

**Decision Session –
Executive Member for Transport**

6th December 2019

Report of the Assistant Director of Transport, Highways & Environment

Consideration of representations received to an advertised proposal for waiting restrictions on Albemarle Road, Philadelphia Terrace and Ovington Terrace

Summary

1. Consideration of the objections received to an advertised proposal to introduce waiting restrictions on Albemarle Road and Philadelphia Terrace to facilitate a requirement within the planning decision for the Multi User Games Area (MUGA) at Millthorpe School (notice of proposals and plans included as Annex A)

Recommendation (Option One)

2.
 - I. Take forward the proposal as advertised for implementation at a later date
 - II. The implementation of restrictions on street to be deferred until the development is completed and ready for community use (estimated date of completion at this time is Summer 2020).
 - III. Accelerate the investigation and delivery of the Residents Parking to meet the representations of the residents as early as possible.

Reason: The restrictions as proposed were identified within the planning application process to ensure the safety of highway users due to the anticipated increased traffic flows in the area when the MUGA is opened for community use. (The MUGA can be used for school use without implementation of the restrictions)

Background

3. The proposals for waiting restrictions were made in response to condition 6 within planning consent reference 18/01162/FUL for the MUGA at Millthorpe School. This states:

*“ The development hereby permitted is not to be used for **community** use until the following highway works (which shall include works associated with promoting, revoking, amending and implementing any Traffic Regulation Order(s) required as a result of the development, including signing, road marking and other related works) have been completed in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.*

Measures to prohibit sections of on-street parking on Philadelphia Terrace, Ovington Terrace and Albemarle Road as shown on the approved plans: City of York Council’s Albemarle Road (Telford Terrace to Philadelphia Terrace) proposed ‘no waiting at any time’ (double yellow line) plan dated 16.012.19, City of York Council’s Albemarle Road (junction with The Mount) proposed ‘no waiting at any time’ (double yellow line) plan dated 16.01.2019 and City of York Council’s Philadelphia Terrace & Ovington Terrace proposed ‘no waiting at any time’ (double yellow lines) plan dated 21.01.2019.

Reason: In the interests of the safe and free passage of highway users through the provision of passing places on these narrow streets.

Committee report, decision notice are available on the Council website.

The advertised notice of proposals and plans are included as Annex A. The proposals were published on the 6th September 2019.

If the restrictions are not implemented as identified in the aforementioned plans, the applicant can apply to remove or vary this condition under section 73 of the Town and Country Planning act 1990.

Representations Received

4. We have received 7 representations, 6 in objection and 1 in support (with reservations). The representations are similar in their views and request we do not implement any restrictions at this time and introduce a Residents’ Priority Parking Scheme (ResPark) as an alternative. Points raised by residents include:
 - ResPark will obviate the need for such restrictions

- The council should have implemented a joined up approach/ and take forward restrictions within the planned consultation for Resident Parking.
- If restrictions are enacted before a permit scheme it will make life more difficult for residents (displaced parking will move further into the residential areas), if we have to implement restrictions this should only be done when Resident Parking is implemented
- One resident only objected to the passing places on Albemarle Road as this would restrict resident to parking outside their own driveways
- Proposed passing places will not prevent commercial and high sided vehicles parking or improve sight lines for safe access onto driveways
- Resident parking is the only option that will improve the parking amenity, sight lines and benefit residents
- Two residents objected to the planned restrictions on Philadelphia as not necessary because residents only park on one side of the carriageway and the planned restrictions would have no effect on traffic flow
- There are currently only space for 15 vehicles to park on Philadelphia Terrace and 24 properties. The plans will remove space for 4 vehicles – where are you expecting people to park?
- This is a development that residents have already objected to on highway/traffic issues but had their concerns dismissed
- One objector suggested the MUGA development was still in doubt
- Unfair; residents should not lose parking amenity simply to serve the ambitions of a local academy
- One objector claims that to suggest the plan was only introduced to facilitate safety and flow of traffic is over simplification and it is more about providing drop off and collection points for those using the MUGA facility
- Minimising traffic and parking in the neighbourhood should not be at the further inconvenience of residents.

5. The one representation of support received was on the proviso that parking would be legitimate adjacent to the restrictions on hard standing where the verge has been removed as long as the vehicle would not encroach on the footway or the carriageway.
6. No objections have been raised for the additional restrictions at the entrance to the school on Ovington Terrace.

Officer comments

7. We acknowledge the objections received to the proposal make valid points. The pressure for parking in this area is immense and any additional restrictions will displace parking further into the residential area and exacerbate an already difficult situation for residents. If the restrictions were to be introduced at the same time as a Resident Parking scheme, then it is very likely this would alleviate the issues caused by displacement parking as a result of this proposal.

We have been informed the MUGA development is intended to be ready for community use by Summer 2020. We cannot introduce a resident parking scheme within that timescale. The timescale for introducing a scheme is included at Annex C. It should be noted the timescale outlined can fluctuate. Schemes with complications or conflicting resident views can take longer to resolve.

It is intended to start the consultation with residents on Albemarle Road, Philadelphia Terrace and a wider area about the introduction of Resident Parking in January 2020.

The restrictions identified as required through a planning application process cannot rely on the introduction of permit parking. They are recommended within the planning process as required and stand on their own merit and should be treated as a separate issue.

