West side)</p> <p>From its junction with Hoyle Avenue for a distance of 10 metres in a southerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	
	<p><u>Hoyle Avenue</u> (North side)</p> <p>From its junction with Primrose Bank for a distance of 15 metres in a general westerly direction</p>	At any time	A, B1, B3, B4, C, E, K3	

	<u>Hoyle Avenue</u> (South side) From its junction with Primrose Bank for a distance of 12 metres in a general westerly direction	At any time	A, B1, B3, B4, C, E, K3	
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There are no background papers for this report

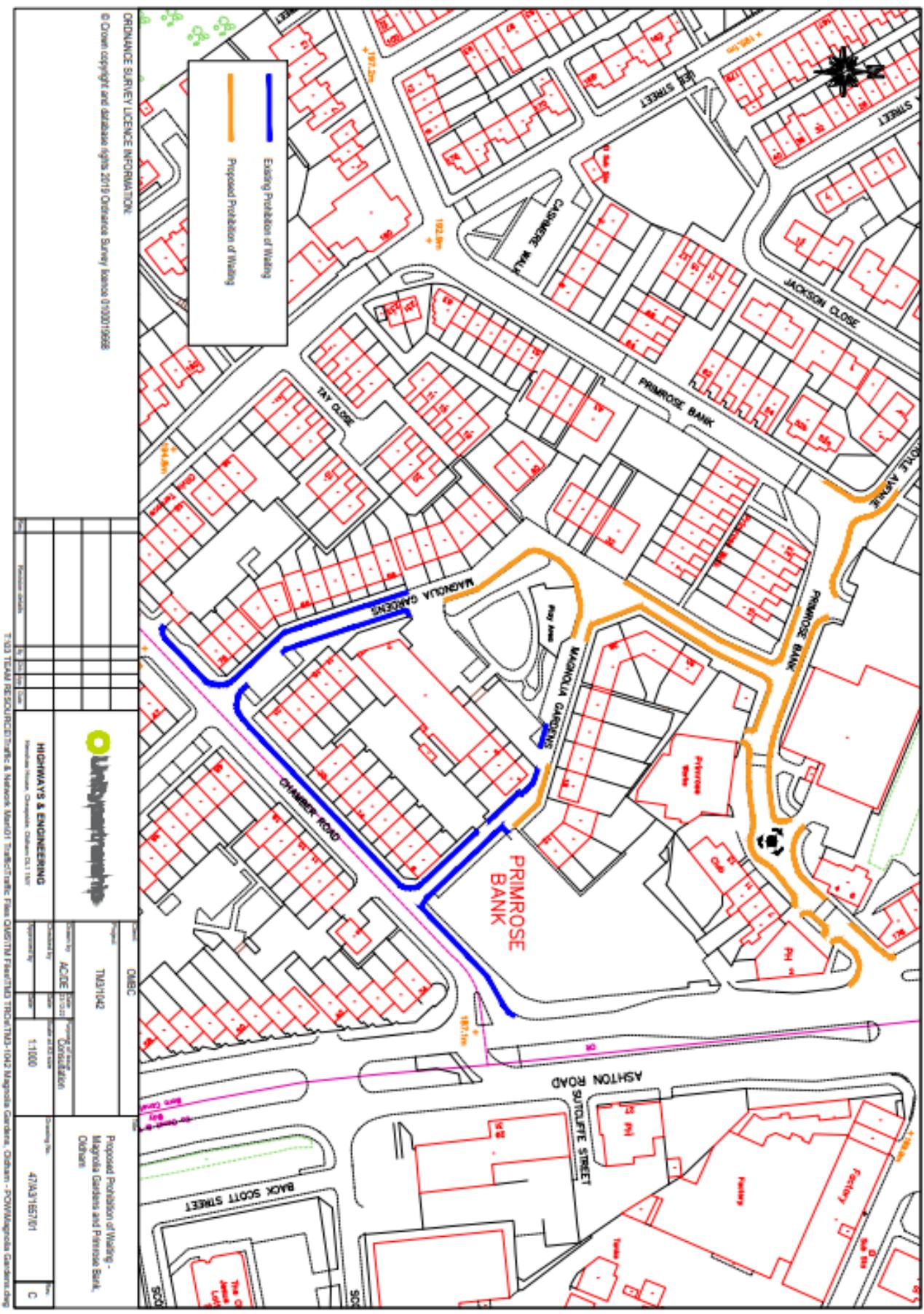
Report Author Sign-off:	
Andy Cowell	
Date: 3 March 2023	

In consultation with Director of Environment



Signed:

Date: 06.03.2023



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Existing Prohibition of Parking
 Proposed Prohibition of Parking

HIGHWAYS & ENGINEERING <small>Professional Firm - Chartered Engineer (CEI 138)</small>	CHRC
Project No: 71031042 Client: ACCE Date: 1-1-2020 Scale: 1:1000	Proposed Prohibition of Parking - Magdalena Gardens and Primrose Bank, Oshawa
Drawing No: 471031042/01	Date: C

7103 TRAFFIC RESOURCE/ENGINEERING & NETWORK MODEL/TRAFFIC PROHIBITION/71031042-01/2 Magdalena Gardens, Oshawa - POW/Magdalena Gardens.dwg