

CABINET MEMBER FOR HIGHWAYS AND TRANSPORT – CLLR PHILIP WHITEHEAD

HIGHWAYS AND TRANSPORT SERVICE

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REVIEW OF RESIDENTS' PARKING ZONE A, SALISBURY

Purpose of Report

1. To:
 - (i) Consider objections to proposed amendments to the layout of waiting restrictions in Residents' Parking Zone A (RPZA), Salisbury.
 - (ii) Recommend re-advertising the Traffic Regulation Order (TRO) with amendments to the Council's proposals.

Relevance to the Council's Business Plan

2. The proposed TRO meets one of the key priorities of the Council's Business Plan. That priority being:
 - Outcome 2 – People in Wiltshire work together to solve problems locally and participate in decisions that affect them.
3. Outcome 2 has been met through development of the proposals in conjunction with the local Wiltshire Council Members and the local Salisbury City Council Members for the St. Edmund and Milford ward. Local residents have also been involved in developing the proposals through originally requesting amendments to the layout of waiting restrictions in RPZA and through the TRO consultation process.

Background

4. RPZA is located to the north of Salisbury City Centre in the St. Edmund and Milford ward and was introduced on the ground in 1989. RPZA is a limited waiting type of residents' parking scheme and operates between the hours of 8.00am to 6.00pm Monday to Saturday. The parking bays within the zone are restricted to 'Waiting Limited to 2 Hours, No Return Within 4 Hours'. This means that the parking bays within the zone can be used by any motorist for a period of up to two hours without needing to display a parking permit. RPZA permit holders displaying a valid permit are exempted from the aforementioned two hour time limit.
5. The main accesses to the roads that form RPZA are from Castle Street, Endless Street and Estcourt Road. The roads that make up RPZA consist predominantly of residential premises. However, in addition to the residential premises there are a number of business and community premises situated within the zone including the shared Council

and Police Bourne Hill office, Aviva Friend's Life office, Five Rivers Children's Service office, Citizens Advice Bureau office, a church, two doctors' surgeries, two dental practices, a physiotherapy practice, a social club, a public house, a butcher and numerous other small shops. College Street Car Park, a long stay car operated by the Council, is also located within the zone.

6. Over the past six years there has been increasing pressure upon the availability of parking spaces within RPZA. The current TRO covering RPZA is intended to operate on the basis that non permit holders can park for two hours and are then not allowed to return to the zone within a four hour period. However, approximately six years ago the Traffic Penalty Tribunal (the authority that adjudicates on Penalty Charge Notices for parking contraventions) raised an issue with the wording of the TRO and whether or not it actually prohibited non permit holders from returning to the zone within four hours. Following the raising of this issue the Council's Parking Services Team stopped enforcement of the 'No Return Within 4 Hours' element of the restriction on the parking bays within RPZA. This has become widespread knowledge and, in particular, staff from Friends Life have taken advantage of this situation by moving their vehicles from street to street within RPZA every two hours to avoid paying parking charges. Staff from both Five Rivers and Wiltshire Council have also been witnessed taking advantage of this situation. The consequence of which is that fewer parking spaces are available for use by residents and businesses within RPZA. The streets most affected by this issue are Albany Road, Belle Vue Road, Swayne's Close and Wyndham Road.
7. It is worth noting that having reviewed the RPZA TRO it is believed that the wording of the TRO is sufficient to enforce the 'No Return Within 4 Hours' element of the restriction on the parking bays within the zone. However, it is acknowledged that the wording within the TRO in respect of this restriction could be made clearer for the purpose of avoiding ambiguity. It is believed that the underlying issue with enforcement of the 'No Return Within 4 Hours' element of the restriction stemmed from an inability of the handheld devices used by the Council's Civil Enforcement Offices (CEOs) when enforcing waiting restrictions to check if a vehicle had returned to the zone within a period of four hours. The issue with the handheld devices has now been addressed by Parking Services.
8. Further pressure has been put upon the availability of spaces in the zone through the conversion of existing residential properties into flats and business properties into residential properties. This, along with increasing levels of car ownership, has resulted in increased demand for kerbside parking spaces within RPZA. Arguably though, the greatest pressure upon the availability of parking spaces is in the evenings when the residents' parking scheme is not in operation.
9. The issues affecting the availability of spaces in RPZA, outlined above, are compounded by the fact that the restrictions in place within the zone have not been subject to a full review since their introduction. Changes to properties (such as new dropped kerb accesses to private driveways) within the zone have resulted in there being a number of locations where there are restrictions that are either no longer appropriate or required. Tackling such locations would not only increase the number of parking spaces available but address parking issues that affect residents and businesses within the zone on a day to day basis.
10. In Salisbury there is a rolling programme of works to review existing and consider the provision of new residents' parking zones. The order in which areas of Salisbury are considered is set by the Salisbury Area Board. At its meeting on 17 March 2011 the Salisbury Area Board agreed the following order; review of Zone H, new zone in the Ashfield Road area, review of Zone D and review of Zone A.
11. In response Zone A has been reviewed with the principal aim being that of maximising the number of parking spaces available to residents living within the zone.