Options

8. **Option 1 (Recommended Option)**
 - I. Take forward the proposal as advertised for implementation at a later date
 - II. The implementation of restrictions on street to be deferred until the development is completed and ready for community use
 - III. Accelerate the investigation and delivery of the Residents Parking to meet the representations of the residents as early as possible.

Reason: The restrictions as proposed were identified within the planning application process to ensure the safety of highway users due to the anticipated increased traffic flows in the area when the MUGA is opened

9. for community use. (The MUGA can be used for school use without implementation of the restrictions)

Analysis

Highway considerations are involved as part of the planning process.

This process highlighted a need for:

- IV. Additional restrictions (double yellow lines) at the junctions either end of Philadelphia Terrace for access. At the junction with Ovington Terrace the proposal relates to an extension of restrictions to a length of 10m which is considered to be 'standard'. The restrictions on the south west at the junction with Albemarle Road have been extended to protect the back alley access point and allow a longer length of queueing vehicles at the junction waiting to egress from Philadelphia Terrace onto Albemarle Road
- V. Restrictions on the north side of Philadelphia Terrace: although residents do not park on this side of the road, without restrictions non-residents might, and by so doing completely obstruct the footways. It was considered advisable to protect the current practice with restrictions. Loading/unloading activities can take place on double yellow lines which will not prevent deliveries to properties on this side of the Terrace
- VI. Double yellow lines at the entrance to the School/MUGA when the No Stopping School Clearway is not operational – no objections refer specifically to this part of the proposal.
- VII. Passing places to be provided on Albemarle Road between Philadelphia Terrace and Telford Terrace (the majority of these are placed across existing dropped kerb access points to residential off street parking amenity).
- VIII. Additional double yellow lines on Albemarle Road at the signalised junction with The Mount to remove parking on both sides of the carriageway, retain two way traffic and provide a longer length for queueing traffic approaching the signalised junction

The planning officers and highway officers involved within the highway process considered the restrictions should be in place to facilitate the additional traffic flows associated with the use of the MUGA car park.

Resident Parking: It is intended to initiate a consultation to ascertain support for a Resident Parking Scheme in the wider South Bank area in January 2020. Until the results of this consultation are known we are

unable to guarantee a resident parking scheme will be taken forward and for which streets. The process will be accelerated to enable delivery as early as possible in the area affected by the development.

It is recommended we delay implementation of the proposed restrictions until the MUGA is ready for community use and by so doing reduce the length of time, as far as possible, the added pressure on residential amenity until a Resident Parking scheme is introduced (should we receive a positive response to the consultation process).

A review of restrictions (e.g. yellow lines) will occur as part of the Resident Parking consultation process. In addition, restrictions are often reviewed after the implementation of a scheme when we can be better informed about resident parking levels.

10. **Option 2:**

- I. In line with the representations received, take no further action at this time. Waiting restrictions to be taken forward as part of any future designed scheme for Resident Parking in the area

Although this would be popular with residents, it is not the recommended option because:

- we are unable to guarantee a Resident Parking Scheme is to be taken forward at this time
- the developer would be required to apply to the planning sub-committee for a variation or removal of the condition imposed
- if the condition is removed: although the area is subject to a 20mph speed limit, there would be an increased risk of congestion and minor traffic accidents as a result of the estimated additional traffic flows should the facility be opened for community use without the restrictions in place
- the MUGA can be used for school use without any restrictions in place. It is not sure how long this could be sustained because we have been informed the expected income from Community use is essential for the ongoing maintenance costs of the facility.

Consultation

11. The Notice of Proposal was mounted on lamp columns on the street and advertised in The Press. Emergency services, haulier associations and Ward Councillors are informed of the proposals on issue.

Residents of 117 The Mount, 15a – 37b Albemarle Road and all properties on Philadelphia Terrace were hand delivered details of the proposal (Annex B).

Council Plan (2019 -2023)

12. An open and effective Council

A consultation exercise has been carried out to give local residents an opportunity to engage with the process and have their say. Resident opinions and requests for changes to the proposals have been recorded, and considered within the report.

16. **Implications**

17. This report has the following implications:

Financial – None (The developer is funding the costs of this work)

Human Resources – The enforcement of additional waiting restrictions will fall to the Civil Enforcement Team and increase their work load accordingly

Equalities – None identified within the consultation process

Legal – The proposals require amendments to the York Parking, Stopping and Waiting Traffic Regulation Order 2014; Road Traffic Regulation Act 1984 & the Local Authorities Traffic Orders (procedure) (England & Wales) Regulations 1996; Section 73 of the Town and Country Planning Act 1990 is relevant for the planning process

Crime and Disorder – None

Information Technology – None

Land – None

Other – None

Risk Management - There is an acceptable level of risk associated with the recommended option.

Contact Details

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Date:

28.11.19

Wards Affected: Micklegate

For further information please contact the author of the report.

Background papers

Planning Sub-Committee Committee Meeting, 20 March 2019. Officer Delegated report, decision and minutes are published on the website

Annexes:

Annex A:
Notice of proposals advertised with plans

Annex B:
Copy of the legal consultation documentation hand delivered to Residents

Annex C: Time Scale for introducing a Resident Parking Scheme

Abbreviations:

MUGA – Multi Use Games Area