

Meeting:	Executive Member for Transport
Meeting date:	05/12/2024
Report of:	James Gilchrist, Director of Environment, Transport & Planning
Portfolio of:	Cllr K. Ravilious, Executive Member for Transport

Decision Report: Consideration of Statutory Consultation of responses for the removal of Glen House from the Residents' Parking Zone

Subject of Report

1. Planning Permission 21/01379/FUL dated 22 October 2021 ("the Permission") authorised the redevelopment of Glen Garage. Condition 13 of the Permission required the removal of the site from the Residents Parking R30 (Layerthorpe/ East Parade) zone ("the Zone") prior to first occupancy.
2. The Council were not contacted by the developer to progress the amendment of the Traffic Regulation Order (TRO) to remove the site from the Zone, and the development has been completed and occupied. Residents of Glen House have since applied for and received resident parking permits. It was at this point that it was highlighted that they should not be eligible for a permit but the Council needed to go through the legal process to amend the TRO before an application could be rejected.
3. The report considers the responses to the Statutory Consultation for the removal of Glen House from the Zone and provides a recommended option for future actions.

Benefits and Challenges

4. The benefit of the recommended option is it will comply with Condition 13 of the Planning permission, which aimed to reduce pressure on the demand for car parking spaces in the surrounding

resident's parking zone and encourage residents to walk, wheel, cycle and take the bus. It should also be noted that Glen House is close to the city centre (approximately 1 mile), is served by bus services and has access to car club cars (0.3 mile away).

5. The removal of the site from the Zone, would be in line with other new developments within resident parking zones which would help provide a consistency in approach. If the decision is made to go against the recommended option, this may lead to other development areas, which were previously excluded requesting to be reconsidered, which would have a detrimental impact on residents' parking zones. This may also lead to Development Management no longer including a condition to remove developments from residents parking areas, if the highway authority is not going to progress the conditions.
6. The challenge with the recommended option is it will affect the residents of Glen House, who have entered tenancy agreements with the understanding that the property is eligible for parking permits within the Zone.

Policy Basis for Decision

7. The removal of the site from the Zone will be in line with the Council policy to reduce car dependency and help to shape healthy places, with the development becoming a car-free development.
8. The removal from the Zone will likely see future residents of the development look to utilise alternative methods of transport (walking, wheeling, cycling, public transport and car clubs). There are three bus stops within 50m of the development, which enable the residents to use public transport.
9. The policy to reduce car dependency looks at new developments to be planned so that active travel and public transport are the obvious choice, which was the reason behind the original decision for Condition 13 to be added to the Permission.

Financial Strategy Implications

10. The recommended option in the report requires an amendment to the TRO. This has been funded by the developer therefore there is no cost to the Council.

11. The recommended option will remove the site from the Zone, which will mean that the Council will lose any potential income from future residents who would like to apply for a permit. This is not considered to be material to the overall Respark income budget which total £917k.

Recommendation and Reasons

12. Option 1 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and revoke all permits for residents of Glen House. This is not the recommended option.
Reason: Although the removal of the area from the Zone would be in line with Condition 13 of the Permission, the immediate removal of the permits from resident would not be fair and reasonable in the circumstances. The residents entered into the tenancy agreements under the impression that there would be an availability of parking amenity in the local area.
13. Option 2 – Approve the making of the Order to remove the site from Residents Parking R30 (Layerthorpe/East Parade) zone and allow existing permit holders to keep their permit until it expires, and to renew until the end of 2025 if required, but not to renew beyond this date. This is the recommended option.
Reason: The removal of the area from the Zone will allow the development to meet Condition 13 of the Permission with the site no longer eligible for new permits. This option would allow the existing permit holders to keep their permits until they expire, or until the end of 2025 if needed, which would provide the current permit holders with an availability of parking amenity and time to find an alternative solution.
14. Option 3 – Take no further action and allow the site to stay in Residents Parking R30 (Layerthorpe/East Parade) zone. This is not the recommended Option.
Reason: This option would be against the decision made through the planning process and be against policy in this situation and may lead to requests from previously excluded areas from the Residents' Parking scheme.

