

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 26

Brighton & Hove City Council

<b>Subject:</b>	<b>London Road Station area - Resident Parking Scheme Formal Consultation</b>		
<b>Date of Meeting:</b>	<b>26 July 2010</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Charles Field</b>	<b>Tel:</b> 29-3329
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<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No. tbc</b>	
<b>Wards Affected:</b>	<b>St. Peter's and North Laine, Preston Park</b>		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to address comments and objections to the draft traffic regulation order for the London Road Station parking scheme proposal.

#### 2. RECOMMENDATIONS:

- 2.1 That, having taken account of all duly made representations and objections, the Cabinet Member approves as advertised the following order;

(a) Brighton & Hove Various Controlled Parking Zone Consolidation Order 2008 Amendment Order No\* 20\*\* (Area J Extension)

- 2.2 That any amendments included in the report and subsequent requests deemed appropriate by officers are added to the proposed scheme during implementation and advertised as an amendment Traffic Regulation Order.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The London Road Station area was included in the resident parking scheme priority timetable as an area to consider for a resident parking scheme as agreed in the report to the Environment Committee on 24 January 2008. Following detailed parking surveys which took place in December 2008 and meetings with the Ward Councillors, it was agreed that a public consultation would take place for the proposed extension to the Area J Residents Parking Scheme, and subsequently to consult residents on the detailed design for this scheme.
- 3.2 In June 2009, an information leaflet, map and questionnaire were sent to 6011 households. This included 124 sent to Wellend Villas in Springfield Road, which is a Car Free Development. These questionnaires have been treated separately and the number of households mailed that are eligible to join a residents parking scheme were therefore 5,887. Questionnaire returns totalled 1,516, giving a response rate of 26%.

- 3.3 Prior to completing the questionnaire, residents were invited to a public exhibition to learn about the proposals in more detail. A staffed public exhibition was held at the Calvary Evangelical Church Hall, 72 Viaduct Road on Monday 8 June 2009 from 5pm until 8pm and again on Tuesday 9 June 2009, from 12pm to 4pm. An unstaffed public exhibition was held at Hove Town Hall from 10 June to 17 July 2009 between 9am and 5pm.
- 3.4 Following the results of the consultation there was a positive opinion from the majority of respondents within a clearly defined, smaller geographical section of the area south of the railway line and west of Ditchling Road (Appendix A). The original questionnaire results were reviewed to take account of the revised boundary; of the 13 roads that are included within the proposed new scheme boundary, 10 are in favour of the scheme overall (77%) and a further 1 (8%) are neutral. Overall in the proposed revised London road station area scheme 66.8% of respondents are in favour.
- 3.5 It was therefore agreed at CMM on 5 November 2009 to proceed with a scheme within this newly formed boundary. It was also agreed at CMM to letter drop the lower section of Ditchling Road (south of the railway line) and the Sylvan Hall estate in order to inform residents that a scheme will go ahead in adjacent roads, and to give them an opportunity to consider the effect this may have. Residents in these 3 roads could then make an informed decision about whether to be included or excluded from the scheme.
- 3.6 The reason to re-consult these two roads in particular is the nature of the roads which are very narrow and any displacement may have safety implications on these roads. From recent experiences of implementing resident parking schemes the area's just outside new schemes can suffer from vehicle displacement. Therefore, it was felt it was fair to consult these three roads where the increase of vehicles would cause particular difficulties such as obstructions and visibility issues.
- 3.7 The re-consultation letters / questionnaires to Ditchling Road (lower section – south of the railway line) were sent out in October 2009 and residents & businesses had until Friday 20 November 2009 to respond.
- 3.8 Following the results of the re-consultation of the two roads (Appendix B) and discussions with the St Peters & North Laine Ward Councillors it was agreed that the Council should not include these three roads when advertising a Traffic Regulation Order for a resident parking scheme in this area. Therefore, this further area was not included in the advertisement of a Traffic Regulation Order.

#### **4. CONSULTATION**

- 4.1 The draft Traffic Regulation Order (TRO) was advertised on 30 April 2010 with the closing date for objections on 24 May 2010. Notices were also put on street for 30 April 2010 which outlined the proposal. These notices were replaced a number of times on-street and the notice was also published in The Argus newspaper on 30 April 2010. Detailed plans and the Traffic Regulation Order were available to view at Hove Library, Jubilee Library, the City Direct Offices at Bartholomew House and Hove Town Hall.

