

<b>Subject:</b>	<b>Area J Resident Parking Scheme extension - Traffic Regulation Order consultation</b>		
<b>Date of Meeting:</b>	<b>1<sup>st</sup> July 2014</b>		
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Owen McElroy</b>	<b>Tel:</b> 293693
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<b>Ward(s) affected:</b>	<b>Preston park, Withdean</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to address comments and objections to the draft traffic regulation orders. The traffic orders outline a proposed extension to the Area J Residents Parking Scheme (London Road Station area). Permission to proceed with the consultation was agreed at the Environment, Transport & Sustainability Committee on 4 March 2014

**2. RECOMMENDATIONS:**

- 2.1 That having taken account of all duly made representations and objections, the Committee approves as advertised the following orders:
- (a) The Brighton & Hove Various Controlled Parking Zones Consolidation Order 2008 Amendment Order No.\* 20\*\* (Area J extensions) TRO-10a-201
  - (b) The Brighton & Hove Outer Areas (Waiting, Loading and Parking) and Cycle Lanes Consolidation Order 2013 Amendment Order No.\* 201\* (TRO-10b-2014)
- 2.2 That the committee notes that any amendments included in the report and subsequent requests deemed appropriate by officers are advertised as an amendment Traffic Regulation Order and (if approved) added to the proposed scheme during implementation.

**3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Due to parking pressures in the area The Preston Park Triangle area was included as part of a timetable of parking reviews set out in the City Wide parking Review approved by Transport Committee in January 2013

- 3.2 In November 2013 a leaflet and questionnaire were sent to all households in the area asking whether residents wanted a parking scheme in their street. Overall the area voted 63% in favour of joining the existing Area J London Road parking scheme. On 4 March 13 Environment Transport & Sustainability Committee authorised officers to progress the scheme (with the exception of Preston Drive from Harrington Villas to Preston Road) to the final design stage and to publish statutory notices of the necessary traffic orders.

#### **4. COMMUNITY ENGAGEMENT & CONSULTATION**

- 4.1 The draft Traffic Regulation Orders (TROs) were advertised on 4<sup>th</sup> April 2014 with the closing date for comments and objections on 28<sup>th</sup> April 2014.
- 4.2 The Ward Councillors for the areas were consulted, as were the statutory consultees such as the Emergency Services.
- 4.3 Notices were put on street for 4<sup>th</sup> April 2014 which outlined the proposal and after a week any missing notices on-street were replaced. Notice was also published in The Argus newspaper on 4<sup>th</sup> April 2014. Detailed plans and the Traffic Regulation Orders were available to view at Hove Library, Jubilee Library, the City Direct Offices at Bartholomew House and Hove Town Hall. A plan detailing the proposals is shown on Appendix A.
- 4.4 The documents were also available to view and to respond to directly on the Council website.
- 4.5 There were 81 items of correspondence received to the Preston Park Triangle Area J extension proposal. The comments/objections are listed in Appendix D – Summary of Representations
- 4.6 7 items were in support of the proposals due to the general parking problems in the area. 54 items were objections to the proposals. The remaining 20 items of correspondence were general comments and site specific requests for changes. The 54 items objecting to the scheme included 11 from within the proposed area, 41 from outside and 2 where a name, and email address, but not the property address was disclosed.

##### ***Support***

- 4.7 The 7 representations that supported were from within the scheme boundaries and generally in favour of the proposed parking arrangements in the area and in individual streets.

