

North Yorkshire County Council

Business and Environmental Services

Executive Members

26 October 2018

Proposed amendment to Traffic Regulation Order; Valley Mount, Harrogate - Consideration of Objections to proposed waiting restrictions

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 The purpose of this report is to advise the Corporate Director Business and Environmental Services (BES) and the BES Executive Members of the outcome of the public consultation and for a decision to be taken on whether the following proposals be introduced or set aside in light of the objection received to a proposed traffic regulation order advertised for public comment in August 2018.

2.0 Background

- 2.1 A resident of Valley Road, Harrogate submitted an application to the Area 6 highways office to amend the current Traffic Regulation Order (TRO) in Valley Mount to the rear of their property, seeking the removal of a short length of disc parking to be replaced by a short length of double yellow line restriction, which would enable the resident to adapt their rear yard to facilitate the parking of two vehicles off the public highway.
- 2.2 Due to budget constraints, the Area 6 highways office does not presently bring forward proposals that benefit individual residents utilising existing budgets, such as the introduction of waiting restrictions across vehicular accesses, or the amendment to existing traffic regulation orders to enable access to off street parking facilities. Residents seeking such measures are however offered the opportunity to fund advisory markings such as 'Access Protection Markings' at low cost, or where more permanent measures are necessary, to fund the total cost of a TRO. A standard fee for privately funded TROs has been quoted of £2500, which contained detailed analysis of the process and charges. The applicant has paid this fee upfront and the proposal is therefore at no cost to the County Council.
- 2.3 The applicant is further seeking to construct a new vehicular access to facilitate the construction of the off street parking facility although this has been deferred pending the promotion of the enabling TRO to alter the current waiting restriction/ disc parking arrangement. If the application for a change to the TRO is successful, the applicant will then submit an application to construct a new vehicular access, in line with the County Council's standard process.
- 2.4 Local members, the North Yorkshire Police and other statutory bodies' comments were sought on the proposed measures in July 2018 and further parties consulted at the time of advertising the proposal. The enabling TRO was advertised for public comment in the local press and notices placed on site in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 on Thursday 9 August 2018, allowing in each case 21 days for formal objections to the proposed restrictions to be lodged with the Area 6 Highways office.

- 2.5 The last date for receipt of objections was Friday 31 August 2018.
- 2.6 A new process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is changed to a consultative role on 'wide area impact TROs'. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A 'wide area impact TRO' is classed as a proposal satisfying all of the three criteria set out below;
- The proposal affects more than one street or road and;
 - The proposal affects more than one community and;
 - The proposal is located within the ward of more than one County Councillor.
- 2.7 The proposed TRO has not been defined as a 'wide area impact TRO' and therefore the Area Constituency Committee's views have not been sought.

3.0 Officer Comment and Conclusion

- 3.1 Officers consider that the proposed measures set out in this report will assist in addressing the problems identified and thereby enable the County Council to comply with its duty under Section 122(1) of the Road Traffic Regulation Act 1984 to exercise their functions as road traffic authority so as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, as set out in the Statement of Reasons for proposing to make the Order attached to this report in Appendix A.
- 3.2 Appendix B lists the objections/representations that have been received to the proposal and includes a detailed report in respect of each objection together with officer's comments and recommendations.
- 3.3 Any comments received from the relevant Local Members are included in the appropriate detailed report. Local Members have been provided with a copy of this report and have been invited to the meeting on 26 October 2018.

4.0 Financial Implications

- 4.1 In line with current financial constraints on highway improvement budgets, the resident has funded the application for a change to the enabling TRO, based on a quote of £2500 to support the installation of these measures. The proposal is therefore at no cost to the County Council.

5.0 Equalities Implications

- 5.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010. A copy of the 'decision not to carry out an EIA' form is attached in Appendix C.

6.0 Legal Implications

- 6.1 In the event that the BES Executive Members and BES Corporate Director resolves to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the County Council will be required to make the relevant Traffic Regulation Orders (with or without modifications) and publish a notice of making the Orders in the local press. The County Council will also be required to notify the objectors of its decision and the reasons for making that decision within 14 days of the Order being made.
- 6.2 Where an Order has been made (i.e. sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within six weeks from the date on which the Order is made.
- 6.3 In recommending the implementation of the proposed TRO, officers consider that it will enable the County Council to comply with its duty under Section 122 of the Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

7.0 Recommendations

- 7.1 It is recommended that:-
- i) the Assistant Chief Executive (Legal and Democratic Services) be authorised to make and seal the relevant Traffic Regulation Order to give effect to the proposal identified in Appendix B, subject to the amendments and recommendations approved by the Executive Members (BES) and the Corporate Director (BES) in light of the objections received;
 - ii) the objector be notified within 14 days of the TRO being made.

BARRIE MASON

Assistant Director – Highways & Transportation, Business and Environmental Services

Author of Report: Paul Ryan (Project Engineer, Area 6)

Background Documents: Letters/ Emails objecting to the proposals, as outlined in this report are held in the scheme files held by the Boroughbridge Area 6 Highways Office.