- 4.2 There were 62 items of correspondence received (hard copies are available to view in the Members Room). All 62 items were received from individuals and included objections and general comments. A plan detailing the proposals is shown on Appendix A.
- 4.3 42 objections were received from residents outside the scheme concerned with displacement of vehicles into their road if the scheme is approved in its current format. There were also several concerns within this correspondence on the consultation procedure.
- 4.4 All residents in Springfield Road and surrounding roads were sent a consultation document (leaflet, plan & questionnaire) in June 2009 and had until 18 July 2009 to respond to the Council. It was made clear in the consultation document that all comments received would be carefully considered and be presented in a report to Environment Cabinet to decide whether there is enough support to proceed to the next stage of the scheme development. It was also made clear if proposals are taken forward the final stage of the process would be the advertising of the Traffic Regulation Order which would allow individuals to make formal comments/objections.
- 4.5 It is appreciated that residents had a lot of questions regarding the parking scheme. The Council endeavoured to cover many of the anticipated queries within the consultation brochure, but officers and consultants also made themselves available for face-to-face discussion with members of the public over the course of 2 days. In addition, officers have responded to all queries that come in by e-mail and telephone to ensure that residents did get all the information available to make an informed decision.
- 4.6 Following the public consultation the area for the residents parking scheme was agreed at the Environment Cabinet Member Meeting on 5 November 2009. This was based on clear area-based consensus within geographical blocks; in the case of Viaduct Road, the natural boundary being the railway line. The resident parking scheme consultation last year showed that a majority were not in favour of an extended area of controlled parking north of the railway line.
- 4.7 Officers then met with residents north of the railway line to hear their concerns and wishes to be included in the new scheme. Officers were very clear at the meeting that the Council had consulted properly and adequately, and that we had followed our defined process for parking scheme consultation. Officers also stated that the consultation results had been presented to Environment Cabinet Member meeting for a decision and that this decision to exclude roads north of the railway line would stand. However, residents of Springfield and Florence Roads presented a case for consultation based on a different approach, ie that their roads were the more natural boundary and that Council officers had not been aware of the reasons for this when deciding on the railway line as a boundary. It was also claimed by residents at the meeting that their roads would absorb any displacement parking and would minimise any effect in roads north of their proposed new boundary and that all the other roads in this section would agree with this.
- 4.8 Officers advised residents that the local authority would have to be persuaded that there is consensus in the entire northern block that this inclusion would be acceptable and that one way to do this might be for ward councillors to write to

the affected households. This happened through a letter via Cllr Amy Kennedy and residents in roads north of the railway line were asked whether they would be happy with a boundary to include roads such as Springfield Road and Florence Road. The majority of residents were against this proposal.

- 4.9 There is no direct parallel between the two recent consultations. The consultation conducted by the Council allowed residents to respond on whether they would like to be part of a resident parking scheme. Residents in Springfield Road, Florence Road and other roads north of the railway line voted against the proposals in the initial consultation. The consultation conducted by Councillor Kennedy asked residents in roads north of the railway line whether they would be happy with a boundary to include roads such as Springfield Road and Florence Road. The majority of residents were against this proposal, therefore, there was no consensus to proceed with an extended parking scheme north of the railway line.
- 4.10 In terms of scheme introduction, the boundary for any potential scheme has to be established from the answers we receive during various stages of consultation. Ultimately the council has to have a boundary for parking schemes that is economically and geographically viable.
- 4.11 The results from the parking consultation have helped give the council a clearer picture of what local residents would or would not like and from this we can look at whether there are distinct geographical “blocks” that are favourable to a scheme. If this is the case, it is possible that displacement may occur in roads outside of any scheme that is established, but it is not possible to predict the extent and nature of this with any certainty at this stage.
- 4.12 16 objections have been received from residents regarding the double yellow lines proposed being too restrictive and that there is too much shared pay & display 11 hour parking in the scheme where it is not required. There were also particular concerns within these objections regarding specific bays which will be reviewed during implementation.
- 4.13 In regard to double yellow lines at it’s minimum they will extend 6 metres in on minor roads and 10 metres on a major road. In most instances this will be all that is required, however additional length will be required where there is dropped kerb, or where a short length of bays needs to be shortened to the approximate length of 1 or 2 vehicles. Other factors such as blind spots or excessively dangerous collision areas may also affect the length. The Council will not implement double yellow lines anywhere that is not deemed necessary and they will be reviewed during implementation.
- 4.14 In terms of shared pay & display 11 hour parking bays initially this was included in the design in response to the original parking surveys to accommodate all day parking. It was felt that as these spaces would no longer be free that a reduction in usage would be likely, freeing up more space for residents. However due to the volume of concern we will be reviewing the 11 hour bays in this scheme and where appropriate reduce the long term to medium term parking. This is most likely to be a reduction of long term parking as we feel some provision will be necessary for visitors to the area. This could be achieved by making changes on the ground during the implementation stage and then legally through an amendment order.