##### ***General Objections***

- 4.8 The 54 general representations that objected contained around 15 different types of reasons for objecting to the scheme which are outlined as follows with the officer's response in italics.
- 4.9 Paying to park/cost of permits/visitor permits/scheme should be at nil or reduced cost/Council is only introducing scheme to make a profit/raise additional tax on

residents. - *When introducing new residents parking schemes the council must demonstrate that these would be self-financing. This is why charges have to be made for on street parking through permits and pay and display. Schemes have ongoing costs i.e. civil enforcement officers & maintenance costs. Charges are also set at a level to manage demand and to meet council traffic management and air quality objectives. Any surplus from parking schemes goes back into transport and environmental improvements throughout the city.*

- 4.10 Annual limits on visitor permit numbers too low. - *The number of visitor permits is proposed to be limited to 50 per year. This is the same limit as other parking schemes outside the city centre and is required due to limited parking capacity in the area.*
- 4.11 Environmental impact of additional street furniture such as signs and posts and pay and display machines. - *The council has considered the issue of additional street furniture causing street clutter and difficulties on narrow pavements. Therefore the council will be installing the minimal signing/machines possible to allow enforcement and will take into consideration pavement widths.*
- 4.12 There should always be a pay at machine facility for customer convenience and avoiding social exclusion. - *The proposed traffic order allows for a pay at machine facility in all areas of exclusive pay and display (P&D) or shared permit/P&D.*
- 4.13 The total amount of parking will be reduced in the area, due for example to restricted parking at junctions and vehicle crossovers. *Double yellow lines are proposed at junctions for safety reasons and across vehicle accesses to ensure these remain unblocked and enforceable by civil enforcement officers at all times.*
- 4.14 Alternatives to the scheme have not been considered/ the questionnaire was flawed. It did not present options or explain why light touch scheme was not offered. - *The council did consider alternatives to the scheme, including the possibility of a "light touch" with reduced hours or days and permit holder only bays. The city wide parking review in 2012 concluded that no new light touch schemes should be considered in the future due to their lacking flexibility in their operation and having negative impacts on general visitors, disabled visitors and on local businesses and amenities. Light touch was therefore not offered as an option in the questionnaire and this was explained in the text. Following consultation with local ward councillors residents were given an option of a stand-alone scheme Monday to Friday 9am to 8pm, but the majority of respondents voted to become an extension of the existing London Road Area J scheme (Monday to Sunday 9am -8pm).*
- 4.15 Scheme breaches resident's human rights, specifically article 1 protection of property, article 8 respect for family life and article 14 prevention of discrimination. *Parking and traffic restrictions have the potential to affect the right to respect for family life and the right to protection of property. These are qualified rights and therefore there can be interference with them where this is necessary, proportionate and for a legitimate aim. Equalities implications are dealt with in paragraphs 4.21 & 7.4*

- 4.16 Scheme will intensify parking pressures on surrounding areas and may cause safety issues with obstructive parking elsewhere. If the scheme is approved then residents outside the area should be able to apply for permits within the area – *The council is aware that the introduction of a parking scheme may cause some displacement into adjacent areas, although to what level is hard to predict. This is because driver behaviour may change and where vehicles may go cannot be predicted in advance of a scheme introduction. (E.g. some commuters using the local area may choose alternative means of travel or pay to park within the scheme). Previous experience shows that there can be displacement to neighbouring areas, however officers feel that not to proceed with a scheme in the proposed area would be unfair on residents suffering parking pressures and road safety issues. If the proposals are approved officers will monitor adjacent areas and consider advertising traffic orders to control obstructive parking at junctions. It is not possible to allow residents outside the area to obtain permits for that area due to the restricted parking capacity.*
- 4.17 Proposals will negatively affect local businesses and facilities due to the charges. - *It is accepted that the proposals introduce a charge for on street parking or a charge for a permit where none previously existed. However parking needs and comments of local businesses and facilities have been taken into account during the design, for example through the provision of loading bays, disabled bays & shared & exclusive pay and display bays. The scheme will encourage a turnover of vehicles and better use of available space.*
- 4.18 The proposed scheme will not compensate business owners for loss of income due to parking pressures and residents for inconvenience of recent parking schemes, instead these schemes should be removed and businesses compensated. - *Abolishing existing parking schemes would require fresh consultation with those areas and there is no guarantee it would be supported. Feedback from those schemes has generally been positive. Businesses can write to the council if they feel they have a case for business rate relief or other compensation. The council has complied with all the proper procedures for consultation and views have been taken into account at all stages of the process.*
- 4.19 The hours and/or days of operation are excessive and should be reduced; there is no parking problem at evenings/weekends. *Surveys show parking pressures at the weekend, during the day and overnight. It is anticipated that residents are likely to experience difficulty when returning home in the evening changeover period which is why the parking restrictions are proposed to extend to 8pm. The proposals are in line with the adjacent parking scheme and this will avoid displacement between the schemes.*
- 4.20 A limit of one person per household will prevent residents from parking additional vehicles close to their properties. *Initially the council will offer at least one permit to households who do not have their own off street parking. The availability of additional permits would depend upon overall demand and be assessed once the scheme was in operation. Previous experience has shown that (except in the city centre) qualifying residents who require additional permits have been issued with them.*
- 4.21 Access to parking or disabled and mobility impaired will be restricted. *Disabled (blue badge) parking bays are being provided outside the houses of qualifying*