12. The review proposed converting RPZA from a limited waiting type of residents' parking scheme to a permit holders only type of residents' parking scheme. Permit holders only schemes require a permit to be displayed at all times when parking in a bay. In the case of RPZA, making such a change would remove the ability for motorists to park in bays within the zone for a period of up to two hours and make all the parking spaces available for use by residents (and their visitors) or businesses during its hours of operation. Effectively, such a change would maximise the number of parking spaces available within RPZA for local residents in line with the principal aim of the review.
13. In January 2013 all residents and businesses within RPZA were written to and asked to complete a questionnaire which sought their views on whether or not they would support the conversion of the zone to a permit holder's only type of residents' parking scheme. A copy of the material sent to residents is attached as **Appendix 1**.
14. The Council distributed 1,023 questionnaires and received a total of 421 completed questionnaires. This represents a response rate of 41%. Of the completed questionnaires received, 229 supported the conversion of RPZA to a permit holders only residents' parking scheme and 192 opposed such a conversion. In percentage terms, 54% of responses supported the conversion of the zone, whilst 46% opposed its conversion. A summary of the responses to the questionnaire is attached as **Appendix 2**.
15. Typically, when introducing residents' parking schemes the Council would proceed with implementing a scheme on a zone wide basis in line with what the majority of residents supported. However, having considered the responses to the questionnaire an alternative approach of converting individual streets in the zone to permit holders only parking based on their response to the questionnaire was considered.
16. Between December 2013 and August 2014 a review of the existing waiting restrictions on the ground in RPZA was undertaken to identify areas where additional residents' parking bays could be provided and where restrictions that were no longer appropriate or required, could be removed. Between September 2014 and January 2015 the TRO paperwork was drafted.
17. A TRO proposing amendments to the layout of waiting restrictions within RPZA was formally advertised for comment on 29 January 2015. The Council's closing date for receipt of objections or other representations to the advertised TRO, together with the grounds on which they were made, was 23 February 2015.

Summary of Proposals

18. One TRO was advertised as part of this scheme and proposed:
 - The conversion of all existing limited waiting residents' parking bays in Albany Road, Belle Vue Road and Swayne's Close to permit holders only residents parking bays.
 - The conversion of two limited waiting residents' parking bays in Wyndham Road to time limited parking bays with Parking Limited to 1 Hour, No Return Within 2 Hours Monday to Saturday 8.00am to 6.00pm.
 - The conversion of all (bar two) existing limited waiting residents' parking bays in Wyndham Road to permit holders only residents parking bays.
 - The provision of new permit holders only residents' parking bays in Albany Road, Belle Vue Road, Endless Street, Swayne's Close and Wyndham Road.
 - The provision of new limited waiting residents' parking bays in College Street, Estcourt Road, Kings Road, Marlborough Road, Park Street, Queens Road, St. Mark's Road, Scammell's Road and Woodstock Road.