Background

15. The site was previously a Suzuki car garage, which was subject to a planning application for the following redevelopment (21/01379/FUL): “Erection of block of 7no. flats following demolition of building” Condition 13 of the Permission, required the removal of the site from the Zone, condition 13 stated the following:

“13 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Measures to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone.

Reason: The proposed development would have an impact on residents parking bays which are heavily oversubscribed in the vicinity of this property. It is considered that it is necessary to remove the site from the resident's parking zone prior to occupation so that it will not be placed under further pressure.”

16. The highway authority was not approached about the removal of the site from the Zone during the construction phase. The work to remove the site from the Zone was not undertaken prior to the occupancy and residents applied for permits. The Council's Planning Enforcement team have taken the matter up with the developers and the planning requirement has been progressed through the advertisement of the amendment of the TRO for the removal of the site from the Zone. The developer has agreed to meet the cost of the amendment to the TRO.
17. The Ward Cllr has also received reports of a lack of space in the Zone for permit holders and requests for additional space to be provided within the zone. Officers have met with the Ward Cllr to discuss the concerns and provide an updated on the current situation around the residents parking for Glen House.

18. The removal of new developments from residents' parking zones through planning condition is something that has happened for a number of years, with the developers required to meet the Councils costs. There has been lots of new/re-developments that have been removed from zones prior to first occupancy to help ensure the zone does not become oversubscribed.
19. There are currently 190 permits issued within the Zone, this is down from 2021 when there were 232 permits. These figures include all types of permit holders including proof of residence permit holders.
20. A measurement of the bays within the zone provides an estimate of 158 parking spaces within the zone, this is based on vehicles parking appropriately within the bays. Therefore, the permit numbers maybe down but there are still more permits issued than spaces within the zone.

Consultation Analysis

21. The amendment to the TRO was advertised on Friday 26th July 2024. The advertisement included the placement of Notice of Proposal on street and in a locally circulated newspaper. A letter was also hand delivered to the occupiers of 1-7 Glen House (ANNEX A), to ensure that they were aware of the proposal to remove the site from the Zone and the reason why it was being progressed.
22. The Council received five representations (ANNEX B) in objection to the proposal from three residents of Glen House. All the representation received from the residents highlighted that they decided on the accommodation due to the availability of parking nearby. This is a difficult situation as the property should never have been advertised with access to the residents parking scheme as the developer should have progressed the removal prior to first occupancy, to be in line with the Condition 13.
23. The representations highlighted the need for vehicles for their working life and the removal of the access to parking permits, would have either a financial impact or impact on their vehicle insurance, due to parking a significant distance from their place of residence.

24. The residents also supplied a number of photos of the area during the period of consultation, to highlight the availability of space near the site. The decision to remove the site from the Zone was due to the oversubscription to the Zone at the time of planning. This was in line with other developments in the Zone that had previously been approved. The Council Policy is to remove new developments from the zone if it is felt they will have a negative impact on the current zone.

Options Analysis and Evidential Basis

25. Option 1 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and revoke all permits for residents of Glen House. This is not the recommended option.

Reason: Although the removal of the area from the Zone would be in line with Condition 13 of the Permission, the immediate removal of the permits from resident would not be fair and reasonable in the circumstances. The residents entered into the tenancy agreements under the impression that there would be an availability of parking amenity in the local area.

26. One of the main reasons for objection received was that the residents with permits, chose the property due to the availability of access to the parking permit area. The residents had not been made aware of the planning requirement for the removal of the area.

27. Option 2 – Approve the making of the Order to remove the site from the Residents Parking R30 (Layerthorpe/East Parade) zone and allow existing permit holders to keep their permit until it expires and to renew until the end of 2025 if needed, but not to renew beyond this date.. This is the recommended option.