*disabled residents and close to shops and facilities. In addition blue badge holders can park for free and without time limit in any shared or exclusive pay and display bays. Blue badge holders can obtain a reduced cost resident parking permit. Controlling parking should increase turnover and availability of spaces generally assisting those who are mobility impaired but may not be registered disabled.*

- 4.22 The council should not introduce this proposal or further parking schemes until it has in place a city wide strategy for parking and a Local Transport Plan that takes parking into account. *The council periodically reviews parking policy and conducted a year-long strategic parking review and consultation in 2012 resulting in a City Wide Parking Review report approved by Transport Committee in January 2013. The council has a Local Transport Strategy and Delivery Plan (2011) in place setting out strategies, including controlled parking zones to deliver its vision of “an integrated, accessible and balanced transport system that supports economic growth and enables people to travel around and access services as safely and freely as possible, while minimising damage to the environment and contributing to a safer, cleaner, quieter and healthier city”*
- 4.23 There are no parking problems and no justifications for parking controls in the roads south of Preston Road. - *Residents in this area have requested parking controls due to parking pressures and council parking surveys have shown there is high demand for spaces at all times. Following consultation with residents and majority support for residents parking scheme, permission to proceed with advertising traffic orders was granted by Environment, Transport & Sustainability Committee in March 2014.*

**Site specific comments/and objections & consequent recommendations for amendments to the scheme**

- 4.24 “Herring bone” style parking should be introduced to increase parking in streets. - *Officers have considered opportunities for the creation of angled or echelon style spaces within streets together with the comments of residents and emergency services and concluded it is not safe or practical to introduce this form of parking.*
- 4.25 Veterinary Practice in Preston Drove requires 24 hour access and loading facility – *It is proposed to provide a loading bay close to the practice.*
- 4.26 Properties at 39-49 Preston Drove inclusive have requested that the scheme is extended a short distance along Preston Drove as they do not have off street parking. – *Properties 39-49 have been consulted and all six properties responded. Three were in favour and three were against. As this did not produce a clear preference officers do not propose to extend the scheme. Ward members for Withdean were consulted and one responded stating that they did not wish the scheme to be extended. No responses were received from the other ward members.*
- 4.27 Various objections to disabled parking bays claimed to be unused. – *These have been investigated and where appropriate it is proposed the space will be reallocated to other uses.*