- The provision of two shared use Pay and Display and residents' parking bays in Castle Street.
- The provision of time limited parking bays in Belle Vue Road and Estcourt Road. The bays will be restricted to 'Parking Limited to 1 Hour, No Return Within 2 Hours Monday to Saturday 8.00am to 6.00pm'.
- The provision of a time limited parking bay in Estcourt Road. The bay will be restricted to 'Parking Limited to 30 Minutes, No Return Within 1 Hour Monday to Saturday 8.00am to 6.00pm in Estcourt Road'.
- The provision of a disabled parking bay outside of the doctors surgery in Endless Street with parking limited to 'Disabled Badge Holders Only At All Times Monday to Saturday 8.00am – 6.00pm 3 hours No Return within 3 hours'.
- The provision of a loading bay in Estcourt Road.
- The provision of additional 'No Waiting At Any Time' restrictions in Albany Road, College Street, Endless Street, Kings Road, Nelson Road, Woodstock Road, Wyndham Road.
- The provision of No Waiting Monday – Saturday 8.00am-6.00pm restriction in Nelson Road.
- The provision of driveway protection (white bar) markings in Albany Road, Belle Vue Road, Estcourt Road, Hamilton Road, Kings Road, Nelson Road, Park Street, Queens Road, St. Mark's Road, Swayne's Close, Woodstock Road, Wyndham Road.

19. A plan showing the Council's advertised proposals is attached as **Appendix 3**.

Summary of Responses

20. A total of 99 items of correspondence have been received in response to the proposals contained within the advertised TRO. Of the 99 items of correspondence received, 14 expressed support for the Council's proposals. The remaining 85 items of correspondence objected to or offered comments on the Council's proposals.
21. Of the 85 items of correspondence objecting to or offering comments on the Council's proposals, 64 related solely to the proposals for Wyndham Road and how they would impact on the day to day operation of the Southern Independent Medical Practice (SIMP) which is based within the road. The 64 items of correspondence comprise 63 emails from patients (or family members of patients) of SIMP and a petition with 117 signatories. The signatories of the petition comprise a mix of staff and patients (or family members of patients) of SIMP. The correspondence received appears to be part of a campaign organised by Dr Richard Willis (the owner and founder of SIMP) to propagate objections to the Council's proposals.
22. The remaining 21 items of correspondence objecting to or offering comments on the Council's proposals concerned proposed amendments across the whole of RPZA.
23. A summary of the correspondents who wrote in support of the Council's proposals is attached as **Appendix 4**. A summary of the correspondents who provided comments on how the Council's proposals for Wyndham Road would impact on the day to day operation of the SIMP surgery is attached as **Appendix 5**. A summary of the correspondents who wrote in opposition to or commenting on the Council's proposals across the whole of RPZA is attached as **Appendix 6**. A full summary of the comments raised by objectors, together with officer comments, is attached as **Appendix 7**. The substantive issues raised by the objectors are detailed below.

The Council's Proposals for Wyndham Road Will Prevent Patients from Being Able to Visit the Southern Independent Medical Practice

24. All of the items of correspondence relating to the proposals for Wyndham Road, and how they would impact on the day to day operation of the SIMP, essentially raise the same issue. That issue being the removal of the limited waiting residents' parking bays from Wyndham Road would prevent patients from being able to park within a reasonable distance of the surgery and consequently stop them from being able to visit their General Practitioner. The items of correspondence highlighted that not being able to park within a reasonable distance of the surgery would be particularly problematic for sick, elderly, disabled and infirm patients wishing to visit SIMP.

