WINDERMERE TRO 2012 UPDATE

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to update members on the Windermere Traffic Regulation Order with specific reference to the restrictions for Birthwaite Road and Phoenix Way in Windermere.

1.2 The proposals are for double yellow lines (No Waiting at any time) restrictions on both Birthwaite Road and Phoenix Way in Windermere.

2.0 STRATEGIC PLANNING AND EQUALITY IMPLICATIONS

2.1 The introduction of Traffic Regulation Orders is a devolved function of this Local Committee and helps support the County Council objectives towards meeting its causality reduction targets.

2.2 The report has links to the Council Plan 2011-2014 and its priorities to challenge poverty in all its forms; ensure that the most vulnerable people in our communities receive the support they need; and to improve the chances in life of the most disadvantaged in Cumbria and in particular the Council’s aspiration for Cumbria to be a place with a thriving economy.

2.3 Whilst no formal equality impact assessment has been undertaken for this report, it is not considered that there are any direct equality implications arising out of the proposed Order.

3.0 RECOMMENDATIONS

3.1 That Local Committee be recommended that, having taken into consideration the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 which are more specifically referred to at paragraph 7.2 of this Report, to authorise the bringing into operation of The County of
3.1.1 Following consideration of complaints and a further consultation process for Birthwaite Road and Phoenix Way being carried out, that the initial resolution of Local Committee on 15 March 2013 to approve the bringing into operation of the respective parts of the TRO (save for Rayrigg Road and Glebe Road, which were then approved for implementation by Local Committee on 4 February 2014), be revised and that the County of Cumbria (Various Roads, South Lakeland) (Consolidation of Traffic Regulations) (Order 2002) (Various Roads, Windermere and Bowness-on-Windermere) Variation Order 20>< be brought into operation IN PART, i.e. to exclude the proposals for Birthwaite Road and Phoenix Way.

3.2 It is recommended that Local Committee resolve to re-advertise restrictions for Birthwaite Road and Phoenix Way as part of a new stand alone Traffic Regulation Order.

4.0 BACKGROUND

4.1 The background and reasons for the original proposals are set out in Appendix 1.

4.2 Formal consultation and statutory advertisement of the proposals took place in November 2012.

4.3 The TRO was reported to South Lakeland Local Committee on 15 March 2013 which resolved, at Minute 108(2) (e), that the proposed restrictions under the TRO be brought into operation, as advertised, save for the proposals for Rayrigg Road and Glebe Road, which were deferred (Minute 108(2)(f) refers). The deferred items for Rayrigg Road and Glebe Road were subsequently approved for implementation by South Lakeland Local Committee on 4 February 2014.

4.4 Minute 108(2)(e) below which relates specifically to Birthwaite Road and Phoenix Way is as follows: -

(e) having taken into consideration the comments/objections to the statutory consultation/advertisement and the matters contained in Section 122(2) of the Road Traffic Regulation Act 1984 which are more specifically referred to at paragraph 7.2 of the report to the Working Group, the bringing into operation of The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002) (Various Roads, Windermere and Bowness-on-Windermere) Variation Order 20><, to the extent specified below be authorised, subject to the allocation of implementation funding in the 2013/2014 Divisional Highways Priority Works Budget for the Windermere Division: -

(3) Plan 3 Birthwaite Road – the traffic regulation order is implemented as proposed with one amendment. The double yellow lines on the southern side of the street be amended between the junction with Rayrigg Road and Oak Rigg;
(5) Plan 5 Phoenix Way - the traffic regulation order be implemented as proposed with one amendment. The double yellow lines are to be reduced on both sides so that it just covers the entrance to the Nine Oaks Housing Trust. A new “no through road” sign be included at the entrance to the street as part of this work;

4.5 Subsequent to the meeting of the South Lakeland Local Committee on 15 March 2013, and following representations from various members of the public, the Council’s Assistant Director, Highways & Transport, (the Assistant Director) carried out a review of the procedures used for the advertisement of the (TRO) proposals for both Birthwaite Road and Phoenix Way.

4.6 The Assistant Director was satisfied those proper assessments of options for the relative parts of the TRO were provided for consideration and that the circumstances of the Local Committee’s consideration of the TRO were in accordance with the proper procedure.

4.7 However, having considered the internal process for engagement with local communities, the Assistant Director was NOT satisfied that the County Council’s internal/informal engagement approach had been applied consistently in that part of the Order making process relating to Phoenix Way. This is because while informal and statutory legal consultation did take place for the overall Windermere TRO later modifications as a result of that engagement were not then provided to local residents in a way which allowed meaningful informal discussion prior to the legal order being advertised. This resulted in a less than satisfactory outcome.

