

Meeting:	Executive Member for Economy and Transport Decision Session
Meeting date:	19/10/2023
Report of:	James Gilchrist
Portfolio of:	Cllr. Kilbane

Decision Report: The York Parking, Stopping and Waiting (Amendment) (NO 14/58) Queen Street York Traffic Order 2023

Subject of Report

1. To consider the statutory consultation to a traffic regulation order which has been advertised. The proposal includes the removal of the residents parking in front of the terraced cottages on Queen Street, York.

2. As a feature of the York Station Gateway scheme, the current proposal is to remove residents' parking on safety grounds to permit the installation of segregated cycle lanes and a wider pedestrian footway. The residents parking is currently permitted under a residents parking scheme where residents pay for a permit to park but this does not guarantee a space. Following wide consultation with a range of stakeholders the previous Executive Member determined the future layout which then amended the planning application. The amended planning application which was approved showed this parking removed. An equal number of new residents' parking spaces will be re-provided on Toft Green, York and made available to the residents affected on Queen Street.

3. This report also considers what additional mitigations can be considered in response to the consultation.

Pros and Cons

4. The removal of current residents' parking bays provides a wider carriageway, allowing for the installation of segregated cycle lanes and a wider footway.
5. However, there is not the physical space to accommodate the segregated cycle lanes and parking as to do so brings an increased risk of highway collisions through the turning circle that would be required to join the southbound carriageway towards Blossom Street.
6. The removal of residents' parking bays will impact on the quality of life for those living on Queen Street. Without parking there will be changes to the way work can be done to the properties, for those who need care, carers may be not be able to access as easily.

Policy Basis for Decision

7. York Local Transport Plan 2011-2031, E11 Hierarchy of Transport Users policy places the needs of pedestrians at the top of the hierarchy, followed by cyclists and then public transport with car borne users at the bottom. In the new and emerging Local Transport Strategy this will be strengthened by being clear that disabled people are automatically at the top of each mode, so for instance disabled cyclists will have priority over cyclists and disabled bus users, but disabled bus users will have priority over bus users.
8. The new Council Plan has seven priorities, this scheme offers improved walking, cycling and bus experience for travellers to the station and therefor directly delivers on the Transport Priority of Sustainable accessible transport for all. It indirectly delivers on another priority of Sustainability: Cutting carbon, enhancing the environment for our future. In everything the Council does the Council plan focuses on four key priorities which need to be considered in making this decision:
 - i. Equalities and Human Rights – The key change is that the proposal would move the regular on street parking further from these properties. The report highlights the mitigations such as the ability for blue badge holders to park on double yellow lines for three hours, but in making this decision it is about equal opportunity and balancing the human rights of

everyone to ensure residents and visitors alike can benefit from the city and its strengths.

- ii. Affordability - Tackling the cost-of-living crisis the proposal does not impact on affordability for residents as the parking charges for residents parking will not change.
- iii. Climate - Environment and the climate emergency part of the emerging new Local Transport Strategy is trying to reduce the reliance on vehicles and freeing the road space for those who can use active travel or public transport modes whilst ensuring those whose only option is to use a car can do so.
- iv. Health - Health and wellbeing - We will improve health and wellbeing and reduce health inequalities.

Recommendation and Reasons

9. The Executive Member for Economy and Transport is asked to:
 - a. Approve **Option 3a** for the amendment to the Traffic Regulation Order as advertised (Annex J) including the revocation of residents' priority parking bays on Queen Street for use by R15SC permit holders and the introduction of Residents' Priority parking bays on Toft Green for use by R15SC permit holders as shown on the plan shown in Annex G.

Reason: In consideration of traffic and road safety concerns between pedestrian, cycles and motorised vehicles raised in an independent safety review and approved in the subsequent planning consent.

- b. Approve alternative private parking in the neighbouring NCP car park for all resident car owners to mitigate loss of residents' parking particularly for blue badge holders during scheme construction.

Reason: To provide ongoing residents' parking for permit holders during scheme completion.

