

CABINET

THE CITY COUNCIL OF LANCASTER (VARIOUS ROADS) (ON STREET PARKING PLACES PROHIBITION AND RESTRICTION OF WAITING) (NO 2) ORDER 2006

Individual Cabinet Member Decision

Report of Head of Democratic Services

PURPOSE OF REPORT			
The Cabinet Member is asked to consider seventy three letters of objection to the proposed Traffic Regulation Order			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
Date Included in Forward Plan		N/A	
This report is public			

RECOMMENDATIONS

That consideration be given to the objections received and thereafter the implementation of The City Council of Lancaster (Various Roads) (On Street Parking Places Prohibition and Restriction of Waiting) (No 2) Order 2006

1.0 Introduction

The statutory procedure for making an Order, under Section 1, 2, 32, 35, 45, 46, 47, 49, 53, 63A and Schedule 9 of the Road Traffic Regulations Act, 1984 is set out in the Traffic Orders (Procedures) Regulations, 1989 (as amended). A draft Order was drafted and advertised in accordance with those regulations and subsequently the following objections were received:

2.0 Proposal Details

2.1 Details of the proposal are contained in Appendix A

3.0 Details of Consultation

3.1 Tower Court

Twenty letters of objection to the proposed residents parking scheme were received, the following points were raised:

- i) It was generally believed that the communal areas of Tower Court, which includes the visitor parking area, belong to the Tower Court Estate, for which the residents pay a maintenance charge. Some objectors state that this is shown in a covenant on their deeds.
- ii) The loss of the visitor parking spaces would devalue the properties in Tower Court.
- iii) Residents' private parking spaces would not be safeguarded by the scheme.
- iv) The general public would be brought into the communal gardens and areas maintained at the residents expense.
- v) Two copies of a letter from the City Council stating that Tower Court would not be part of a residents' parking scheme were received.
- vi) There will be nowhere for visitors or tradesmen to park.
- vii) The proposals are a breach of the original planning consent which stated that 1.5 parking spaces per dwelling must be provided.
- viii) Commuter parking is not a problem in Tower Court at the moment.
- ix) The increase in traffic as Permit holders search for a space would be a road safety issue for both pedestrians and cars in the Tower Court area as it was not designed to be a public car park.

3.2 Meadowside/South Road

One letter of objection was received, the resident objects to having to pay to park in his street and feels that there will be competition for spaces with residents of South Road who will be unable to park outside their own homes.

3.3 Percy Road

One letter of objection was received, the objector believes that the proposals will cause parking problems where previously there have been none, she also objects to the charge for a resident's permit.

3.4 South Road

Fifty one letters of objection to the proposed no waiting at any time restriction on South Road were received, the following points were raised:

- i) Properties on South Road would be devalued.
- ii) The aged and disabled who have to rely on friends, family, taxis and delivery people for assistance, all of whom must park nearby, would be disadvantaged.
- iii) Residents, especially those with small children would be seriously inconvenienced if they are not able to park near home to unload shopping etc.
- iv) Tradespeople who must have access to their vehicles would be inconvenienced.
- v) Elderly relatives would be prevented from visiting and all visitors would have difficulty parking.
- vi) Traffic congestion would be caused by loading/unloading, one resident is a tradesman who must load/unload his tools from his van each

morning/evening for insurance reasons, this is sometimes a lengthy process. Many of the residents are students who must load/unload their belongings several times a year. All residents must load/unload shopping etc.

- vii) Most of the properties on South Road have no access from the rear of the property or off street parking provision.

3.5 Greaves Road

Two letters of objection to the proposed no waiting at any time restrictions and residents parking scheme were received from residents of Greaves Road, the following points were raised

- i) It is unfair to have to pay to park outside ones own house when car owners have already paid to park on all of Britain's roads.
- ii) Not allowing people to park on Greaves Road will make them park in Sulby Drive outside somebody else's home, many of the parents on Sulby Drive are already concerned that the road is unsafe due to parked cars.
- iii) It is unfair for commercial vehicles to have to pay double when they often take up no more space than private cars.

Lancashire County Council Environment Directorate have been consulted.