The Proposed Amendments to the Layout of Waiting Restrictions in Kings Road Will Prevent Access to the Off-Street Parking Spaces at the Rear of Nos. 21-51 Wyndham Road

25. Four items of correspondence were received from residents of Wyndham Road objecting to the proposal to swap the limited waiting residents' parking bays in Kings Road from the south-eastern side of the road to the north-western side of the road. The objections were on the grounds that the proposed new position of the parking bays would prevent them from accessing or egressing the off-street parking spaces located at the rear of their properties (accessed via Kings Road).

Council's Response to the Objections

The Council's Proposals for Wyndham Road Will Prevent Patients from Being Able to Visit the Southern Independent Medical Practice

26. It is apparent that Dr Willis has misinterpreted the Council's proposals and believed that they showed the complete removal of the ability for patients visiting the SIMP surgery to park in Wyndham Road. Put simply, that is not the case. It is unfortunate that Dr Willis chose not to discuss his concerns about the proposals for Wyndham Road, and how they would affect the day to day operation of the SIMP surgery, with officers before launching his campaign seeking objections to them, as he will have undoubtedly caused undue worry and stress for patients of the surgery through the dissemination of his view of the Council's proposals.
27. The Council's advertised proposals for Wyndham Road included converting the two limited waiting residents' parking bays closest to the SIMP surgery to time limited parking bays rather than permit holders only residents' parking bays. This was specifically so that patients visiting the surgery had the opportunity to park close to it. The two bays proposed to be converted would be restricted to 'Parking Limited to 1 Hour, No Return Within 2 Hours Monday to Saturday 8.00am to 6.00pm' and could accommodate a maximum of four vehicles depending on their size and efficacious parking.
28. Blue Badge holders are already permitted to park in any of the on-street residents' parking bays in Salisbury, irrespective of the type of residents' parking scheme in operation, without time restriction by displaying their Blue Badge. The ability for Blue Badge holders to use the residents' parking bays in Wyndham Road will not be altered as a result of the Council's proposals. This means that Blue Badge holders will continue to be able to park close to the SIMP surgery.
29. Although its proposed to provide two time limited parking bays in Wyndham Road to aid patients visiting the SIMP surgery, the level of response to the TRO consultation in respect of concerns surrounding vehicular access to the surgery has led officers to reconsider whether the number of time limited bays proposed is sufficient to cope with potential patient demand and if more time limited bays are required. According to the SIMP website there are four GP's practicing at the surgery. The number of parking

spaces provided by the two proposed time limited parking bays would in essence allow one patient per GP to park. In reality this level of provision is likely to be insufficient.

30. It would be possible to provide additional time limited parking bays by converting some of the proposed permit holders' only residents' parking bay opposite the SIMP surgery. Up to six additional spaces could be provided whilst still retaining some parking close to the residential properties opposite the surgery. As with the existing proposed spaces outside of the surgery any additional spaces provided would be restricted to 'Parking Limited to 1 Hour, No Return Within 2 Hours Monday to Saturday 8.00am to 6.00pm'. This would provide the ability for patients visiting the SIMP surgery (or any other nearby premises) to park in the road whilst allowing residents to make use of the bays overnight and on Sundays when there is greater demand for residents' parking spaces.

The Proposed Amendments to the Layout of Waiting Restrictions in Kings Road Will Prevent Access to the Off-Street Parking Spaces at the Rear of Nos. 21-51 Wyndham Road