Background

10. The York Railway Station Gateway scheme comprises a coordinated, multi-modal package of interventions in and around York Railway Station. The scheme complements and connects the proposals being progressed to the west and east of the station and will transform the Station as a gateway to York; significantly improving access, addressing carbon and air quality issues, and directly supporting delivery of housing and commercial uses on the York Central development site. Therefore, City of York Council (CYC), in collaboration with Network Rail (NR) and London North East Railway (LNER), has developed a masterplan that proposes to reorganise highway and public realm areas to the front of York Station through:

- the removal of the Queen Street Road Bridge and rebuilding the Inner Ring Road at ground level;
- the removal of the Parcel Square buildings to create space to re-locate the proposed taxi rank, passenger drop-off and short stay car park. The buildings currently accommodate Cycle Heaven and train operating company accommodation;
- provision of new permanent accommodation for the train operating crews in the station's South Train Shed;
- provision of new temporary pod accommodation for Cycle Heaven bike shop and retail storage in the station's North Train Shed;
- the removal and relocation of the RI band room to provide space for a loop road around the RI gymnasium;
- the separation of pedestrian, bicycles and motorised transport to provide a safer and more efficient station transport interchange;
- the removal of taxis and passenger pick-up and drop-off from the station porte-cochere to a dedicated area in order to take most traffic out of Tea Room Square and improve air quality in the station;
- the redevelopment of the areas to the front of the station to diffuse the current congestion by creating a more efficient bus interchange, relocated vehicle parking, drop-off and taxi rank and a more attractive public realm arrival experience;
- the redevelopment of Tea Room Square to create a safer and more attractive shared space; and

- the provision of a new multi-storey car park to rationalise all long stay parking to the east of the station to match current parking levels. This will be funded and delivered by Network Rail.
11. It is a feature of the project to provide new segregated cycle lanes throughout the scheme to improve sustainable access to and from the station. These cycle lanes begin in front of the terraces house on Queen Street and continue along the station frontage and the Principal Hotel on both sides of the road. In the initial pre-planning conceptual design, it was proposed to maintain current residents parking bays on Queen Street within the R15SC Micklegate parking zone.
 12. During the planning consultation, safety concerns were raised by York Cycle Campaign that the proposed November 2018 configuration of footpath/cycleway/residents' parking (see Annex A) would give rise to a "threat to cyclist safety from the on-street car parking provision and advisory cycle lane northbound on Queen Street" (see Planning Objection Report in Annex B). Essentially, the York Cycle Campaign posited that there was a risk to cyclists from the opening of car doors across the cycleway.
 13. Subsequently, an independent safety review was carried out which analysed 3 options as follows:
 - Option 1 - cycleway to the nearside of parked cars
 - Option 2 - cycleway to the offside of parked cars
 - Option 3 - absence of parked cars

This report recommended "removing the residents parking from Queen Street and keeping cyclists off-road would provide the safest solution" (see Annex C).

14. An Executive Member Decision (Annex D) was made to resolve the tensions between which uses should be given priority on this section of highway. The report also provided road safety data to be used in consideration of the same 3 options mentioned in paragraph 10 (cycleway to the nearside of parked cars, cycleway to the offside of parked cars, and absence of parked cars). The

decision made by the Executive Member then resulted in an amendment to the planning application to clarify that residents parking should be removed.

15. At the subsequent planning committee (19/00535/FULM) on 4th February 2021, the committee considered the issue and resolved that owing to the conflict between cyclists, pedestrians and cars, the residents' parking bays should be revoked. The committee report is available in Annex E of this report.

Traffic Regulation Order Consultation Analysis

16. The details of the Traffic Regulation Order were advertised on 28th July 2023 and closed on 18th August 2023. A total of 16 public responses were received (Annex H). The themes of the responses are summarised as follows:
 - Fairness and discrimination as a stakeholder;
 - Reduction in property value;
 - Trades and deliveries;
 - Carer support;
 - Contrary to Council Core Values;
 - Decrease in quality of life;
 - Loss of community;
 - General.

17. **Fairness and discrimination as a stakeholder** – 9 responses raised lack of fairness and direct discrimination as stakeholder. If at the outset, the aims of the scheme were to re-provide for each stakeholder group, then residents had a sense that it was only their needs that were not being met. Responses raised that cyclists, station and bus users and station parking all appeared to have been considered but only at the expense of Queen Street residents, whose homes and livelihoods have been most directly impacted.

Officer Response: The project team have worked with all stakeholders, but there is not the physical space to safely provide for every stakeholders requirement, this spatial assessment was confirmed by the Executive member decision and then planning committee approved a scheme which removed the residents parking. Officers have recognised the impacts of the decision

already made about the scheme and sought to mitigate within the context of the relevant policies and the confines of the limited space available.

