

<b>Subject:</b>	<b>Tivoli Crescent - Resident Parking Scheme Formal Consultation</b>		
<b>Date of Meeting:</b>	<b>5 July 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</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>No</b>		
<b>Wards Affected:</b>	<b>Withdean</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 inclusion of Tivoli Crescent into the Area A resident parking scheme.

**2. RECOMMENDATIONS:**

- 2.1 That, having taken account of all duly made representations and objections, the Cabinet Member for Transport and Public Realm approves as advertised the following order;
- (a) Brighton & Hove Various Controlled Parking Zone Consolidation Order 2008 Amendment Order No\* 201\* (Area A – Tivoli Crescent)
- 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 In the initial consultation process for a proposed parking scheme in 2007, the residents of Tivoli Crescent voted to be excluded from this proposed Zone 'A' (Preston Park Station Area) resident parking scheme, and therefore, this road was not included within the proposed scheme.
- 3.2 Following extensive consultation and design, a parking scheme in the Preston Park Station area (Zone A) went ahead in 2009.
- 3.3 As the parking zone lies at both ends of Tivoli Crescent the road is consistently overflowing at all times of the day with commuter parking. This results in significant nuisance, inconvenience and perceived health and safety risks to the residents. Residents in the road also have no off street parking to park their vehicles.

- 3.4 A survey by the Tivoli Crescent Residents Association was carried out in December 2009, two to three months after the introduction of the new Zone A. The survey asked residents if they still wanted to be excluded from Zone A or alternatively, for the scheme to be extended to include Tivoli Crescent.
- 3.5 A response was received from 89% of the dwellings in Tivoli Crescent with 93% of these households voting to be included in the scheme. Tivoli Crescent by an overwhelming majority, now wished to be included in Zone A as soon as is practically possible.
- 3.6 Including Tivoli Crescent in Zone A logically completes the road network of Zone A - by filling in the missing link between Woodside Avenue and The Drove. Unrestricted roads further out from Tivoli Crescent would have the opportunity to comment on this proposal to include Tivoli Crescent when the traffic order was advertised.
- 3.7 A deputation concerning the proposal to extend Zone A to Tivoli Crescent - was presented to the Environment Cabinet Member Meeting by Mr Mark Dyson (Spokesperson) on 11 May 2010 and was supported by the Withdean Ward Councillors. A report was then presented to the Environment Cabinet Member Meeting on 26<sup>th</sup> July 2010 when it was agreed to take this proposal forward to consultation.
- 3.8 In November 2010, a letter, map and question asking if residents wanted a resident parking scheme or not were sent to 106 households in Tivoli Crescent just North West of the current Area A scheme surrounding Preston Park Station. Questionnaire returns totalled 78, giving a response rate of 73.5%.
- 3.9 Overall, 73 (93.5%) respondents support the proposed extension of the Area A scheme and 5 (6.5%) are not in favour.
- 3.10 Therefore, the recommendation on 11<sup>th</sup> March 2011 in the report to the Environment Cabinet Member Meeting was that the revised Area A Residents Parking Scheme extension into Tivoli Crescent be progressed to final design and advertised through a traffic regulation order.

#### **4. CONSULTATION**

- 4.1 The draft Traffic Regulation Order (TRO) was advertised on 6<sup>th</sup> May 2011 with the closing date for objections on 26<sup>th</sup> May 2011. Notices were also put on street for 6<sup>th</sup> May 2011 which outlined the proposal. The notice was also published in The Argus newspaper on 6<sup>th</sup> May 2011. 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. A plan detailing the proposals is shown on Appendix A.
- 4.2 There were 8 items of correspondence received (hard copies are available to view in the Members Room). All 8 items were received from individuals and included objections and general comments. The comments / objections are listed in Appendix B.
- 4.3 All 8 comments/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 comments that a review should take place of parking schemes and / or that their road should be included in the proposals.

- 4.4 In 2007, the residents of Tivoli Crescent and surrounding roads voted to be excluded from the proposed Zone 'A' (Preston Park Station Area) resident parking scheme, and therefore, these roads were not included within the proposed scheme.
- 4.5 As outlined in the background above a survey by the Tivoli Crescent Residents Association was carried out in December 2009. A response was received from 89% of the dwellings in Tivoli Crescent with 93% of these households wishing to be included in the scheme. Tivoli Crescent by an overwhelming majority, now wished to be included in Zone A as soon as is practically possible. It was felt that Including Tivoli Crescent in Zone A logically completes the road network of Zone A - by filling in the missing link between Woodside Avenue and The Drove.
- 4.6 In terms of requests for a Citywide parking review this is currently being considered by the Lead Commissioner for City Regulation and Infrastructure. This overall review of parking in the City will be taken forward within the City Commissioning Plan due to be agreed at July Cabinet.

### **Conclusions**

- 4.7 The recommendation is that Tivoli Crescent be progressed as an extension to the Area A resident parking scheme area due to the reasons outlined within the relevant background.
- 4.8 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.
- 4.9 As part of the consultation undertaken in the scheme 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.
- 4.10 Ward Councillors in Withdean have been consulted about this proposal.

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

### Financial Implications:

- 5.1 Any revenue costs associated with the implementation of this amendment to the Area A residents' parking scheme will be met from existing revenue budgets. The financial impact of any additional income from the proposed scheme amendment will be included within the Parking revenue forecasts, and the proposed budget for 2012-13 which will be submitted to Budget Council in February 2012.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 01/06/11*

#### Legal Implications:

- 5.2 The Council has specific powers under the Road Traffic Regulation Act 1984 to make various types of order, including power to authorise parking by permit (Section 45). 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.
- 5.3 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 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.

*Lawyer Consulted:*

*Carl Hearsum*

*Date: 13/06/11*

#### Equalities Implications:

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

#### Sustainability Implications:

- 5.5 The new motorcycle bays will encourage more sustainable methods of transport.
- 5.6 Managing parking will increase turnover and parking opportunities for all.

#### Crime & Disorder Implications:

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

#### Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

- 5.9 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 - List of Objections / Comments

**Documents In Members' Rooms**

1. Objections / representations.

**Background Documents**

1. Report to Environment Cabinet Member Meeting on 5 September 2009
2. Report to Environment Cabinet Member Meeting on 11 March 2011

