

Report to Argyll and Bute Council



ROAD TRAFFIC REGULATION ACT 1984

Report by Frances McChlery, a Reporter appointed by Argyll and Bute Council

- DPEA Case reference: TRO-130-1
- Objections to the Argyll and Bute Council (Soroba Road, Oban)(Traffic Management) (Amendment) Order 2013
- Date of hearing: 8 May 2014

Date of this report and recommendation: 23 June 2014

Recommendation

That the Council confirm the order without modification.



Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Ms P Milne,
Executive Director
Department of Development and Infrastructure
Argyll and Bute Council,
Kilmory,
Lochgilphead,
Argyll,
PA31 8RT

DPEA reference TRO-130-1

Dear Ms Milne,

Road Traffic Regulation Act 1984
Objections to The Argyll and Bute Council (Soroba Road, Oban)(Traffic Management) (Amendment) Order 2013

In accordance with the above Act and the Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999, I was appointed by the Council on the 7th February 2014 to hold a public hearing into objections made to the above Order and report to them.

In summary, the Order will extend the existing all hours waiting and loading restrictions south along the western kerb of the A816 Soroba Road from a location to the north of Millpark Terrace, Oban, along the road to a point south of the railway bridge. As an exception to this, along a defined area in front of Millpark terrace, there will be no waiting

between 8.30 am to 6.30 pm from Monday to Saturday, and loading and unloading will be permitted. Up till now parking has been unrestricted at this location.

After due notice and a press advertisement in terms of the above regulations on the 28th March 2014 I held a public hearing in the Corran Halls, Oban, on Thursday 8th May 2014 to consider objections made and not withdrawn in respect of the Order.

I also made a number of unaccompanied visits to the location which would be affected by the Order, firstly on 21 February 2014, and then on a various occasions during 8 May 2014, the day of the hearing. I observed the location from various places on the pavements, and drove past it several times in both directions. I examined the surrounding pathways and streets in the vicinity of Soroba Road and Millpark Terrace.

I was assisted in the administration of this matter by Mr Iain Jackson, and by Mr Charles Reppke, both solicitors of the Department of Customer Services of the council, acting as programme officers. Mr Reppke was in attendance at the hearing.

Those attending the hearing were:

For Argyll and Bute Council:

Mr Bill Weston, Traffic and Development Manager, Roads and Amenity Services, who is a chartered engineer.

Objecting persons:

Mrs Patricia Horne, and Mr Neil Horne, on behalf of themselves, Mrs Morven Hunter (formerly Cook), and Mr David Macleod; Mr Peter Clark; Mrs Marion Carmichael; and Ms Justyna Chmielewska.

In the report which this letter contains;

- Section 1 sets out the general background and legal framework within which the Order should be considered.
- Section 2 summarises the case for the Council and the cases made against the order by the objectors, whether attending the hearing or objecting in writing.
- Section 3 contains my reasoning, conclusions, and recommendation.

Report

Section 1: The legal framework and general background

1.1 Legal framework

1.1.1. The Council is the roads authority for its area for the purposes of the Road Traffic Regulation Act 1984. Section 1 of the Act provides that a local authority may make a traffic regulation order where it appears to the authority that it is expedient to do so. The section allows for a number of possible reasons for such a decision, of which those relevant here are:

- (a) 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
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians),

1.2 Traffic levels in Oban

1.2.1. Oban is the busy urban hub of northern Argyll and Bute. It is described in Council documents variously as the gateway to the isles; the 'engine room' of north Argyll; and the regional capital of the western highlands and islands. It is the major shopping town of the region, offering the resident and visitor both traditional town centre shopping and more modern retailing warehouses and supermarkets. It is the road, rail, and ferry transportation centre for the surrounding area and several of the Hebridean islands. The town contains the Oban High School and other educational and research establishments. It is a major Scottish tourism centre with many hotels, bed and breakfasts, restaurants, and other facilities for their support and information. It contains various Council and other public service offices.