18. **Reduction in property Value** – 6 responses believe that the removal of parking will devalue properties.

Officer Response: Noted, there is mechanism within law for this to be considered and recompense made once the scheme is complete. There is significant investment in the immediate vicinity improving the public realm and environment.

19. **Trades and Deliveries** – 8 responses raised that removal of access will prevent residents from receiving deliveries and allowing tradespeople to access their properties to carry out maintenance.

Officer Response: the cycle lane is segregated from the carriageway but alongside the carriageway. The carriageway will have double yellow lines, Blue Badge holders can park on double yellow lines (for a maximum of three hours) and loading can take place on double yellow lines. Neither of these can happen when the loading ban is in place. The loading ban is in place for the hours of Mon-Sat 8-9.15 and 4-6pm. In the same way special permits for tradespeople will be available outside of the loading hours. Although it is not permitted to place a permanent skip in the footpath/cycleway in the proposed configuration, residents can request skip contractors to apply for a temporary skip licence where skips may be placed on the highway temporarily on the highway during off-peak hours. Similarly, residents can apply for scaffolding licences. This is the case now for this location and where parking restrictions apply elsewhere in the city. This would allow home renovations or improvements to be carried out.

20. **Carer Support** – 1 response raised concerns that the removal of car parking would make caring for vulnerable residents more difficult.

Officer Response – Carers may be entitled to a free attendance parking permit which enables carers to park near a property if the person they are caring for lives in a house or flat within a residents' parking scheme and the resident needs substantial and regular care requires attendance allowance. This is the case now for this location and where parking restrictions apply elsewhere in the city.

21. **Contrary to Council Values** – 2 responses suggested that the removal of parking would be contrary to The Council’s own core values of “We work together; We improve; We make a difference” for example in supporting and enabling communities, learning from experiences, and delivering on commitments.

Officer Response: officers have laid out the policy context within this report, but the space constraints are such that it is not possible to accommodate all stakeholder groups, the project team have worked closely with all stakeholders to ensure at each decision point the options, impacts and mitigations are considered.

22. **Decrease in Quality of Life** – 2 responses claimed that the proposed changes would make a demonstrable reduction in the quality of life as residents’ mobility would be drastically reduced.

Officer Response: officers accept that vehicle mobility will be impacted, whilst other modes will be improved and made safer. The change is in accordance with the Local Transport Plan modal hierarchy. This is most severe during the construction phase when the ability for blue badge holders to park on the carriage way (not the cycle way) outside loading times will not exist. Therefore during the construction phase it is proposed to provide each of the properties with a single permit for the NCP car park that is closer than the proposed residents parking area on Toft Green or anywhere within the Micklegate Zone. The project team will continue to look at other opportunities such as investigating the purchase of small plots of land in the nearby vicinity that could be converted into blue badge parking bays.

23. **Loss of community** – 3 responses raised concerns that changes would impact the cohesiveness of the Queen Street community and residents may be considering moving away. It was suggested that if this happened that this would give rise to more Airbnb’s and holiday lets that would have a negative impact on the current community.

Officer Response: noted, the council recognises that there are current holiday lets in the terrace, holiday lets can impact on the local environment and services. Conversion to a holiday let may need planning permission and the council advise people considering this to check before any bookings are made. The

Government has recently consulted on requiring planning permission for short term holiday by creating a new use class.

24. **General comments** – general comments raised include the refuting of the safety concerns that gave rise to removal of the parking, and the likelihood of indiscriminate parking from wider members of the public. It was also suggested that residents were being bullied by the Council and that the Council was imposing its wishes indiscriminately upon residents.

Officer Response: the previous executive member decision, the planning process which determined the final layout and the process of advertising a traffic regulation order all ensure that the decision makers understand the impacts of their decisions. This report is presenting those concerns in a transparent way.

