

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 45

Brighton & Hove City Council

Subject:	Hanover & Elm Grove Resident Parking Scheme Review Community Consultation		
Date of Meeting:	16 September 2010		
Report of:	Director of Environment		
Contact Officer:	Name:	Owen McElroy	Tel: 29-0417
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Key Decision:	Yes	Forward Plan No: ENV17745	
Wards Affected:	East Brighton; Hanover & Elm Grove; Queen's Park		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to consider the outcome of the public consultation undertaken regarding a proposed Residents Parking Scheme in the currently unrestricted Hanover & Elm Grove area (Appendix A) and associated reviews of the existing Area U (St Luke's) and Area C (Queen's Park) controlled parking schemes (Appendix B).
- 1.2 The consultation shows that a large majority of respondents are against the proposals. Therefore, no changes are proposed to be made in the area covered by the Hanover & Elm Grove residents parking scheme review.

2. RECOMMENDATIONS:

- 2.1 That no changes be made to the St Luke's (Area U) Controlled Parking Zone.
- 2.2 That the Queen's Park (Area C) Controlled Parking Zone operational times be extended from Monday to Saturday 9am to 8pm to Monday to Sunday 9am to 8pm and a Traffic Regulation Order be advertised.
- 2.3 That no changes be made in the area covered by the Hanover & Elm Grove residents parking scheme review.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 A timetable for consulting on Residents Parking Schemes across the City was agreed by Environment Committee in January 2008.
- 3.2 The Hanover & Elm Grove area was included due to representations received on a regular basis from ward councillors and residents regarding the need for parking controls.

- 3.3 The City Council commissioned parking surveys in Hanover & Elm Grove and existing Area U in order to understanding parking characteristics and demand and to inform the development of parking solutions to meet local parking needs. These took place in June & July 2009.
- 3.4 The council also organised a community consultation in Autumn 2009, consisting of workshops and meetings with local resident organisations, emergency services and other interested groups to discuss their concerns and ideas and sent a questionnaire to all residents and businesses asking how they perceived parking issues in their street.
- 3.5 Following the results of the community consultation and the support of the ward councillors it was agreed at Environment Cabinet Member Meeting on 25th March 2010 that the Hanover & Elm Grove review be progressed to the informal consultation stage consisting of a questionnaire and outline parking scheme map sent to all residents and businesses. It was also agreed that a letter be sent to residents and businesses in the existing St Luke's (Area U) and Queen's Park (Area C) schemes asking for their views on the current operation of those schemes including the times and days of operation.

4. CONSULTATION

- 4.1 Consultation in various forms (face to face, by telephone, e-mail and questionnaires) has taken place over the past year and has included ward councillors, residents, businesses, emergency services, the hospitals and other related groups.

Hanover & Elm Grove

- 4.2 In April 2010, documents including an information leaflet, proposals map and questionnaire were sent to 8965 property addresses in the Hanover & Elm Grove area. 3000 valid responses were received giving a response rate of 33%.
- 4.3 Prior to completing the questionnaire residents were invited to public exhibitions to learn about the proposals in more detail. The staffed public exhibitions were held at the Craven Vale Community Centre, Hadlow Close on Wednesday 28 April 2010 from 12.45 pm until 4pm and again on Thursday 29 April from 12pm until 4pm. Also at Milton Road Church hall on Tuesday 4 May 2010 from 3pm until 7pm and again on Wednesday 5 May 2010 from 12pm to 4pm.
- 4.4 In April 2010 5488 addresses in the Queens Park area were sent a letter asking for comments on how the scheme was running plus a short questionnaire asking whether they wanted to:
- keep the parking scheme as it is, operating from Monday to Saturday 9am to 8pm
 - change days of operation to Monday to Sunday 9am to 8pm

977 valid forms were received giving a response rate of 18%

- 4.5 In April 2010 471 addresses in the St Luke's area were sent a letter asking for comments on how the scheme was running plus a short questionnaire asking whether they wanted to change to a full scheme or keep it as a light touch scheme.

195 valid forms were received giving a response rate of 41.5%

Resident Parking Scheme Questionnaire Analysis – Hanover & Elm Grove

- 4.6 Officers have analysed the results of the consultation which covered the whole area and discussed these with the Ward Councillors within three Wards, namely Hanover & Elm Grove, Queens Park and East Brighton. In total for the whole area 75% of respondents (2256) are against the proposed changes to on-street parking while 25% (744) of respondents are in favour. The full road by road analysis is contained in the Consultation Report (Appendix C).
- 4.7 Using information provided during the community consultation together with local knowledge from residents, businesses and ward members the results have been broken down further into specific geographical areas as follows. The areas are also outlined in Appendix A.