31. Properties with a postal address of Kings Road are only present on the north-western side of the road. On the south-eastern side of the road there are only accesses to the rears of Nos. 21-51 Wyndham Road. The accesses to all bar two of the aforementioned Wyndham Road properties include private off-street parking spaces in the form of garages and/or driveways. Currently, there is one limited waiting residents' parking bay provided on the north-eastern side of Kings Road and four on the south-eastern side.
32. During the past five years a number of the owners of properties from Wyndham Road with rear access from Kings Road have extended the accesses to provide additional off-street parking spaces. Consequently, some of the accesses are now obstructed by limited waiting residents' parking bays and in such instances the Council is obliged to remove those bays. Clearly, doing so would reduce the number of parking spaces available in Kings Road and in RPZA overall.
33. The Council's advertised proposals included extending the residents' parking bay on the north-eastern side of the road and swapping the residents' parking bays from the south-eastern side of the road to the north-western side (where a 'No Waiting Monday to Saturday 9.00am to 5.00pm' restriction is currently in place). Swapping the bays to the north-western side of the road would not only remove the bays from in front of the accesses to the rear of Nos. 21-51 Wyndham Road but allow additional parking bays to be provided in Kings Road. More generally, such changes would be concordant with the principal aim of the Council's proposals which seek to maximise the number of parking spaces available for residents of RPZA.
34. When undertaking design work for schemes on the public highway officers use a piece of computer software called AutoTRACK. This software allows officers to work out the space vehicles required to undertake turning manoeuvres. When preparing the proposals for Kings Road the AutoTRACK software showed that even with the limited waiting residents' parking bays on the north-western side of the road, vehicles should still be able to access and egress the garages and/or driveways at the rear of the aforementioned Wyndham Road properties.
35. However, in saying that access and egress should remain possible the AutoTRACK software shows that there is no margin for error in either the way vehicles are parked in the bays on the north-western side of the road or in performing the turning manoeuvres required to access and egress the off-street parking spaces at the rear of Nos. 21-51 Wyndham Road. In practical terms, proceeding with the proposed layout of waiting restrictions in Kings Road, raises the distinct possibility that the accesses to the rear of Nos. 21-51 Wyndham Road will become obstructed.

36. There are no legal rights to park on the public highway or upon the Council to provide parking on the public highway. The Council's statutory duty as the local highway authority is to ensure that the right of passage along the highway is not impeded. This statutory duty includes making sure that vehicles can both access and egress the public highway to off-street parking spaces. In consideration of the Council's statutory duties and the potential for the accesses to the rear of Nos. 21-51 Wyndham Road to become obstructed then the proposed layout of restrictions in Kings Road should be amended.
37. In view of the need to amend the proposed layout of restrictions in Kings Road then both the existing limited waiting residents' parking bay opposite Nos. 12 and 14 Kings Road and the 'No Waiting Monday to Saturday 9.00am to 5.00pm' restriction on the north-western side of the road in front of Marlborough Court and Nos. 12-30 Kings Road should be retained. All other restrictions in Kings Road should be introduced as proposed.

Main Considerations for the Council

38. Consideration needs to be given to the responses received to the consultation and a decision made on the way forward. In particular, the desire of residents to have as many parking spaces as possible provided within RPZA needs to be balanced against the type of residents' parking scheme they wish to see in operation within the zone. To this end, thought needs to be given to the approach considered of only converting the individual streets within RPZA to permit holders only parking that were in support of such a conversion and to the implications such an approach would have on the day to day operation of the residents' parking zone.
39. Operating residents' parking schemes with restrictions on residents' parking bays differing from street to street would likely be confusing for residents and their visitors (as well as commuters and shoppers in respect of limited waiting residents parking bays). Irrespective of the type of motorist they are unlikely to expect neighbouring streets within the same zone to operate with vastly different restrictions on parking bays, particularly where some parking bays would require the use of permits and some would not. Proceeding in such a manner risks causing motorists to unintentionally park illegally through them forgetting what restrictions operate in each street or by just them thinking that all signs with the RPZA identifier operate in the same way.
40. Converting individual streets in RPZA to permit holders only parking will likely displace existing parking problems in Zone A (of the type outlined in paragraph 6) into the remaining streets with limited waiting resident parking bays. Knowingly doing so would, on the part of the Council, be injudicious.
41. The cost of residents' parking permits differs between the limited waiting (£20) and permit holders only (£40) residents' parking schemes operated in Salisbury. In addition to this, the number of visitor parking scratch cards that residents may purchase at the cheap rate of 40p (per scratch card) also differs between the limited waiting and permit holders only residents' parking schemes operated. By converting individual streets in RPZA to permit holders only residents' parking the situation would arise where some residents are paying £20 per permit and accruing the same benefits as those paying £40. Proceeding in such a manner would be unjust.
42. Converting individual streets in RPZA to permit holders only will make the issuing of residents' parking permits and planning enforcement of the zone more cumbersome for the Council's Parking Services Team.