- 4.28 Provision of car club space in Edburton Avenue is unnecessary and there is existing provision nearby. – *There is existing provision in Preston Drove and the car club company is agreeable to its removal of the proposed space in Edburton Avenue and its replacement with permit only parking.*
- 4.29 Objects to provision of double yellow lines across unofficial vehicle crossover in Lucerne Road. *This has been investigated and officers consider there is no official crossover, it is proposed that yellow lines will be replaced with permit parking.*
- 4.30 Request to relocate and extend motorcycle bay in Waldegrave Road to improve facility. *It is proposed to relocate the bay as requested and extend the length.*
- 4.31 Request to relocate and shorten shared 4 hour permit/pay and display facility further south in Waldegrave Road replacing it with permit only parking and objection to location of pay and display machine. *This is not supported by officers as it would lead to a reduction in the facility and convenience of an area of shared permit/pay and display parking. The location of the pay and display machine is between properties and its view from the nearest property is obscured by vegetation.*
- 4.32 Various requests for additional disabled parking provision in Havelock Road area. *It is proposed to provide a three hour limited disabled bay for the benefit of shops, medical practices and other facilities.*
- 4.33 Request for additional Doctors bay outside surgery in Beaconsfield Villas. *It is proposed to provide an additional doctors permit bay.*
- 4.34 Objects to 11hr shared parking places in Cleveland Road adjacent Blaker's Park as spaces may be occupied by lived in vehicles. *These spaces are being provided as a facility for longer term visitors to the park and area. Their use will be monitored. It is an offence to live in a vehicle on the public highway and the council and the police can take action to remove vehicles.*
- 4.35 Objects to proposed Pedal Cycle Parking Place in Cleveland Road, residents prefer to store bicycles in their houses/gardens and facility will not be used taking up potential car parking spaces. *This space has been requested by residents and experience has shown that they are used when installed. The facility will be monitored.*

## **5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 5.1 The main alternative option for the proposals is to do nothing which would mean the proposals would not be taken forward. Other options are considered and discussed within the report. It is the recommendation of officers that in order to address parking and road safety concerns these proposals are proceeded with for the reasons set out in the report.

## **6. CONCLUSIONS**

- 6.1 The number of objections from within the proposed scheme area is low relative to recent proposed resident schemes and the majority of those objections are from

areas outside the scheme, mainly from roads north of Preston Drive concerned about potential parking displacement.

- 6.2 The formal TRO stage is seen as a period to outline concerns rather than assess general support for a scheme as this would have been represented during the initial consultation period.
- 6.3 Preston Park and Withdean ward councillors have been made aware and there have been no objections to the officer recommendations.
- 6.4 Therefore the recommendation is that this parking scheme proposal is progressed to implementation stage due to the reasons outlined and following the consultation responses.
- 6.5 Any amendments included in the report and subsequent requests deemed appropriate will be subject to advertisement as an amendment Traffic Regulation Order and, if approved, added to the proposed scheme during implementation.
- 6.6 The provision of off street parking places has been considered by officers when designing the scheme but there are no opportunities to go forward with any off street spaces due to the existing geographical layout of the areas and existing parking provision in the areas.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 The revenue costs associated with the recommendations in the report will be met from existing transport revenue budgets. The capital costs associated to the creation and extension of controlled parking schemes are funded by unsupported borrowing with appropriate repayments made over a seven year period funded from the revenue income generated.
- 7.2 Revenue income generated from on-street parking is first defrayed against relevant expenditure with any surplus used for qualifying for transport and highways related expenditure such as supported bus services, concessionary fares and Local Transport Plan projects.

*Finance Officer Consulted: Steven Bedford*

*Date: 06/06/14*

### Legal Implications:

- 7.3 The council regulates traffic by means of orders made under the Road Traffic Regulation Act 1984.. Procedural requirements are contained in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 and require public notice of orders to be given. Any person may object to the making of an order. Any unresolved objections to an order must be considered by the Environment, Transport and Sustainability Committee before the order can be approved.
- 7.4 There are no adverse human rights implications to draw to Members' attention.

Equalities Implications:

7.5 The proposed measures will improve access to parking and benefit many road users. An equalities impact assessment has been carried out on resident parking schemes

7.6 Sustainability Implications:

Managing parking will increase turnover and parking opportunities for all

7.8 Any Other Significant Implications:

There are none.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix A Preston Park Triangle proposed extension to Area J TRO plan
2. Appendix B TRO Notice
3. Appendix C Statement of reasons
4. Appendix D Summary of representations