1.2.2. The landscape setting of Oban, sea and land, has great beauty. The town is set among a complex topography of green wooded slopes and cliffs which surround and penetrate the urban form, giving both a sense of enclosure and also connection with the Argyll countryside surrounding the town, with Oban Bay, and the sea and islands to the north west. However, this topography has also limited the ability of the town to expand, and influenced the extent and direction of growth. In recent years this has led to the planned development of the town to the south and west, with new employment, education and housing land allocated south of the existing town.

1.2.3. It is an ancient town, and the urban form is still the historic street pattern, with modern traffic management measures overlaid. Most streets were laid out well before the arrival of the car, van, and lorry traffic of today. There is a background of increasing levels of car ownership and use in the community. Adapting the town to modern circumstances has thrown up many problems of traffic management. These include unsuitable geometry or layout of roads, high levels of traffic particularly in peak hours and

in the high tourist season leading to serious congestion, conflict between motor traffic and pedestrians, and last, but not least, problems in making adequate parking provision.

1.3 A816 Soroba Road

1.3.1. Soroba Road is an important urban road within the Oban road network, with development on both sides along its length within the town. For traffic from the south of the town, it is the route for pedestrians, cars, and school buses to Oban High School campus on the eastern side of the road. From the same direction, it also leads to the town's modern superstores and retail warehouse areas located to the west of Soroba Road and mainly accessed by the busy light controlled junction of Soroba Road with Lynn Road.

1.3.2. For traffic coming from the north of the town, among other destinations Soroba Road is the road to and from the main fire station, the relatively new Rockfield Joint Primary School Campus, the Lorne and District Hospital, and Argyll College. The growth of the town to the south has led to new housing and employment development, such as Glengallen industrial estate, in the same general area.

1.3.3. The Eadar Glinn Eventide Home is also close to the Order location, and will presumably generate traffic from both directions. The steeply sloping Drumore Road, which gives access to the Eventide Home, has a difficult junction with Soroba Road at an acute angle on a slope which will add to potential traffic conflict.

1.3.4. Soroba Road is also a major strategic route for the wider area. It is the A816 trunk road between the centre of Oban and Lochgilphead, the other principal town and administrative and economic centre of Argyll and Bute. It is the main route leading in and out of the town to Lorn and Kintyre to the south. It can reasonably be assumed that it will carry a substantial proportion of tourist traffic into the town from the south which will not be familiar with local traffic patterns.

1.3.5. The Order proposals should be understood against a background of increasing traffic levels on Soroba Road, and elsewhere, over the past 20 years or so. The Council were not able to provide me with specific count evidence of the degree of growth of traffic in Oban or using Soroba Road, but there has been a national increase in car ownership and usage which is well established to be the case, and was generally accepted by the objectors in the hearing. Increased car ownership necessarily leads to increased demand for parking spaces. The design and layout of the streets containing much of the local traditional housing stock, including the houses on Millpark Terrace, hardly anticipated car ownership at all, let alone at today's levels. Many houses along Soroba Road have adapted their gardens to allow parking.

1.3.6. Along much of the length of Soroba Road from north of Millpark Terrace into the town there are double yellow lines restricting parking. The Order would bring restrictions to one of the last stretches where unrestricted parking is permitted.

1.3.7. The houses on Millpark Terrace, which are at the centre of all the objectors' concerns, are set back from Soroba Road and at a lower level than the road and pavement. In front of the houses is a grassed amenity area sloping down to the houses from the roadside, owned and maintained by Argyll Community Housing Association (ACHA). The houses were originally council houses, now mostly owner occupied, and

ACHA is the successor to the local authority as manager of the amenity land. This amenity area includes a pedestrian pathway which leads to the front of the houses in Millpark Terrace, but this is not currently wide enough to allow cars to reach the Millpark Houses, or to park off the road.

1.3.8. There is an area of rough hard standing off the public road and pavement at the northern end of Millpark Terrace, off the adopted road, which is regularly used for informal parking on a 'first come first served' basis. This can only take two or three cars, and does not have formal provision for turning to avoid the potential hazard of reversing on to the road. The ownership of this area is unclear. It seems once to have been in the ownership of Oban Town Council. I have not taken it into account as a parking resource available to residents.