- 4.15 It must be added that we have also received a considerable amount of correspondence from residents in Springfield Road and Florence Road concerned with displacement so we do have to consider that aspect and allow some 4 & 11 hour shared parking within the resident parking scheme to minimize possible displacement as much as possible.
- 4.16 As mentioned above concerns regarding specific bays will all be reviewed during the implementation stage.
- 4.17 Two objections have been received from a resident and a local business regarding their objection to double yellow lines across their driveways.
- 4.18 The reason that we have to make changes to the current situation outside crossovers is because we need to legally comply with the Traffic Order and parking scheme requirements. This means that every part of the road must have some form of legally enforceable and clearly marked restriction. A white line is simply advisory, relying on people's goodwill rather than being legally enforceable. If we were legally able to leave a small section of road as unrestricted free parking, ie. not part of the surrounding parking scheme, it would involve a complicated Traffic Regulation Order that would generate legal challenges and concerns with the Traffic Penalty Tribunal.
- 4.19 It would also leave a small section of road as unrestricted free parking, this would mean anybody at all could park there and we would not be able to require them to move or penalise them for obstructing the entrance. It doesn't usually take long for people to work out where there is free or unenforceable parking so it could end up with a much more difficult situation for the resident or business. The legal implications are stated in more detail in Para 5.2.
- 4.20 Legally we could offer some form of parking bay or loading bay, if that would be helpful, or proceed with double yellow lines which would still allow loading and unloading outside the premises. This would be consistent with other driveways, including for business premises, across the city where parking schemes are already in place.
- 4.21 One objection has been received from a resident within the proposed scheme arguing that the proposed parking scheme is just a revenue raising exercise for the Council and they don't want a scheme.
- 4.22 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 & display. Any surplus from the revenue received from the proposed parking schemes goes back into transport and environmental improvements throughout the City. In terms of the proposed area in the original consultation 66.8 % of respondents were in favour of the parking proposals as discussed in the previous Environment CMM meeting in September 2009.
- 4.23 No parking schemes can be introduced without extensive consultation including the legal requirement of an advertised Traffic Order which provides an opportunity for final comments, support and objections to the proposals. Resident Parking Schemes are only introduced where there is support from a

majority of residents in a certain area and where they have the support of Ward Councillors in terms of the consultation going forward and any final design following the consultation.

- 4.24 One objection was received regarding motorcycle use and that motorcyclist's can't park in resident permit only bays.
- 4.25 Designated motorcycle bays have been provided on the majority of roads within the proposed scheme which motorcycles can park within for free.

### **Conclusions**

- 4.26 The recommendation is that the London Road Station area be progressed as an extension to the Area J resident parking scheme area due to the reasons outlined within the relevant background.
- 4.27 Any additional amendments to the approved schemes deemed necessary through the formal consultation will be introduced during the implementation stage and advertised through a traffic regulation amendment order.
- 4.28 As part of the consultation undertaken in each of the schemes regard has been given to the free movement of traffic and access to premises since traffic flow and access are issues that have generated requests from residents and in part a need for the measures being proposed. The provision of alternative off-street parking spaces has been considered by officers when designing the schemes 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 provisions in the areas.
- 4.29 Ward Councillors in St Peters & North Laine have been consulted about this proposal. They are happy with the proposals as long as amendments are made to the shared 11 hour bays and the double yellow lines reviewed during implementation.

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

### Financial Implications:

- 5.1 Any revenue costs associated with the implementation of this residents parking scheme will be met from existing parking budgets. The financial impact of the revenue from the proposed new scheme will be included within the proposed budget for 2011-12 which will be submitted to Budget Council in February 2011. New parking schemes are funded through unsupported borrowings with approximate repayment costs of £100,000 per scheme over 7 years.

*Finance Officer Consulted: Louise Hoten*

*Date: 08/06/10*

### Legal Implications:

- 5.2 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 also 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.

- 5.3 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.
- 5.4 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.
- 5.5 Under sections 32 and 35 of the 1984 Act, there is power to provide and regulate the use of parking places (without charges) on the highway, for the purpose of relieving or preventing congestion. The parking places powers must not be used in relation to any road so unreasonably as to prevent access to adjoining premises, or its use by anyone entitled to use it, or so as to be a nuisance.
- 5.6 Under section 45 of the 1984 Act, the Council has wide powers to designate pay parking places on highways for vehicles or classes of vehicles. 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 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.
- 5.8 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:*

*Stephen Dryden*

*Date: 08/06/10*

Equalities Implications:

- 5.9 The proposed measures will be of benefit to many road users.

Sustainability Implications:

- 5.10 The new motorcycle bays and on-street cycle parking bay will encourage more sustainable methods of transport.
- 5.11 Managing parking will increase turnover and parking opportunities for all.

Crime & Disorder Implications:

- 5.12 The proposed amendments to restrictions will not have any implication on the prevention of crime and disorder.

Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

- 5.14 The 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 For the majority of the proposals the only alternative option is doing nothing which would mean the proposals would not be taken forward. However, it is the recommendation of officers that these proposals are proceeded with for the reasons outlined within the report.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To seek approval of the scheme to the implementation stage after taking into consideration of the duly made representations and objections. These proposals and amendments are recommended to be taken forward for the reasons outlined within the report.



## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Appendix A - Plan
2. Appendix B - Results of re-consultation

### **Documents In Members' Rooms**

1. Objections / representations.

### **Background Documents**

1. Report to Environment Cabinet Member Meeting on 5 September 2009

