

# **Cabinet Member for Environmental Services Agenda**

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**Date:** Tuesday, 19th May, 2009  
**Time:** 3.30 pm (or on the rise of Cabinet)  
**Venue:** The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

## **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1. **Off street Parking Places Order – The Carrs Car Park, Chancel Lane, Wilmslow**  
(Pages 1 - 10)

To consider representations and a suggested variation to the proposed car park control order.

**(There are no Part 2 items)**

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## CHESHIRE EAST COUNCIL

### Cabinet Member for Environmental Services

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**Date of meeting:** 19<sup>th</sup> May 2009

**Report of:** Head of Environmental Services

**Title:** Off street Parking Places Order – The Carrs Car Park, Chancel Lane, Wilmslow

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#### **1.0 Purpose of Report**

- 1.1 To consider representations and a suggested variation to the proposed car park control order.

#### **2.0 Recommendations**

- 2.1 That

- (1) the Borough Solicitor be authorized to advertise the intention to make an order amending the Macclesfield Borough Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 so as to include The Carrs (Chancel Lane) car park, Wilmslow, on the basis set out in paragraph 7.6 of the report; and
- (2) in the event that no objections to the proposed order are received within the consultation period, the Borough Solicitor be authorized to make the order.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 The capital cost of installation of ticket machine and associated signage is estimated to be £3000, which can be funded from within existing budgets.

#### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 The car park control scheme is intended to be self financing

#### **5.0 Legal Implications**

- 5.1 In order to amend the Macclesfield Borough Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 an amendment order must be made in accordance with the procedure set out within the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996.

## **6.0 Risk Assessment**

- 6.1 The process which must be followed in order to make the amendment order allows for representations to be made which may delay the implementation of the order. However as the initial proposal had been advertised previously and the representations received have been addressed by the current proposal, it is considered that the risk of further representations is minimal.

## **7.0 Background and Options**

- 7.1 On 4<sup>th</sup> February 2009, the former Macclesfield Borough Council Cabinet resolved to advertise its intention to make an order in relation to The Carrs (Chancel Lane) car park, to enable the introduction of car parking control by means of charging so as to regulate the use of the car park. The intention of the proposal is to prevent long stay commuter parking and to safeguard the car park for users of The Carrs park leisure facilities and the Parish Hall. A copy of the report to Cabinet on 4<sup>th</sup> February 2009 is attached as an Appendix for information.
- 7.2 It was originally proposed to introduce car parking control on Mondays to Saturdays inclusive and to limit the maximum stay on the car park to 3 hours. The proposed charge was 0-2 hours 20p, 2 – 3 hours 50p, no return within 1 hour.
- 7.3 The proposed order was advertised on the 12<sup>th</sup> February 2009 and representations invited. Two such representations were received
- 7.4 The basis of the representations was that the 3 hour limit would unduly restrict the normal usage of the park and Parish Hall, particularly at weekends and Bank Holidays when day long activities are commonplace.
- 7.5 Discussions have taken place with the parties concerned which have concluded that the introduction of a 3 hour maximum stay during the week, Mondays to Fridays (other than Bank Holidays), is appropriate as this is when misuse of the car park by commuters is most severe and when most park and Parish Hall activities can be accommodated within a three hour period. A longer period of stay was however considered necessary to accommodate activities at weekends and Bank Holidays.
- 7.6 It is suggested therefore that the proposed order be advertised on the following basis:
- Monday to Fridays (excluding Bank Holidays) 8am – 6pm
- |                          |     |
|--------------------------|-----|
| 0-2 hours                | 20p |
| 2-3 hours (maximum)      | 50p |
| No return within 2 hours |     |
- Saturdays and Bank Holidays 8am – 6pm
- |           |     |
|-----------|-----|
| 0-2 hours | 20p |
| 2-3 hours | 50p |
| 3-5 hours | 80p |

Over 5 hours            £1.00  
No return within 2 hours

**8.0    Overview of Day One, Year One and Term One Issues**

8.1    Not applicable

**9.0    Reasons for Recommendation**

9.1    In order to overcome the objections received and ensure that the order caters adequately for bona fide use of the Park and Parish Hall whilst still achieving the initial objectives of the proposal.