**North Yorkshire County Council (Harrogate, Knaresborough, Pannal and Burn Bridge)
(Parking and Waiting) (No.32) Order 2018**

Statement of the Councils reasons for proposing to make the order

Legal Powers and Duties

Under Section 1(1) of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality).

Section 122(1) of the Road Traffic Regulation Act 1984 also provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

Reasons for making the Order

The County Council considers that it is expedient to make this TRO on grounds (c) and (f) above, having taken into account its duty under Section 122(1) of the 1984 Act, for the following reasons:-

Location(s) of Proposed Order:

Proposal location: **Valley Mount, Harrogate** [Drawing; A6-TM-TRO2018-VM1]

Removal of short length of disc parking fronting new vehicular access/ driveway, replacing one on street space with two off street spaces and introduction of 'no waiting at any time' restrictions to prohibit parking fronting new off-street parking facility.

Consideration of Objections

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Members. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Area Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

The report will seek the views of the Area Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Members seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision making meetings open to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

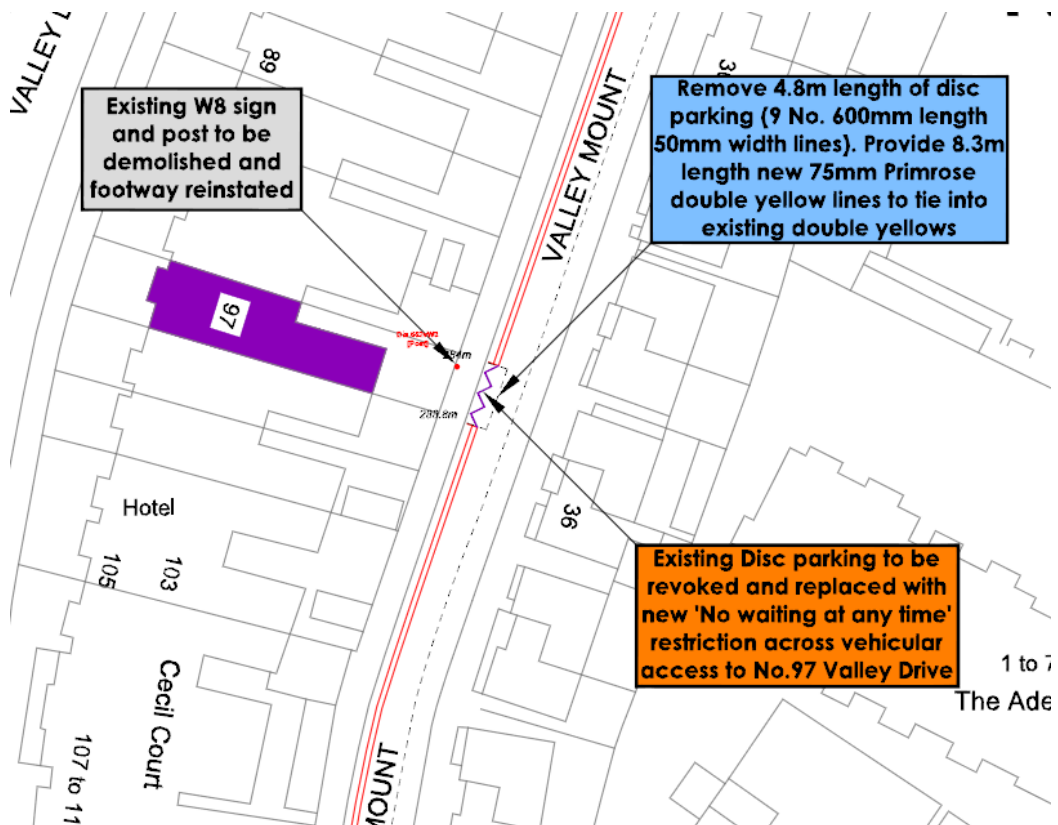
N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.

SCHEDULE OF REPRESENTATIONS WHERE OBJECTIONS HAVE BEEN RECEIVED AND SUBSEQUENT OFFICER RECOMMENDATIONS

1 Valley Mount, Harrogate (Harrogate Central Division)

Background:

Application to revoke short length (single space) disc parking restriction and provision of new double yellow lines across proposed new vehicular access to the rear of property on Valley Mount, Harrogate.



Objector(s): Resident of Valley Mount, Harrogate

Believes that Valley Mount already has very limited parking spaces and as the applicant is Valley Drive resident they are also able to park on Valley Drive yet choose not to.

Suggests that Valley Mount is used for school drop off, users of the local Valley Gardens and its amenities, local businesses (particularly a car garage at the top of the road) along with all the residents.

Advises that as a resident, is frequently unable to park on Valley Mount presently, without the loss of another parking space. Valley Drive residents favour parking on Valley Mount as there are less trees and it is level access to their property. Valley Mount residents have no other options for parking - other than a significantly longer walk.