As a result of his findings, the Assistant Director agreed the following actions with Cllr Jo Stephenson in whose Division the two locations are situated :-

- further consultation takes place on proposals for Phoenix Way and the impact for residents of surrounding roads, in particular the potential impact on St Marys Park. In considering these proposals further it will be necessary to include the proposal as drafted for Birthwaite Road. This is because when taking into account any inconsistencies in practice during the informal consultation process the full impact of both Phoenix Way and Birthwaite Road proposals need to be taken into account for the exercise to have any meaning.

- For this to take place a report will be taken to South Lakeland Local Committee (SLLC) after which, dependent on the outcome of that report, legal advertisement of the TRO proposals for Birthwaite Road and Phoenix Way can be progressed.

- Once issues of localised traffic regulations have been updated the benefits of the changes realised for both road users and residents’ consideration will need to be given to a broader engagement with appropriate parties and stakeholders to identify the key issues underpinning parking and traffic pressures in the Windermere. This approach will need to be considered by SLLC with the aim of understanding the different parking needs for the area together with
possible solutions which ought to include a wide range of solutions to supplement on-street parking regulation.

4.8 Consequently, the implementation of the following parts of the Order have been deferred:-

(a) The introduction of “No Waiting At Any Time” restrictions on Birthwaite Road and Phoenix Way, Windermere.

4.9 It is now considered that to progress the bringing into operation of the TRO namely; The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002) (Various Roads, Windermere and Bowness-on-Windermere) Variation Order 20><, the resolution of the Local Committee on 15\textsuperscript{th} March 2013 must be revised to specifically exclude the implementation of the proposals for Birthwaite Road and Phoenix Way, Windermere as previously set out in the Minute 108(2)(e) (3) and (5) referred to in paragraph 4.4 above.

4.10 To allow the proposals for Birthwaite Road and Phoenix Way to be further progressed it is recommended that they now be advertised in a subsequent stand alone Order.

5.0 OPTIONS

5.1 Do not approve the recommendations and bring into operation the restrictions for Birthwaite Road and Phoenix Way which were authorised under Minute 108(2)(e)(3) and (5) of the Local Committee on 15 March 2013, as part of The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002) (Various Roads, Windermere and Bowness-on-Windermere) Variation Order 20><; 

5.2 Approve the recommendations to bring into operation The County of Cumbria (Various Roads, South Lakeland Area) (Consolidation of Traffic Regulations) (Order 2002) (Various Roads, Windermere and Bowness-on-Windermere) Variation Order 20><, IN PART, i.e. to exclude the proposals for Birthwaite Road and Phoenix Way and to advertise a stand alone order to progress those restrictions separately;

5.3 Make alternative recommendations.

6.0 RESOURCE AND VALUE FOR MONEY IMPLICATIONS

6.1 The elements for Birthwaite Road and Phoenix Way were to be funded from the Traffic Regulation Order were to be paid from the Members Highway Priority Works allocation from the Windermere Division. Should the recommendation to undertake a standalone TRO be made then subsequent funding may need to be determined if un-committed funding from 2013/2014 cannot be carried over from Members Highway Priority Works allocation.
7.0 **LEGAL IMPLICATIONS**

7.1 The County Council, as Traffic Authority, must take into consideration the matters contained in section 122(2) of the Road Traffic Regulation Act 1984 ("the 1984 Act") detailed below at paragraph 7.2, in considering whether it is expedient to agree to the implementation of the TRO referred to at paragraph 3.1 of this Report, for the reasons specified at section 1(1)(a), 1(1)(c) and 1(1)(f) of the 1984 Act, namely for avoiding danger to persons or other traffic using the roads or for preventing the likelihood of any such danger arising; for facilitating the passage on the roads or any other roads of any class of traffic (including pedestrians); or for preserving or improving the amenities of the area through which the roads run.

7.2 Under Section 122(2), the matters which must be taken into account in exercising that duty are: -

(a) The desirability of securing and maintaining reasonable access to premises;

(b) the effect on amenities of an area;

(c) the national air quality strategy prepared under section 80 of the Environment Act 1995;

(d) 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

(e) any other matters appearing to the authority to be relevant. KB (12.2.2014)

8.0 **CONCLUSION**

8.1 This report provides an update on the position of the Windermere Traffic Regulation Order 2012 with regards to restrictions for Birthwaite Road and Phoenix Way in Windermere.

8.2 The report seeks to revise the recommendations from Local Committee meeting on 15 March 2013 and recommend further action to progress Birthwaite Road and Phoenix Way restrictions to formal consultation and statutory advertising in a standalone Order.