1.4 The Order

1.4.1. The Council has been working on the problem of congestion and traffic management in Oban and will continue to do so. However, I asked at the hearing whether this order should be understood as a component of a wider strategy, and was told this was not the case. The Order is intended to address a particular locational problem in traffic flows and safety at the particular point on Soroba Road at which the restrictions are sought.

1.4.2. At present, at the general location on Soroba Road identified in the order plan, parking is restricted by double yellow lines on the eastern side, but there currently are no parking restrictions on the western kerb.

1.4.3. The proposal is to introduce a new 'No waiting' restriction between 8.30am and 6.30pm Monday to Saturday for a stretch of the western kerb between 17 Millpark Terrace, and Glenalma, Soroba Road. There is also a new 'No waiting/No loading' restriction, at any time, for a longer stretch between Glenalma, Soroba Road, and the bus stop opposite the Fire Station, Oban, again on the western kerb.

1.4.4. In summary, the Council's reasons for the Order measures are:

- to restrict parking in order to address problems of obstruction to peak northbound traffic flows, and
- to avoid a potential hazard from traffic requiring to overtake parked cars.

1.4.5. The objections relate only to the first element of the proposals, that is, the restriction to parking during the day on the roadside opposite Millpark Terrace.

Section 2: The cases for and against the Order

2.1 The Council's case

2.1.1. The Council explain that while Soroba Road is generally sufficiently wide to allow two streams of traffic to flow past each other, it is subject to narrowing features along its length, and this is so at this locality. Here the effect of the railway bridge, which carries the

main train line, is to narrow the road. Two streams of traffic can still pass under the bridge, but the topography of the road as it passes under the bridge leads to a requirement for drivers to react to a narrowing and then widening road. The bridge leads to some restrictions of visibility. The space available restricts the ability of drivers to take evasive action if necessary. In addition, the geometry of the road north of the bridge is a right hand curve travelling north and a left hand curve travelling south. This also restricts the through visibility of drivers in both traffic streams.

2.1.2. The Council considers that an obstruction to traffic exists, in that just after the bridge, travelling north into town, drivers regularly encounter one or more parked cars in their path on the western side of the road adjacent to Millpark Terrace. This parking unexpectedly narrows the road so that it blocks the passage of traffic from the north. Drivers either have to stop to await an opportunity to pass the parked cars, or swing out into the opposite lane to overtake.

2.1.3. There are changes in level further along Soroba Road to the north, at the junction with Drumore Road, which to an extent restrict forward visibility of drivers travelling north in the left hand lane. For cars travelling at speed, there is a blind summit for a short period, so that cars travelling south out of Oban may not be immediately visible to drivers coming north.

2.1.4. The Council's position is that while traffic levels have been low there has been less of a problem, such that it has not been necessary until recently to seek to introduce parking controls at this location. However, when traffic volumes are high, the conflict with parked cars is giving rise to increased congestion, and there is increased risk of accident. The Council now considers that action is required because of the progressive and significant increase in traffic levels along Soroba Road as the town has developed to the south.

2.1.5. Congestion arises because the road was not designed to take the traffic flows it must now accommodate, and there is no practicable scope for modifying the road further. In addition, the residents of Millpark Crescent now own cars when previously that would not have been the case. Because of the arrangement of their houses and the restricted vehicle access to them, the preferred choice of the Millpark Terrace residents at present for parking is the kerb opposite their houses on Soroba Road. This has led to cars and vans being parked in the narrowing section of Soroba Road, which can in turn lead to insufficient room for two vehicles to pass beside the parked vehicle. In effect the traffic becomes temporarily blocked by reason of parked cars in the northern lane, such that cars, buses and other traffic travelling into Oban from the south require either to swing out into the opposite lane to pass the parked car. On many occasions, particularly when traffic levels are high, they will require to stop and wait for a gap in southbound traffic before making the manouvre, leading to traffic queues. At lower traffic flows the conflict is less frequent and short lived. However when traffic volumes are high the conflict becomes pronounced and much more frequent, so that it becomes extremely disruptive to traffic flowing in both directions.

