

# ENVIRONMENT CABINET MEMBER MEETING

## Agenda Item 68

Brighton & Hove City Council

<b>Subject:</b>	<b>Various Controlled Parking Zones Traffic Regulation Amendment Order No* 200*</b>		
<b>Date of Meeting:</b>	<b>6 November 2008</b>		
<b>Report of:</b>	<b>Director of Environment</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Charles Field</b>	<b>Tel: 29-3329</b>
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<b>Key Decision:</b>	No	Forward Plan No. N/A	
<b>Wards Affected:</b>	St Peters & North Laine, Regency, Brunswick & Adelaide, Westbourne, Queens Park, Central Hove, Wish, Goldsmid		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Parking Strategy Team receives requests for alterations to parking restrictions within the Controlled Parking Zones. These requests are most often from residents, but can also be from businesses, local members, or other teams within the Council such as Road Safety. After investigation, if it is decided that the request is justified, then it is advertised on a Traffic Order. These amendments often help to improve sustainable transport, for example by providing additional motorcycle bays or can improve accessibility for disabled people by providing disabled parking bays.

#### 2. RECOMMENDATIONS:

- 2.1 (1) The Cabinet Member for Environment is recommended to (having taken into account of all the duly made representations and objections) approve the Brighton & Hove Various Controlled Parking Zones Traffic Regulation Order No\* 200\* with the following amendments:
- (a) The proposed removal of disabled parking bays in Compton Avenue, Clarendon Road, Clarendon Villas are to be removed from the Traffic Order as the bays are still required by local residents;
  - (b) The proposed new disabled bays in Milnthorpe Road, Davigdor Road and Ruskin Road are no longer required and therefore to be removed from the Traffic Order;
  - (c) A proposed new loading bay in Denmark Villas is to be removed from the Traffic Order due to the large amount of objection from local residents and no support received for the bay;

- (d) Proposed motorcycle bay in Chadbourne Close not to proceed at present but to be advertised in a slightly different location on the next CPZ Traffic Order; and
- (e) Proposed motorcycle bay in Freshfield Road to be removed from this order and new location considered on the next CPZ Traffic Order, if there is still a need for the bay.

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

3.1 This Traffic Order includes proposed restrictions for over 150 roads in the Controlled Parking areas of Brighton and Hove.

3.2 A number of objections were received to the advertised Traffic Regulation Order. The objections are summarised and explained in detail in Appendix A and plans showing the proposals which have had comments / objections are shown in Appendix C. In particular objections were received in relation to the following proposals:

- (a) Car Free Development Sites (Appendix B)
- (b) Holland Road (Area M) – new disabled bay
- (c) Westbourne Place (Area R) - new motorcycle bay
- (d) Bond Street (Area Z) – new loading bay
- (e) Queens Gardens (Area Y) – new disabled bay
- (f) Ventnor Villas (Area N) – new motorcycle bay
- (g) Crescent Place (Area H) – new motorcycle bay
- (h) Denmark Villas (Area N) – new loading bay
- (i) Victoria Road (Area Y) – creation of additional parking bay
- (j) Chadbourne Close (Area H) – new motorcycle bay
- (k) Freshfield Road (Area U) - new motorcycle bay
- (l) Montpelier Villas (Area Z) - Altering double yellow lines into single yellow lines

3.3 The objection that has been received on behalf of the Federation for Disabled People, in connection with 'car free' developments, is an 'in principle' objection that has been submitted before in response to consultation on other TROs and planning applications. It 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 Controlled Parking Zone. This needs to be included within the relevant traffic regulation order and this is what is being requested to approve. In summary, the objection is that blue badge holders should be allowed to purchase resident permits (see Appendix A).

3.4 Currently blue badge holders can park for free unlimited time in pay & display bays (shared & exclusive) so it is currently considered that there is 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. Therefore the current objection can be overcome.

- 3.5 However, this matter has been raised very recently at 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 Environment Cabinet Member. The implications and necessary changes that would be required in relation to increasing access to parking for disabled people in 'car free' development will therefore be set out in more detail in a separate report to the Environment Cabinet Member in December.
- 3.6 Letters of support were received to Brunswick Square (Area M - no loading provision), Bond Street (Area Z- loading bay) and Montpelier Villas (Area Z – Altering double yellow lines into single yellow lines).
- 3.7 Montpelier Villas – Originally, as part of the Central Brighton Parking review, double yellow lines were placed on the eastern side of the road. This included double yellow lines across driveways to prevent the obstruction of these driveways. Single yellow lines were considered at the time between driveways but this would have required more on-street signage in a conservation area so it was agreed with residents of Montpelier Villas that double yellow lines should be placed on the whole of the eastern side of the road which would require no signage.
- 3.8 A large amount of requests have been received from residents in this parking zone which argue that parking is appropriate on the east side of Montpelier Villas overnight and on Sundays. Residents in this zone (Z) have experienced difficulties finding parking in the evenings and at weekends. This proposal allows parking at these times between dropped kerbs by means of single yellow lines; however, this does mean more signage.
- 3.9 There has been an objection that single yellow lines should be placed on the whole of the east side of Montpelier Villas. However, Double yellow lines have to be placed across driveways as this is the consistent underlying restriction throughout the whole of the South Central zone (Area Z) as contained in the legal traffic order.
- 3.10 Due to the amount of requests in favour, it is recommended that the proposal of single yellow lines between driveways should be proceeded with.

#### **4. CONSULTATION**

- 4.1 The Traffic Regulation Order was advertised between 12 July 2008 and 4 August 2008.
- 4.2 The Ward Councillors for the areas were consulted, as were the statutory consultees such as the Emergency Services. Comments were received from Westbourne Councillors, a Central Hove Councillor, a Wish Councillor and the Bus Company. With the exception of the Central Hove Councillor (objecting to loading bay in Denmark Villas) none had any objections.
- 4.3 Notices were also put on street for 12 July 2008, these comprised of the notice as well as a plan showing the proposal and the reasons for it. The notice was also published in The Argus newspaper on 12 July 2008. Detailed plans and the

order were available to view at Hove Library, Jubilee Library and at the City Direct Offices at Bartholomew House and Hove Town Hall.

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

### Financial Implications:

The full cost of advertising the traffic regulation order and amending the lining and signing will be covered from existing traffic budgets. There are no further financial implications.

*Finance Officer Consulted: Karen Brookshaw Date: 19/09/08*

### Legal Implications:

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.

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: Liz Culbert Date: 01/10/08*

### Equalities Implications:

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

### Sustainability Implications:

The new motorcycle bays will encourage more sustainable methods of transport.

### Crime & Disorder Implications:

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

### Risk and Opportunity Management Implications:

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

Corporate / Citywide Implications:

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 in Appendix A and within the report.

6.2 For the proposals outlined as being removed from the order in the recommendations the only alternative option is taking these forward. However, it is the recommendation of officers that these proposals are not taken forward for the reasons outlined in the recommendations.

**7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 To seek approval of the Traffic Order with amendments 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 Appendix A and within the report.

**SUPPORTING DOCUMENTATION**

**Appendices:**

1. Appendix A – summary of representations received
2. Appendix B - List of Car free developments
3. Appendix C - Plans showing the proposals

**Documents In Members' Rooms**

None

**Background Documents**

None