Considers that whilst one property would gain from this in terms of their own private parking space, a community would lose one of their parking options.

Officers comments and recommendations:

The Council would not seek to promote the removal of one on street parking space within a Controlled Parking Zone unless the off-street parking facility being constructed afforded two spaces, reducing the likely impact on residents of that property parking on street. It is further likely that the space in question is generally used by the applicant to park outside their own home although the space could potentially be used by all residents (or other road users).

A number of property redevelopments have been undertaken over the last 10 years along Valley Drive, with conversions from larger single properties, including Hotels and Guest houses, to apartment complexes and private houses.

The majority of those properties already benefitted from rear access via Valley Mount and many of the redevelopments included off-street parking facilities reducing the demand on parking on Valley Mount by residents of Valley Drive. This has reduced the number of parking spaces on the west side of Valley Mount but this has been offset by potential permit holders of the Valley Drive residences parking off-street within their property curtilages.

It should be noted that officers have historically rejected applications for removal of disc parking spaces in controlled parking zones when the proposal has sought to only create one off street parking facility, on the grounds that the removal of one space available to all road users and permit holders and the creation of only one off street space would have an adverse impact upon the effective operation of the controlled parking zone. However, where more than one off street space is being created, applications have been progressed.

It is estimated that since 2004 over six TRO proposals have been brought forward on Valley Mount, removing approximately 8 disc parking spaces on the west side of the road, whilst providing significantly more off street parking spaces. Objections have been lodged to some of those proposals previously citing the loss of parking spaces in the street although these have been overruled on the grounds that the creation of more than one off street parking spaces has been of greater benefit to the effective operation of the Controlled Parking Zone that retaining the on-street disc parking space.

Local Councillors and some residents have previously suggested that the current disc parking zone should be split to enable only residents of Valley Mount to park on Valley Mount itself, with Valley Drive properties only issued permits to park on Valley Drive. However, there has never been a formal application demonstrating that there would be a majority support for such a change, particularly since both Valley Mount and Valley Drive residents would need to be consulted and support such changes.



Photo showing existing disc parking space



Photo showing existing disc parking space

The current bay is located 53 metres south of the nearest disc parking space on the west side of Valley Mount. All neighbouring properties additionally benefit from off street parking spaces with double yellow lines protecting their vehicular accesses.

Local member's comments are being sought on the objector's comments and officers recommendations and any comment will be reported verbally at the meeting.

RECOMMEND that the proposal be introduced as proposed and that the objection be overruled.

Record of decision that Equality Impact Assessment is not required Proposed amendment to Traffic Regulation Order; Valley Mount, Harrogate - Consideration of Objections to proposed waiting restrictions	
Directorate and service area	Business and Environmental Services – Highways and Transportation
Name and contact of officer(s) taking decision that EIA not required Paul Ryan, Project Engineer (ext. 7491)	
What are you proposing to do? Introduction of short length of waiting restrictions and removal of one disc parking space to enable construction of new vehicular access and creation of two off street parking spaces to rear of residential property.	
Why are you proposing this? To regulate parking, reduce demand for on street parking spaces and to enable the County Council to comply with its duty under Section 122 of the Road Traffic Regulation Act 1984, to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.	
Does the proposal involve a significant commitment or removal of resources? No	
Will this proposal change anything for customers or staff? What will change? In general, the proposals seek to regulate parking and reduce demand for on street parking by virtue of removing one disc parking place which would enable two vehicles to park off the public highway in a newly constructed vehicular access. The proposal is within a residential area and it is not envisaged that the proposals would impact significantly on parking opportunity for customers, visitors or business staff.	
Will the proposal make things worse for people with protected characteristics (age, disability, sex, disability, gender reassignment, religion or belief, pregnancy or maternity, marriage or civil partnership)? (Customers, staff etc.). How do you know? Do you have any evidence to support your assessment? No, it is not considered that any individual or group with protected characteristics would be affected by the proposal. Disabled badge holders will be able to park on single yellow or double yellow line 'at any time' restrictions in the street for up to 3 hours when an obstruction is not created and within the disc parking zone free of charge and without time limit as prescribed by the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.	
If there might be a negative impact on people with protected characteristics can this impact be reduced? How? N/A	
Could the proposal have a significant negative impact on some people with protected characteristics or a less severe negative impact on a lot of people with protected characteristics? If "Yes" more detailed analysis should be undertaken and an EIA completed. No	
Could the proposal have a greater negative impact on people in rural areas? No	

Could the proposal have a worse impact on people with less money? No	
Will the proposal have a significant effect on how other organisations operate (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? No	
Do the answers to the previous questions make it reasonable to conclude that there will be no or very limited adverse impacts on people with protected characteristics?	Yes
Will there be no or limited adverse impacts on people in rural areas?	Yes
Will there be no or limited adverse impacts on people with less money?	Yes
Further analysis and full EIA required	No
Decision not to undertake EIA approved by (Assistant Director or equivalent)	<i>Barrie Mason</i>
Date:	16/10/18