

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 81

Brighton & Hove City Council

Subject:	Traffic Regulation Orders associated with car free developments		
Date of Meeting:	11 December 2008		
Report of:	Director of Environment		
Contact Officer:	Name:	Andrew Renaut	Tel: 29-2477
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Key Decision:	No	Forward Plan No. N/A	
Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 A number of representations have been made by the Brighton & Hove Federation for Disabled People [the Federation] in response to planning applications for car free-housing. These representations relate to the fact that the Traffic Regulation Order that is required through the planning process to ensure that car-free development remains so, does not explicitly enable disabled people who are blue badge holders, to qualify for a residents parking permit.
- 1.2 The Planning Committee has therefore requested that the Environment Cabinet Member reviews the policy or policies related to the allocation of resident parking permits for blue badge holders in association with housing without off-street parking, and how this is incorporated into Traffic Regulation Orders.
- 1.3 The objections raised by the Federation have also subsequently been reiterated in its response to the consultation that takes place on the Traffic Regulation Orders associated with the planning permissions for car-free housing.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment agrees that, when planning permission is granted for a car free housing development inside a residents' parking zone, residents in that development who are blue badge holders will be able to apply for a resident's parking permit.
- 2.2 (2) That the Cabinet Member for Environment authorises such amendments as are necessary to existing Traffic Regulation Orders so as to allow resident disabled drivers living in a car free development to apply for a residents parking permit.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The case that has been made by the Federation relates to a number of sites where new developments have been constructed and there is a clause within the planning agreement that any purchasers of the new developments will not be able to apply for resident permits within a Residents Parking Zone. This requirement needs to be included within a TRO.
- 3.2 In considering the Federation's previous objections to TROs associated with car free housing, officers have responded by explaining that blue badge holders can currently park for free, for an unlimited time in pay & display bays (shared & exclusive) and therefore considered that there would be adequate provision for blue badge holders in streets around car free developments. Blue badge holders without off-street parking can also apply for an on-street disabled parking bay and purchase visitor permits.
- 3.3 However, this matter was recently raised at the 1 October Planning Committee and in order to increase the choice available to disabled people, that Committee has recommended that that current approach to this matter is formally reviewed by the Cabinet Member for Environment (see Appendix A of this report).
- 3.4 Local Plan Policy HO7 'Car free housing' was originally developed in the early 2000s (and adopted in 2005), and includes explanatory text that states that 'residents in car-free-housing will not qualify for a resident parking permit'.
- 3.5 In order to comply more fully with the Disability Discrimination Act 2005, which was implemented following the approval of Local Plan policies and includes a greater focus on providing access to transport services, disabled people should be provided with a greater level of choice in terms of parking availability. Therefore, disabled residents of car free housing in existing or future residents parking zones should be able to qualify for a residents parking permit.

4. CONSULTATION

- 4.1 No formal consultation has taken place with regards to this proposed matter. The suggestion that has been made by the Federation is considered to be acceptable and in line with equalities policies. Discussions have taken place between council planning, transport and legal officers, who are supportive of the proposal.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Revenue:
Blue badge holders who apply for residents permits are normally charged a nominal £5 fee to cover the cost of administration. Although it is not possible to quantify the number of applications for permits which could be received from blue badge holders, living in car-free housing within a residents parking zone, it is considered unlikely that any associated increase in the number of applications would have a significant financial implication.

- 5.2 Capital:
There are no capital implications.

Finance Officer Consulted: Karen Brookshaw

Date: 12/11/08

Legal Implications:

- 5.3 The car free development schemes that have been approved by the Planning Committee to date under Local Plan Policy HO7 do not prohibit blue badge holders from applying for a residents parking permit. However, the Traffic Regulation Orders drawn up under the scheme have excluded residents including blue badge holders and they will require amendment. This will be done by advertising a draft order and in the event that there are any unresolved objections these will be reported to the cabinet member for a final decision.
- 5.4 The proposals set out in the report support the Council's Inclusive Council Policy and the Council's duties under the Disability Discrimination Act 2005.

Lawyer Consulted: Elizabeth Culbert

Date: 12/11/08

Equalities Implications:

- 5.5 The proposed change to how the TRO process is applied to planning permissions granted for car free housing in existing or future residents' parking zones will increase the availability and choice available to disabled people who are blue badge holders.

Sustainability Implications:

- 5.6 There are no sustainability implications associated with this report.

Crime & Disorder Implications:

- 5.7 There are no crime and disorder implications associated with this report.

Risk and Opportunity Management Implications:

- 5.8 There are no risk and opportunity management implications associated with this report.

Corporate / Citywide Implications:

- 5.9 The proposed change is entirely consistent with the council's corporate priority of "reducing inequality by increasing opportunity" and its key commitment to "equalities and inclusion".

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The only alternative option available would be to maintain the current position regarding the qualification for residents parking permits. This is not considered to be appropriate in terms of increasing choice and being more inclusive.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To enable the Cabinet Member to create a more inclusive approach to increasing the availability of parking for disabled residents in controlled parking zones by not excluding them from applying for a resident's parking permit if resident in a car free housing development.

SUPPORTING DOCUMENTATION

Appendices:

1. Appendix A - Extract from 1 October 2008 Planning Committee minutes.

Documents In Members' Rooms

None

Background Documents

1. BHCC Adopted Local Plan 2005