2.1.6. The Council also considers that while congestion is marginally their main concern, safety is now part of the issue. In the opinion of the road service, the traffic situation has been one of increasing risk of accident, because of increasing traffic conflict. This is now at the level where action is required. The risk of collision is comes into play whenever the

traffic is forced to overtake, but there is a particular concern when a large vehicle such as a bus has to move away from stationary from behind a parked car. This is usually a slow speed manoeuvre and so this causes a risk of collision with a car coming south, potentially at speed, over the blind summit further north in the right hand lane. It is acknowledged that fortunately there have been no recorded injury accidents at Millpark Terrace to date, but it is clear to the Council's road service that the parked cars, combined with the level of traffic conflict and congestion, now create a sufficient level of risk of accident to take the controlling action proposed.

2.1.7. In response to objectors' concerns the Council points out that the location will still be able to be used for parking to a limited extent, which will to some extent mitigate the effect on residents of the nearby houses.

2.1.8. As regards disabled persons and those assisting them, the national 'blue badge scheme' of disabled parking badges will still allow drivers assisting a badge holder to park on the road for the purposes of that assistance, displaying the blue badge, notwithstanding the restrictions. The only limit to this is that such parking must not constitute the criminal offence of causing an unnecessary obstruction to the road or cause danger of injury to others using the road under the Road Traffic Act 1988, which is enforced by the Police.

2.1.9. As regards residents requiring to load or unload domestic goods near their homes, the Order accommodates them as far as possible through permitting loading or unloading at the point on the kerb where parking would be least obstructive to traffic flows. Anybody who is unloading a car will still be able to park in the parked area until they have finished. This would be enforced by the Council's traffic enforcement officers rather than the police.

2.1.10. It was put to the Council by the objectors that as matters stand the parked cars opposite Millpark Terrace provide a traffic calming effect, slowing traffic down as they enter the town. In particular, regular road users would expect to find parked cars just after the bridge, because they have always been there. The roads service had considered the traffic calming arguments raised by the residents /objectors, but do not consider that the circumstances exist here to deliver that effect. The dangers of collision, and the building up of congestion will still exist and will continue to arise more frequently. They also point out that a good proportion of the A816 road users will be tourists who will not know the road or expect parked cars in their path.

2.2 The Objectors' cases:

2.2.1. The objectors are all people whose lives will be considerably inconvenienced by the proposed restrictions on parking on Soroba Road opposite Millpark Crescent.

2.2.2. They include several members of the Macleod family, who have known this location since the family moved to Millpark Terrace in 1977, although not all of the objectors now live there themselves. Some of the original objections were made by family members caring for the late Mrs Sheila Macleod, the mother of the family. Mrs Macleod lived in Millpark Terrace, but sadly passed away in February 2014. At the time of the hearing, the house was still owned by the family. The current resident of the house is a family member who is about to have a major orthopaedic operation, and the family consider that the underlying issue behind their objections still exists. There are other

elderly persons receiving care resident in the terrace. They fear the disruption which the parking restrictions will cause to the ability of family and others to visit and care for disabled or invalid people living in the houses.

2.2.3. There has always been an awareness of the potential for traffic conflict. They explained that over the many years in which parking has taken place on Soroba Road, there had been a long standing habit of reducing traffic disruption by parking partially on the pavement. This is not in accordance with the law, given that it would obstruct the pavement, and residents had been warned by the police to stop this practice, so of course parked cars are now further out in the traffic flow. They feel their ability to park has been steadily and unreasonably eroded.

2.2.4. They do not feel that the 'blue badge' allowance will help them. The person being cared for may not merit a blue badge, nor will a family member or carer calling in necessarily have the badge to hand. They also do not feel that there can be any confidence or predictability about when parking with a blue badge would be considered to be an offence by the police.