	No. properties mailed	No. forms returned	Response rate %	Yes		No	
				Number	%	Number	%
Hartington Road Area (north of Elm Grove)	2601	881	34	109	12	772	88
Hanover Area (south of Elm Grove & west of QPR including QPR)	3705	1346	36	368	27	978	73
Elm Grove	395	118	30	21	18	97	82
St Luke's & Queens Park Estate	673	231	34	64	28	167	72
Craven Vale	403	101	25	14	14	87	86
Baker's Bottom	267	113	42	51	45	62	55
Richmond Heights	921	210	23	117	56	93	44
Total	8965	3000	33	744	25	2256	75

- 4.8 When looking at this breakdown it shows that within the Richmond Heights area the majority of respondents are slightly in favour of the implementation of a residents parking scheme (56%).
- 4.9 However, although the Queens Park Ward Councillors are in support of this proposal only 22.5% of those consulted responded to the questionnaire and there is concern about displacement northwards into the Hanover area.
- 4.10 Therefore, as there is not a clear consensus to go forward with a scheme in this small area it is proposed that these streets are not included within a resident parking scheme.

- 4.11 Within the Baker's Bottom area residents of Canning Street have voted in favour of a resident parking scheme and a petition was also received from Canning Street residents signed by 27 local residents in favour of controlled parking and the inclusion of the road into Area H. The Queens Park Ward Councillors have also written into officers to support Canning Street being included in an existing resident parking scheme. However, due to concerns about displacement into other roads in Bakers Bottom who would find themselves surrounded by parking schemes it is proposed not to go forward with this proposal. It is felt that Canning Street could not be considered in isolation from other roads in the Bakers Bottom area and overall this area voted against the introduction of a resident parking scheme.
- 4.12 Within the St Luke's and Queens Park Estate area residents of Queens Park Rise also voted 53% in favour of a resident parking scheme. This request was also supported by the Queens Park Ward Councillors who support this road being included in the Area U resident parking scheme. However, there are officer concerns that this would increase displacement to surrounding roads and would also leave Freshfield Street surrounded by controlled parking. It was felt that Queens Park Rise could not be considered in isolation from Freshfield Street (who voted 61% against the proposal) and overall the respondents from Queens Park Rise and Freshfield Street combined were against the proposals. Therefore, it is proposed not to proceed with this request.
- 4.13 In all other areas of the Hanover & Elm Grove consultation there are clear majorities against the scheme. Overall 225 letters and emails were also received by officers during the consultations. 218 of these objected to the proposals and 7 were in favour. Petitions objecting to the scheme were received from the Elm Grove Residents Action Group (EGRAG), The Whitehawk Hill estate and staff of St Luke's Primary School. A public meeting was held at Elm Grove primary school attended by 500 residents and the feedback to officers was that there was an overwhelming majority against the scheme. A deputation to Cabinet in March 2010 was also submitted by EGRAG expressing their opposition to the proposals and requesting their immediate withdrawal.
- 4.14 During the consultation submissions were received from various stakeholders including the Emergency Services, major employers and community groups. The comments of stakeholders and the council's responses are included in a separate table (Appendix D).
- 4.15 Therefore, due to the clear majority of residents against a resident parking scheme in these other areas it is proposed not to proceed. The Hanover & Elm Grove Ward Councillors also wrote to officers outlining that they did not believe a resident parking scheme should be introduced in any part of their Ward (Albion Hill northwards). An East Brighton Ward Councillor also wrote to officers that in light of a majority view in all streets consulted in Craven Vale within the East Brighton Ward against the introduction of controlled parking the area they should be excluded from any proposed new zone.
- 4.16 The Queen's Park and Hanover & Elm Grove Ward Councillors also outlined in their written responses to officers that they would like a review of all parking options to be conducted and a number of other additional measures. In terms of

parking options officers will work with Ward Councillors to discuss any improvements that can be made in their areas including double yellow lines on junctions, car club bays etc. However, to go forward with any proposals there would need to be clear written support from residents to proceed. In terms of other measures these would be passed onto the relevant sections within the Sustainable Transport division.

Queen's Park Area C review

- 4.17 53% of those who responded were in favour of extending the days of operation to include Sundays. The full detailed road by road analysis is outlined in Appendix E. The Queens Park Ward Councillors have also written to officers to support the days of operation including Sundays and the local Hoteliers and Guest House Association who are finding that unregulated parking on Sundays makes it difficult for guests to park have also expressed support.
- 4.18 It is therefore proposed to advertise a Traffic Regulation order to change the times of operation from Monday to Saturday 9am – 8pm to Monday to Sunday 9am to 8pm.
- 4.19 There were also a couple of requests for minor changes to on-street parking within the zone. The Royal Spa Nursery School has suggested converting the resident permit only spaces to shared pay and display. This area is currently underused and there are sufficient alternative permit only spaces nearby. Therefore, it is proposed to include this request in the Traffic Regulation Order outlined above.
- 4.20 Several residents of the north side of Marine Parade between Bedford Street and the Zone H boundary have also requested that seafront pay and display bays are converted to shared permit and pay and display bays. It was felt that further proposals should wait until the effects of the change to Sunday restrictions takes place, if this is agreed. The area could then be monitored to see if the situation has improved.