The police have been consulted

The Ward Councillors have been consulted.

4.0 Options and Options Analysis (including risk assessment)

4.1 To make the Order

4.2 Not to make the Order

4.3 To make the Order with amendments

5.0 Officer Preferred Option (and comments)

5.1 The officer preferred option is to make the order with amendments that:-

- i) Remove the proposal to introduce a 'No Waiting At Any Time' restriction in South Road.
- ii) Remove the revocation relating to South Road, easterly side, in The City Council Lancaster (Various Roads) (Traffic Regulation) (No. 1) Order 1987

With regard to the objections:-

5.2 The proposed parking restrictions in Tower Court are to be introduced on the adopted highway, not private land. The covenants referred to by residents are private covenants between the developer and the purchasers of the properties.

5.3 Property owners do not have a right to park on the public highway and, in making traffic regulation orders, any effect on property value is not considered.

5.4 The letters written in 1998 stating that the Transportation Service Group decided not to introduce a scheme in the Tower Court area stated the reason that the scheme would create enforcement difficulties. The transfer of parking enforcement powers

from the Police to a contractor who is managed by the highway authority means that this is no longer the case.

- 5.5 Visitors and tradesmen may park in residents' bays providing that they display the appropriate permit.
- 5.6 The planning conditions relating to the provision of parking spaces in the area of the development may have stated a minimum number of spaces based on the number of properties, but there is no reduction in the overall number of parking spaces. Notwithstanding any planning requirement on developers to provide parking spaces, the highway authority has the power to remove or amend parking places.
- 5.7 The extension of the existing residents' parking scheme to include properties in South Road etc. is expected to place additional demands on the public parking areas in streets such as Tower Court and Percy Road and it is therefore recommended that these streets be included in the zone. In addition, the proposed will remove the parking by commuters that currently occurs there.
- 5.8 The highway authority has the power to create parking places and charge for their use.
- 5.9 The objections put forward by South Road residents will be addressed if the proposed introduction of a 'No Waiting' restriction in South Road is abandoned.

6.0 Conclusion

- 6.1 Whilst it is acknowledged that the introduction of the scheme will mean a reduction in areas where some residents currently park, the Council has received many requests for the existing 'South Zone' residents' parking scheme to be extended to include other streets in the area and it is considered that the proposals contained in the order will improve the quality of life for many residents.
- 6.2 The County Council has been approached regarding the possibility of a bus lane being introduced in South Road and it has confirmed there is no proposal to introduce one there in the imminent future, and therefore it is recommended that the proposed 'No Waiting' restriction in South Road should be removed from the traffic regulation order.
- 6.3 The City Council's Ward Members have been consulted and the following responses were received:-
 - i) 3 Members want the Tower Court area to be removed from the proposed residents' parking zone.
 - ii) 4 Members support the removal of the proposed 'No Waiting' restrictions in South Road from the Order.

RELATIONSHIP TO POLICY FRAMEWORK

Corporate Plan – Priority 3 – Making our environment cleaner and healthier including managing transport and parking.

The City Council is committed to the development of sustainable communities that are less reliant on the ownership and use of cars. Where there is sufficient demand, the Council is committed to the provision of residents' parking schemes where residents are given priority for on-street car parking places.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None directly arising from this report

FINANCIAL IMPLICATIONS

There are no foreseeable financial implications arising from the introduction of this Traffic Regulation Order. It is expected that the costs of administering the scheme will be covered by the income generated.

SECTION 151 OFFICER'S COMMENTS

The S151 Officer has been consulted and has no further comments

LEGAL IMPLICATIONS

In accordance with Regulation 7 of the Road Traffic (Procedures) Regulations, 1989 the order making authority shall consider objections duly made prior to the implementation of those restrictions.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

The City Council of Lancaster (Various Roads) (On Street Parking Places Prohibition and Restriction of Waiting) (No 2) Order 2006

Letters of objection provided to the Cabinet Member are exempt from publication by virtue of paragraph 2 of Schedule 12A of the Local Government Act (as amended) as they contain information which is likely to reveal the identity of an individual.

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