Safeguarding Implications

43. There is no risk to the Council as a result of these proposals.

Public Health Implications

44. There are none in this scheme.

Procurement Implications

45. There are none in this scheme.

Environmental and Climate Change Considerations

46. The proposed changes to the layout of waiting restrictions in RPZA would require the laying of road markings and the erection of signs on the public highway. Doing so would have an impact on the visual aspect of the area. However, as RPZA is already subject to the provision of both road markings and signs the resultant impact from the Council's current proposals would be minimal.
47. The Council would also seek to minimise the impact on the visual aspect of the area by erecting, where possible, any new signs required as a result of its proposals on existing items of street furniture.

Equalities Impact of the Proposal

48. There are none in this scheme.

Risk Assessment

49. There is no risk to the Council as a result of these proposals.

Financial Implications

50. There is an allocation in the 2015-2016 Local Transport Plan (LTP) Integrated Transport budget which allows for the design and introduction of this scheme. Should the scheme not progress, the funding would be returned to the Council's LTP Integrated Transport budget allocation and would be available to be put towards other schemes.

Legal Implications

51. The introduction of new waiting restrictions requires the processing of a TRO. The process of introducing a TRO is governed by the Road Traffic Regulation Act 1984 and associated procedural regulations. Failure to adhere to the statutory processes could result in the restrictions being successfully challenged in the High Court.
52. In line with the Road Traffic Regulation Act 1984 changes made to a TRO at this stage that are considered to be more onerous would need to be re-advertised for public comment.

Options Considered

53. To:
- (i) Implement the proposals as advertised.
 - (ii) Re-advertise the proposals with amendments.
 - (iii) Abandon the proposals.

Reasons for Proposals

54. The provision of additional time limited parking bays in Wyndham Road, which could be used by visitors to the SIMP surgery (or any other nearby premises), serve to address the concerns raised by the surgery and its patients about not being able to park close by.
55. The changes required to the layout of waiting restrictions in Kings Road would remove the existing parking bays obstructing the accesses to the rear of Nos. 21-51 Wyndham Road, maintain access to the off-street parking bays, whilst retaining as many parking spaces as possible within Kings Road.
56. Operating RPZA as one type of residents' parking scheme rather than two will make the scheme less confusing, less unjust and less cumbersome to manage. Proceeding with a permit holders only scheme across the whole of RPZA would not only be concordant with the principal aim of the review of maximising the number of parking spaces available for use by residents living within the zone, but also with the majority of the responses to the questionnaires circulated.
57. Proceeding with making the whole of RPZA a permit holder's only scheme (with the provision of time limited parking bays to support businesses within the zone) would be considered to be more onerous from a TRO perspective. Whilst not every element of the Council's proposals would need to be re-advertised, given the fundamental change proposed to the layout of waiting restrictions in RPZA, it is considered appropriate that all its proposals are consulted upon again.

Proposals

58. That:
- (i) The Residents' Parking Zone A Traffic Regulation Order be re-advertised with the following amendments:
 - (a) All residents parking bays within the zone are converted to permit holders only.
 - (b) The provision of additional time limited parking bays in Wyndham Road (as outlined in paragraph 54) and in other roads in the zone to support businesses.
 - (c) The layout of waiting restrictions in Kings Road is amended as outlined in paragraph 55.
 - (ii) Objectors and supporters be informed accordingly.

The following unpublished documents have been relied on in the preparation of this Report:

- Letters of support
- Letters of objection
- AutoTRACK drawings