2.2.5. At the other end of the family spectrum of care two other residents of the terrace were able to highlight the level of inconvenience for people looking after small children. The loading facility will allow them to park for that purpose, but they will have to move a child, and possibly also shopping or childcare equipment, in or out of the car, then have to move the car to find a permanent parking place possibly some distance away. Such people looking after a child by themselves face the additional difficulty of taking a small child out of a car and then having to leave them alone inside the house while the car is moved, or moving the child with the car, and then having to transport them to the house from wherever they have been able to park the car. This will make the process of moving a child or children around a much more complicated and strenuous exercise than being able to leave the car outside.

2.2.6. The residents feel strongly that the situation has been tolerable and demonstrably safe for many years. They maintain that if anything, the traffic conflict with parked cars has a traffic calming effect, because drivers are forced to slow down, and this will be particularly influential on local people who know the road.

Section Three: Reporter's reasoning

3.1 Overall View

3.1.1. From my observation of the locality, it was clear that there is a very real problem of traffic conflict, and obstruction of traffic flows leading to serious congestion, on the A816 Soroba Road opposite Millpark Terrace, much as described by the Council's roads service in their evidence. I was struck by both the degree of effect, and frequency of occurrence, of the interruption of the flow of traffic, mainly the traffic driving north into Oban.

3.1.2. On every occasion on which I visited the site there was at least one car, and on other occasions two or three vehicles, parked at the kerb in front of Millpark Terrace. It was clear that these parked cars presented an obstruction to traffic, which usually had to

come to a halt behind them. Whether or not they found it necessary to stop, vehicles then had to swing out into the oncoming south bound lane to pass the parked cars.

3.2 Morning peak traffic

3.2.1. I observed the morning peak flow from 8.15 am until about 9.30 am. The traffic built up quickly from fairly low levels prior to 8.30 am to a substantial flow of buses, lorries and other commercial vehicles, and private cars, till about 9.15 am when the traffic fell away gradually. There was also considerable pedestrian traffic over this period along both pavements as school pupils made their way to the High School, which is an additional concern when there is any risk of traffic accident on the road itself. At all times the level of traffic travelling north was much greater than that travelling south out of town, although there was regular traffic in that direction. Approximately every three to five minutes during the busiest time I saw buses and other traffic from the north bound stream swing out into the opposite lane to pass the parked cars. More frequently, when traffic levels were high, I saw traffic stop behind a parked car or cars to wait until it was clear. Throughout the whole period I observed traffic regularly coming to a halt behind the parked cars and queuing back up the A816, sometimes up to the roundabout on the other side of the railway bridge. After the peak hour, traffic levels remained high in the northerly direction, and the obstructing effect continued to take place. The area was clearly congested, although the congestion diminished after the peak hour.

3.3 Afternoon to Evening Peak Traffic

3.3.1. I observed the afternoon to evening peak intermittently from about 3 pm until 6.30 pm. The roads service had explained in the hearing that in Oban there is a relatively long afternoon peak. Traffic levels increase from about 3 pm, probably influenced by school traffic, and tend to remain high until the early evening. I observed the traffic demonstrating this pattern as described. During the afternoon peak, one may have expected the traffic flows to be greater travelling south, i.e. away from the high school and the town. However, while there was marginally more traffic travelling south than in the morning, it was apparent that the flow north into town remained substantially higher. This seemed likely to be the effect not only of traffic coming away from traffic generators to the south of the town but also travel to the shops. Again, throughout the afternoon and evening peak I observed queuing northbound traffic, which took several minutes to move on through out the period of observation. Overall I found there to be a serious congestion problem along Soroba Road, which impedes traffic flows throughout the later part of the day.