Nick Raymond
Highways and Transport Manager - South

*February 2014*
APPENDIX

Appendix 1  Statement of Reasons
Appendix 2  Plan 3 Birthwaite Road Plan
          Plan 5 Phoenix Way Plan
Appendix 3  Statutory Notice

IMPLICATIONS

Electoral Division(s): Windermere – Jo Stephenson

Executive Decision

Key Decision

If a Key Decision, is the proposal published in the current Forward Plan?  N/A

Is the decision exempt from call-in on grounds of urgency?  No

If exempt from call-in, has the agreement of the Chair of the relevant Overview and Scrutiny Committee been sought or obtained?  N/A

Has this matter been considered by Overview and Scrutiny?  No

If so, give details below.

Has an environmental or sustainability impact assessment been undertaken?  No

Has an equality impact assessment been undertaken?  No

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS
[including Local Committees]

Local Committee 15 March 2013 & 4 February 2014

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny.

BACKGROUND PAPERS

None

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THE COUNTY OF CUMBRIA (VARIOUS ROADS, SOUTH LAKELAND AREA) (CONSOLIDATION OF TRAFFIC REGULATIONS) (ORDER 2002) (VARIOUS ROADS, WINDERMERE AND BOWNESS-ON-WINDERMERE) VARIATION ORDER 2020

STATEMENT OF REASONS

Cumbria County Council considers that it is expedient to propose to make the above Order for the following reasons: -

- for avoiding 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 facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- for preserving or improving the amenities of the area through which the road runs

The restrictions aim to make provision for residents, businesses and visitors whilst also allowing greater flexibility to the area. The restrictions cover the following areas:

Plan 1 – Birch Street

Parking is restricted at all times which no longer seems appropriate, as it can be lessened to provide parking for residents at night. It is proposed to replace a section of double yellow lines on the northern side of Birch Street with “No Waiting 9am – 7pm” (single yellow line).

Plan 2 – Birkett Hill Cottages

It is proposed to introduce residents only parking on the A592 lay-by at Birkett Hill as it regularly gets parked up with visitors’ vehicles. Properties numbered 1 to 4 and 1a to 4a of Birkett Hill Cottages will be eligible for parking permits.

Plan 3 – Birthwaite Road

Parked vehicles on Birthwaite Road can be obstructive and cause issues for passing traffic and pedestrians. Therefore it is proposed to implement double yellow line restrictions along the entire length of Birthwaite Road.

Plan 4 – Church Street

Church Street fronts onto the A591 where there are several businesses. Concerns have been raised regarding the lack of a loading facility in this area. Therefore it is proposed to implement a Loading Bay (8.30am – 6pm) outside No’s 11 & 13 to allow
for loading and unloading. The time limit will also allow residents to park in the bay over night.

**Plan 5 – Phoenix Way**

Phoenix Way is a narrow lane which leads down to the sports ground and the Phoenix Centre. Concerns have been raised regarding parking along the lane causing problems with access for residents and emergency/service vehicles. It is proposed to implement double yellow lines; on both side of the road from its junction with the A591 to the southern entrance of Applethwaite Green.

**Plan 6 – Princes Road/Queens Drive**

Princes Road is in a residential area which has 3 schools situated on it. During the school drop off/pick up the parking can make the junction with Queens Road very congested. Concerns have been raised regarding children’s safety and visibility when making turning manoeuvres from the junction. It is proposed to implement double yellow lines at the junction with Princes Road and Queens Drive.

**Plan 7 – Rayrigg Road**

Concerns have been raised by the Police and the local Neighbourhood Forum regarding vehicles parking between Rayrigg Rise and the Steamboat Museum. Parking occurs on footways obstructing use for pedestrians and can disrupt the flow of two-way traffic on the A592, a main route into and out of the town. It is proposed to extend the double yellow lines on both side of the road past the Steamboat Museum to prevent parking.

**Plan 8 – St Mary’s Park**

St Mary’s Church is proposing to construct a car park for church visitors with a new access on St Mary’s Park. Double yellow lines are proposed to cover the length between the A591 and the new entrance to alleviate parking which may occur near the new access affecting visibility.

**Plan 9 – Glebe Road**

A motorcycle bay has been trialled on Glebe Road, however cars are regularly parking in the spaces stopping it being available for use. It is proposed to implement a motorcycle only restriction to remove the obstructive parking.

**Plan 10 – Compulsory Left Turn**

It is proposed to implement the existing turning manoeuvre by restricting vehicles proceeding in a southerly direction along Victoria Street, Windermere, to only making a left turn into Crescent Road.