Options Analysis and Evidential Basis

25. As mentioned above three options were initially considered as described in paragraphs 10 and 11 above and in Annex D. These are as follows:
- Option 1 - cycleway to the nearside of parked cars;
 - Option 2 - cycleway to the offside of parked cars;
 - Option 3 - residents' parking revoked.
26. In September 2023, in response to further consultation a further option with residents' parking removed and replaced with 3 blue badge residents' spaces in front of their properties was investigated (see Annex F). However, this option raises similar safety concerns with the visibility splays at the exit to the Premier Inn car parking and the Railway Institute loop road significantly impeded. Also, owing to the width of blue badge spaces (3.6m x 6.6m), this option would also significantly reduce the width of the footpath from 2.45m to 1.8m between the proposed new railings and the proposed cycleway. At the same time, the carriageway would need to be widened by 1.5m into the embankments to the City Walls on the other side of the road. It was therefore deemed not feasible.
27. Officers recommend Option 3 as the safest option.

28. However, Option 3a is variation which proposes additional mitigation. Recognising that blue badge parking that will be permitted under the scheme on double yellow lines would not be available during construction. Therefore, during construction replacement parking will also be offered to affected residents in the NCP car park which will remove the need to cross the inner ring road and construction site. This is anticipated for up to a period of nine months.
29. The project team will contact all residents with care needs to enquire whether a carer's permit is required, and residents will be advised accordingly. The permits would be made available in the Micklegate R15SC residents' parking zone.

Organisational Impact and Implications

- **Financial**, As the inclusion or removal of parking would require only minimum reorganisation of the highway, the financial impact will be minimal accordingly. The cost of implementing the Traffic Regulation Order can be contained within agreed budgets. As the inclusion or removal of parking would require only minimum reorganisation of the highway, the financial impact will be minimal accordingly. The project team has a design already prepared for all options and the delivery contractor has provided a price for the preferred Option 3.
- **Human Resources (HR)**, The enforcement would fall to the Civil Enforcement Officers, this would not constitute an extra demand on their workload, as they are already enforcing the restriction.
- **Legal**, The proposals require amendments to the York Parking, Stopping and Waiting Order 2014: Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996 apply.

The statutory consultation process for Traffic Regulation Orders requires public advertisement through the placing of public notices within the local press and on-street. It is a requirement for the Council to consider any formal objections received within the statutory advertisement period of 21 days. Formal notification of the public advertisement is given to key stakeholders including local Ward Members, Town

and Parish Councils, Police and other affected parties.

The Council, as Highway Authority, is required to consider any objections received after formal statutory consultation. The Council has discretion to amend its original proposals if considered desirable, whether or not, in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if such a modification is considered to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted.

- **Procurement**, Any public works contracts required at each of the sites as a result of a change to the parking restrictions (e.g. signage, road markings, etc.) must be commissioned in accordance with a robust procurement strategy that complies with the Council's Contract Procedure Rules and (where applicable) the Public Contract Regulations 2015. Advice should be sought from both the Procurement and Legal Services Teams where appropriate.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Crime and Disorder**, There are no Crime and Disorder implications.
- **Information Technology**, There are no Information Technology implications.
- **Property**, There are no Property implications
- **Affordability**, There are no Affordability implications.
Equalities and Human Rights, An Equalities Impact Assessment has been conducted for the York Station Gateway. A specific EIA has been prepared for this decision session and is attached as an annex I and have been addressed in the report elsewhere.

In summary, the EIA has identified that alternative parking options on Toft Green are further away, for those with mobility issues this is a negative impact requiring a greater distance to walk to reach their vehicle; outside peak hours blue badge holders can however park on double yellow lines for a maximum of two hours.

Risks and Mitigations

30. The report summarises the comments of residents to the statutory TRO consultation and responds to these with mitigations where possible and appropriate that officers think can be delivered in a safe and affordable way.

Wards Impacted

31. Micklegate.

Contact Details

For further information please contact the authors of this Decision Report.

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Annexes

- Annex A: Scheme General Arrangement November 2018
- Annex B: York Cycle Campaign Planning Objection
- Annex C: Queen Street Options Safety Review January 2020
- Annex D: Memorandum to inform decision on Queen Street parking describing Options 1, 2 and 3
- Annex E: Planning Committee Report 19/00535FULM
- Annex F: Option 4 Retaining of 3 blue badge spaces
- Annex G: Toft Green alternative parking plan
- Annex H: Folio of consultation responses
- Annex I: Equalities Impact Assessment
- Annex J: TRO advertisement

List of Abbreviations

- TRO – Traffic Regulation Order
- EIA – Equalities Impact Assessment