Reason: The removal of the area from the Zone will allow the development to meet Condition 13 of the Permission with the site no longer eligible for new permits. This option would allow the existing permit holders to keep their permits until they expire, or until the end of 2025 if needed, which would provide the current permit holders with an availability of parking amenity and time to find an alternative solution.

28. This option will remove some concern from the residents as it will allow them access to parking during their current tenancy agreement, which will give them the access they were sold when

taking on the premises. The planning requirement was with the developers of the site, the residents should not be negatively affected because the condition was not met.

29. Option 3 – Take no further action and allow the site to stay in Residents Parking R30 (Layerthorpe/East Parade) zone. This is not the recommended Option.
Reason: This option would be against the decision made through the planning process and be against policy in this situation and may lead to requests from previously excluded areas from the Residents' Parking scheme.
30. If this option is chosen, it would allow the residents to continue to have access to the Zone but this would be against the planning approval. This may also lead to requests for reconsideration of other areas that have been excluded.

Organisational Impact and Implications

31. The report has the following implications.
- **Financial**, The costs of the Traffic Regulation Order have been funded by the developer. There are no significant financial implications to the report.
 - **Human Resources (HR)**, The recommended option will remove the area from the residents parking zone, this may put an extra demand on the workload for the Parking Services, as they will need to advise future residents why they are not eligible for permits.
 - **Legal:**
The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict, or regulate the use of a road, or any part of the width of a road, by vehicular traffic. In making decisions on TROs, the Council must consider the criteria within Section 122 of the Road Traffic Regulation Act 1984 and, in particular, the duty to make decisions to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians).

The proposal would require an amendment to the York Traffic Management Order 2014

The statutory consultation process for TROs requires public advertisement through the placing of public notices within the local press and on-street. 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 within the statutory advertisement period of 21 days, and a subsequent report will include any such objections or comments, for consideration. Where the Council does not “wholly accede” to any objection, it is required to provide reasons for this in its notification of the making of an order to any person that has objected.

The Council has discretion to amend its original proposal 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**, There is no requirement for any procurement for the recommend option.
- **Health and Wellbeing**, There are no Health and Wellbeing implications.
- **Environment and Climate action**, There are no Environment and Climate Action implications.
- **Affordability**, There are no Affordability implications for the Authority but the recommended option will potentially create an affordability issue for residents, as they would need to park further away from their property, which may amend their vehicle insurance or pay to park in a Council car park.
- **Equalities and Human Rights**, *contact: Director of Housing and Communities - every Decision Report must consider whether to have an Equalities Impact Assessment (EIA) and this section will include the key recommendations from the EIA or explain why no EIA is required.*
- **Data Protection and Privacy**, The Council recognises its Public Sector Equality Duty under Section 149 of the Equality Act 2010 (to have due regard to the need to eliminate

discrimination, harassment, victimisation and any other prohibited conduct; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it in the exercise of a public authority's functions). The impact of the recommendation on protected characteristics has been considered as follows:

- Age – Neutral;
- Disability – Neutral (Blue Badge holders can park free of charge, with no time limit, in any of our residents' priority parking scheme areas);
- Gender – Neutral;
- Gender reassignment – Neutral;
- Marriage and civil partnership– Neutral;
- Pregnancy and maternity - Neutral;
- Race – Neutral;
- Religion and belief – Neutral;
- Sexual orientation – Neutral;
- Other socio-economic groups including :
 - Carer - Neutral;
 - Low income groups – Neutral;
- Veterans, Armed Forces Community– Neutral

Risks and Mitigations

32. The report summarises the comments of residents to the statutory TRO consultation and responds to these with mitigations where possible and appropriate that officers consider to be deliverable.

Wards Impacted

33. Heworth

Contact details

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

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Annexes

- Annex A: Residents Letter – Glen House Cllr
- Annex B: Representations Received