3.4 Risk of Accident

3.4.1. Throughout all my observation periods, morning and evening, I also saw many instances of overtaking traffic coming out from behind the parked cars at Millpark Terrace creating a traffic hazard. These were strikingly frequent. As cited in the Council's evidence in the hearing, the issue appeared more concerning when the north bound vehicle was a bus or large vehicle. These took longer than a car to pull away from a stationary position behind a parked car into the oncoming lane, so that there was a longer period of risk when a southbound vehicle could have come into the situation. However, I also saw a

number of imprudent car overtaking manoeuvres for the same reason, which appeared unsafe to me. As the road service had described, I also observed the restricted forward through visibility for drivers travelling north, because of the dip in level in Soroba Road near the junction with Drumore Road. I found there to be a 'blind summit' effect which contributes to the risk of a collision between a vehicle overtaking parked cars and a vehicle travelling south. In addition, where there is congestion, there can be frustration, which increases the risk of lack of caution and error. I agree with the opinion of the roads service that there is now a situation of latent risk which merits traffic management measures to reduce the obstruction to traffic in peak hours for safety reasons.

3.5 Effect on the Residents

3.5.1. I fully acknowledge the degree of difficulty and inconvenience that this Order will cause the residents of Millpark Terrace, which was demonstrated in their evidence to be considerable. However, persons assisting qualifying blue badge holders will still be able to park more or less as previously according to need, using the unloading areas to minimise the risk of causing obstruction while they are there.

3.5.2. Other residents will be able to use the loading area during the day for some domestic traffic, even if they will require to move their car away once they are finished. It will not be ideal, and the situation will be particularly difficult for sole carers of young children. People may require to modify the pattern of their day to use the parking area when parking is permitted for such domestic activities as offloading shopping. That may be less difficult than it might once have been, due to extended shopping hours.

3.5.3. I noted that there are convenient and attractive footpaths maintained by ACHA to the rear of Millpark Terrace, and a nearby network of good pathways into town. The local footpaths give safe pedestrian access to and from the streets immediately behind the Terrace, such as Millpark Avenue, where there appeared to be some parking spaces. The residents do not regard this parking as helpful to them, partly because they do not regard them as reasonably convenient, but also because cars parked there cannot be monitored from Millpark Terrace. The area is not supervised by CCTV and there was a van broken into some years ago in that location. However, these streets are a very short walk away from Millpark Terrace, via a safe footpath. The residents say that there is some competition for spaces, which may well be the case during the evening, but there was some parking available at the time of my visit, which was during the time of day when Soroba Road parking would not be available. I conclude that the residents will not be completely deprived of parking, either on Soroba Road during the evening, or within relatively easy reach at other times.

3.5.4. I discounted for the purposes of my consideration the parking capacity of the hard standing area at the end of Millpark Avenue. I do not think it makes sufficient inroads into the residents parking problems to mitigate the further inconvenience they will suffer from the Order.

3.5.5. Other possible mitigation measures, such as using some of the spare amenity land in front of Millpark Terrace to provide an access route for people to use their gardens for parking, or the potential for improving the availability and security of parking in Millpark

Avenue, fall outside the remit of this report, which must focus on whether the Order is justified on Soroba Road in terms of the Road Traffic Regulation Act.

3.6. Conclusions

3.6.1. A difficult balance has to be struck between the inconvenience to people's day to day lives on the one hand; and on the other, the risk of a traffic accident and the need to keep traffic flowing to support the functioning of the town, its community, and the local economy. As the roads service reminded the hearing, the primary purpose of our roads is the keep the community moving, and there is no public right to use the road for parking. It would not appear that there is any practicable alternative approach available to the Council to ameliorate the traffic problems which clearly exist. Following my investigation of the issues raised by the objections, notwithstanding the loss of amenity which the residents of Millpark Terrace will suffer, I find that the proposed parking restrictions are justified by reduced risk of accident, and the alleviation of a fairly serious congestion problem.

Recommendation

I find that the circumstances required by Section 1, subsections (a) and (c) of the Road Traffic Regulation Act 1984 do exist, and that the Order would improve the situation. I accordingly recommend that the Order be confirmed.

Yours Sincerely

Frances M McChlery
Reporter