***For further information:***

*Portfolio Holder: Councillor D Brickhill*  
*Officer: Bob Broughton*  
*Tel No: 01625 504790*  
*Email: bob.broughton@cheshireeast.gov.uk*

***Background Documents:***

None

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<u>KEY DECISION</u>
No
<u>DATE ADDED TO FORWARD PLAN</u>
N/A

**CABINET**

**4 FEBRUARY 2009**

**OFF STREET PARKING ORDER – THE CARRS, WILMSLOW – CHANCEL LANE**

SPECIFIC WARDS AFFECTED

*Hough and Morley and Styal*

EXEMPT/CONFIDENTIAL ITEM

No

**1. DECISION REQUESTED**

Cabinet is requested :-

- 1.1 To authorise the Corporate Manager (Legal and Democratic Services) to advertise the intention to make an off street car parking order at Chancel Lane car park, Wilmslow pursuant to the Road Traffic Regulation Act 1984.
- 1.2 In the event of there being no objections to the proposed order received within the consultation period and subject to the approval of Cheshire County Council, to authorise the Corporate Manager (Legal and Democratic Services) to take all necessary actions to make the order.
- 1.3 In the event that either process in 1.1 or 1.2 is incomplete by 1 April 2009, to agree that in accordance with continuity legislation, these functions may be continued by the Borough Solicitor or any other officer duly authorised by Cheshire East Council.
- 1.4 To approve the proposed level of charges to be introduced.

**2 JUSTIFICATION FOR THE DECISION**

In order to manage the Chancel Lane car park so that it can be effectively used by visitors to the Carrs and the Parish Hall, by the setting of charges, there is a need to deter all day parking by non Carrs and Parish Hall visitors and to encourage regular, short term use of the car park.

### **3 FACTS SUPPORTING THE PROPOSED DECISION**

- 3.1 The Borough Council own the public open space known as the Carrs, which extends for 1.2 kilometres along the length of the River Bollin between Wilmslow and the land owned by the National Trust at Styal. The Carrs is situated in both Hough and the Morley and Styal wards, the River Bollin being the boundary. There are two car parks that provide for visitors to the Carrs. Both of the car parks are situated on the north side of the River Bollin and are in the Hough ward. The car park located off Chancel Lane, Wilmslow also serves the Parish Hall.

A further car park, Twinnies Bridge car park, is located off Styal Road, towards Styal and is not subject to a proposed car parking order and would be managed as it currently is. The car parks are popular with visitors to the Carrs and the Parish Hall. The car park off Chancel Lane is particularly popular with dog walkers and visitors to the play area, the latter of which is the largest in Wilmslow. A location plan showing the Chancel Lane car park is attached as Appendix 1.

- 3.2 For a number of years, visitors to the Carrs and the Parish Hall have experienced difficulty in parking on the car park off Chancel Lane due to the use of the car park by office workers leaving their vehicles on the car park for the day. The car park accommodates 54 vehicles. Often, there may be less than 10 spaces available for genuine users of the facilities. During the summer months, especially on sunny afternoons there may be no car parking spaces available for genuine users.

The car park makes no specific provision for disabled parking and this will need to be addressed. It is recommended therefore that 2 disabled spaces be provided at Chancel Lane car park.

There has been local action from visitors to the Carrs to prevent “office workers” using the car park, whereby visitors physically prevented office workers from entering the car park by barricading the entrance to the car park. Previously, Macclesfield Borough Council has employed a Security Company on a number of occasions over the years to stop “non Carrs and Hall users” from parking. This has proved to have been very successful in ensuring the car park is made available for Carrs and Hall users. However, on the mornings Security are employed, many office workers are parking on the adjacent road waiting for the Security officer to leave, so they can then access the car park for the day.

- 3.3 The Friends of the Carrs have regularly raised the issue of poor parking provision at the car park. The Parish Hall staff have also commented on the “non availability” of car parking spaces. There has been an informal discussion with the Church Warden who is generally supportive of the proposal, as it is considered as the only realistic way forward to manage the car park for its intended use.
- 3.4 There is an existing covenant on the land between the Borough Council and Parish Church Council dated 1981 whereby both parties share on an agreed proportion, costs of the maintenance of the car park, and the corresponding income from any car parking fees, which may arise.

In March 2003, the Council approved the Borough Council’s Park Strategy. The Carrs is a major park and is included in the strategy. Contained in the Carrs action plan is a specific reference to introduce car-parking charges.