St Luke's Area U review

- 4.21 An overwhelming majority, 95% supported the retention of the current scheme, Monday to Saturday 10am – 11am and 2pm – 3pm (Appendix F). It is therefore proposed not to make any changes other than minor changes to on street parking requested by residents during the consultation such as an additional motorcycle bay in Dawson Terrace.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The full cost of advertising the traffic regulation order and amending the lining and signing will be covered from existing traffic revenue budgets. The financial impact of the revenue from the proposed new scheme, along with associated ongoing maintenance costs, was included within the budget for 2010-11 which was submitted to Budget Council in February 2010.

- 5.2 New parking schemes are funded through unsupported borrowings with approximate repayment costs of £130,000 per scheme over 7 years.

Finance Officer Consulted: Karen Brookshaw

Date: 12/08/10

Legal Implications:

- 5.3 Broadly, the Council's powers and duties under the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway. Also, as far as is practicable, the Council should have regard to any implications in relation to:- access to premises; the effect on amenities; the Council's air quality strategy; facilitating the passage of public services vehicles and securing the safety and convenience of users; any other matters that appear relevant to the Council.
- 5.4 The Council has specific powers under the Road Traffic Regulation Act to make various types of order and the most relevant in relation to the proposals in this report are summarised below.
- 5.5 Section 1 of the 1984 Act enables the Council to make orders prohibiting, restricting or regulating the use of roads. The various grounds for such action include safety, prevention of congestion and preservation of amenity and are not restricted to the roads mentioned in an order but can be for the benefit of other roads.
- 5.6 Under section 45 of the 1984 Act, the Council has wide powers to designate parking places on highways for vehicles or classes of vehicles, with or without charge. It includes power to authorise parking by permit. Under subsection (3), in determining what parking places are to be designated under this section the Council must consider both the interests of traffic and those of the owners and occupiers of adjoining property, and in particular the matters to which that authority shall have regard include –
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and
 - (c) the extent to which off-street parking accommodation, whether in the open or under cover, is available in the neighbourhood or the provision of such parking accommodation is likely to be encouraged there by the designation of parking places under this section.
- 5.7 Under section 122 of the 1984 Act, the Council has the duty to exercise the functions conferred on them by that Act to secure the expeditious, convenient and safe movement of vehicles and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway having regard so far as is practicable to the following-
- (a) the desirability of securing and maintaining reasonable access to premises;
 - (b) the effect on the amenities of any locality affected including the importance of controlling the use of the roads by heavy commercial vehicles;
 - (c) national air quality strategy;
 - (d) facilitating the passage of public service vehicles and the safety/convenience of persons wishing to use; and
 - (e) any other matters appearing relevant to the local authority.

5.8 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise. It is usually possible for proposed orders to be modified, providing any amendments do not increase the effects of the advertised proposals. The Council also has powers to make orders in part and defer decisions on the remainder. Orders may not be made until the objection periods have expired and cannot be made more than 2 years after the notices first proposing them were first published. Orders may not come into force before the dates on which it is intended to publish notices stating that they have been made. After making orders, the steps which the Council must take include notifying objectors and putting in place the necessary traffic signs.

5.9 Relevant Human Rights Act rights to which the Council should have regard in exercising its traffic management powers are the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them in appropriate circumstances.

Lawyer Consulted:

Carl Hearsom

Date: 12/08/010

Equalities Implications:

5.10 The proposed extended days of operation in parking scheme Area C will be of benefit to many residents, pedestrians and other vulnerable road users.

Sustainability Implications:

5.11 The new motorcycle bays will encourage more sustainable methods of transport.

5.12 The improved management of parking will increase turnover and parking opportunities for all.

Crime & Disorder Implications:

5.13 The proposals will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

5.14 Any risks will be monitored as part of the overall project management, but none have been identified.

Corporate / Citywide Implications:

5.15 Any legal disabled bays will provide parking for the holders of blue badges wanting to use the local facilities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 The alternative option for the majority of the proposals is to do nothing which would mean the proposal is not taken forward. However, it is the recommendation of officers that this proposal is taken forward with for the reasons outlined within the report.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To seek approval to proceed to the next formal stage of consultation consisting of the advertisement of a Traffic Regulation Orders. This proposal is recommended to be taken forward for the reasons outlined within the report.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A – Map of Hanover & Elm Grove Residents Parking Review consultation area, broken down into sub areas
2. Appendix B – Map of Area C and Area U.
3. Appendix C – Hanover & Elm Grove consultation report
4. Appendix D – Stakeholders Comments
5. Appendix E - Queen's Park , Area C review report
6. Appendix F – St Luke's Area U review report

Documents in Members' Rooms

None

Background Documents

1. Environment Cabinet Member Meeting Report 25 March 2010 (Agenda Item 108) with appendices