The situation has now reached an extent where the existing “ad hoc” occasional monitoring by Security doesn’t effectively deal long term with the parking issues. It is current Council policy that where control is considered necessary, this shall be achieved by the introduction of a ‘Pay and Display’ system of control. This will require the support of a car park control order, which would be enforceable under the existing civil enforcement regime

- 3.5 It should be noted that the aim is to manage the car park, so that visitors, to the Carrs and to the Parish Hall, can effectively use it. At the Chancel Lane car park, the setting of charges shall be aimed to encourage regular, short-term use of the car park to deter all day parking by non-Carrs and Parish Hall visitors.

In order to achieve this, the following scale of charges is proposed:

**Chancel Lane Car Park**

Charge period: Monday to Saturday inclusive 8am to 6pm

0 - 2 hours	20p
2 - 3 hours	50p

No return within 1 hour.

The level of charge should be set to ensure that the implementation of car parking controls and enforcement is self-financing. Free car parking for park users up to 2 hours for example would not be consistent with this objective. The charges proposed are less than that currently charged on town centre car parks and are regarded as the minimum necessary to ensure effective control. These will need to be reviewed periodically to ensure that the financial objectives are satisfied.

- 3.6 Members are also requested to note that the order making process is likely to take a minimum of 3 to 6 months to complete and as a consequence, it is likely that consideration of any objections received and confirmation of the order will need to be undertaken by Cheshire East Council pursuant to Regulation 4(3) of the Local Government (Structural Changes)(Transitional Arrangements)(No.2) Regulations 2008, which provides that ongoing processes being undertaken by existing authorities can be continued by Cheshire East Council. For this reason, the delegation sought as part of the decision requested has been worded accordingly.
- 3.7 Members are requested to note that this report has been to both the Environment Policy Development Committee on the 13<sup>th</sup> January 2009, and the Community and Resources Policy Development Committee on the 15<sup>th</sup> January 2009 who have both recommended it to Cabinet.

#### **4 RISKS ASSOCIATED WITH THE PROPOSED DECISION**

The risk associated with taking no action is the continued lack of availability of parking spaces for Park and Parish Hall users.

The introduction of charging could displace parkers on to adjacent streets and could deter some park users.

## 5 OTHER IMPLICATIONS

Local Government Reorganisation	-	As set out in the report
Financial	-	The installation and capital/leasing costs of one pay and display machine is estimated to be £5000 to be funded from existing budgets.
Staffing	-	There will be an additional car park for Civil Enforcement Team to monitor and this will be done within current staffing level.
Legal	-	There is a restrictive covenant recognising possible future income from car parking fees and noting shared responsibilities as noted at point 3.3 of the report.
Assets	-	It will enable better management of existing facility.
Policy	-	Implementation takes forward an item previously approved by the Council in connection with the approved Parks Strategy document.
Equality	-	No issues.
Sustainability	-	No issues.
Crime and Disorder	-	No issues.
Other implications	-	None

## 6 ALTERNATIVE OPTIONS AND IMPLICATIONS THEREOF

The alternative options above (paragraph 3.4) have been considered and tested and are not considered to be effective.

## 7 APPENDICES

Appendix 1 – Location plan showing Chancel Lane car park

Cabinet Member – Cllr Andrew Knowles      Tel Ext No:

Chief Executive/Director Helen Rowley      Tel Ext No:

Corporate Manager Mark Wheelton      Tel Ext No: 4502

The Contact Officers for this report are R. Doran (4539) and B Broughton (4790)

**TRACKING/PROCESS:**

<b>Consultation</b>	<b>Ward Members</b>	<b>Partners</b>	
	Cllr Menlove and Cllr Fitzgerald (Hough)	Parish Church	
<b>Panel</b>	<b>Overview &amp; Scrutiny</b>	<b>Cabinet</b>	<b>Council</b>
	Environment Policy Development Committee - 13/02/09	4 February 2008	
	Community and Resources Policy Development Committee -15/02/09		

**BACKGROUND PAPERS**

The following list of documents were used to complete this report and are available for public inspection for four years from the date of the meeting from the Contact Officer named above

- *None*

**Appendix 1 – Location Plan showing Chancel Lane Car Park**

