

# **Cabinet Member for Environmental Services**

## **Agenda**

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**Date:** Monday, 3rd August, 2009  
**Time:** 4.00 pm  
**Venue:** Committee Suite 3, Westfields, Middlewich Road,  
Sandbach CW11 1HZ

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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. **Apologies for Absence**
2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the meeting on any matter relevant to the work of the meeting. Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

During public speaking time, members of the public may ask questions of the appropriate Cabinet member who has responsibility for the matter in question. Where a member of the public wishes to ask a question of a Cabinet member at an executive meeting, 3 clear working days' notice must be given to the Democratic Services Manager.

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public

**Contact:** Paul Mountford  
**Tel:** 01270 529749  
**E-Mail:** paul.mountford@cheshireeast.gov.uk

4. **Minutes of Previous Meeting** (Pages 1 - 4)

To approve the minutes of the meeting held on 9 July 2009.

5. **Off-Street Parking Places Order - The Carrs Car Park, Wilmslow**  
(Pages 5 - 8)

At the meeting held on 19<sup>th</sup> May 2009, the Cabinet Member authorised the Borough Solicitor to advertise an intention to make an Order, the effect of which would be to amend the Macclesfield Borough Council (Off-Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 to include The Carrs (Chancel Lane) Car Park, Wilmslow.

The Cabinet Member is invited to consider the report of the Head of Safer and Stronger Communities which gives details of one representation received during the consultation period.

6. **Proposal to Stop-up Highway Land at 134 Nantwich Road, Crewe**  
(Pages 9 - 14)

To consider the report of the Head of Environmental Services which gives details of an application received from the owners of the property at 134 Nantwich Road, Crewe. The request is to stop-up an area of highway land shown hatched on the attached plan.

7. **7.5 Tonne Weight Limit: Barthomley and Surrounding Area**  
(Pages 15 - 20)

The former Crewe and Nantwich Highways and Transportation Local Joint Committee has previously considered reports in respect of a 7.5 tonne environmental weight limit in the area around Barthomley. The Local Joint Committee resolved to defer a decision to a future meeting.

The report of the Head of Environmental Services considers the implications of introducing such an Order.

8. **Alley-Gating Scheme - Crewe South** (Pages 21 - 34)

To consider the report of the Head of Environmental Services which gives details of a request from the Safer Communities Partnership to make an amendment to the Lunt Avenue/Ruskin Road/Smallman Road/Tynedale Avenue, Crewe Gating Scheme in the Crewe South Ward.

The Cabinet Member is recommended to approve the request.

**PART 2 - THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Cabinet Member for Environmental Services**  
held on Thursday, 9th July, 2009 at Committee Suite 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor D Brickhill, Cabinet Member for Environmental Services

**Officers**

Peter Hartwell, Head of Safer and Stronger Communities  
Paul Burns, Environmental Services  
Paul Mountford, Democratic Services

**Apologies**

Councillor S Conquest, Local Member for the Crewe East Ward

**2 DECLARATIONS OF INTEREST**

There were no declarations of interest.

**3 PUBLIC SPEAKING TIME/OPEN SESSION**

There were no questions from members of the public.

**4 MINUTES OF PREVIOUS MEETING**

RESOLVED

That the minutes of the meeting of 19 May 2009 be approved as a correct record.

**5 RESURFACING OF THOMAS ST (WEST) CAR PARK, CREWE;  
APPROVAL OF CAPITAL EXPENDITURE AND APPOINTMENT OF  
CONTRACTOR**

The Cabinet Member considered a report on the resurfacing of Thomas St (West) Car Park, Crewe, including the approval of the necessary capital expenditure and appointment of a contractor.

The present condition of the car park rendered it unsuitable for the imposition of charging or enforcement of regulations. The completion of work on the second half of the site would fulfil the requirements of control and space availability whilst providing the remainder of the estimated income.

A new capital scheme for Thomas Street Car Park with forecast expenditure of £105,000 was approved by Cheshire East Cabinet on 24th February 2009. Based on the previous experience of the works required on Thomas Street (East) car park, it was envisaged that the total cost of works would now fall below £100,000. However, when the scheme was approved it was classified as an "unfunded" scheme which, in order to proceed, would require the Service to find annual revenue savings of £24,000 (assuming a 5 year total payback) in order to fund the borrowing costs required. It was envisaged that the future income stream from pay and display charging on the car park, once it was operational, would be up to £30,000 per annum which would more than offset the financing costs of the scheme. In year 2009/10 this was expected to amount to £20,000 if charging commenced in August 2009.

**RESOLVED**

That provided that it is approved that the car park is to be brought into line with current charges at other car parks

- (1) the scheme of expenditure for the resurfacing of Thomas Street (West) Car Park, Crewe be approved; and
- (2) the Officers be authorised to engage a contractor for the scheme using the contractor previously selected by the former Crewe and Nantwich Borough Council, provided an exception is approved in accordance with the Council's Contract Procedure Rules.

**6 INTRODUCTION OF PARKING CHARGES ON THOMAS STREET CAR PARK, CREWE**

The Cabinet Member considered a report proposing the introduction of parking charges on Thomas Street Car Park, Crewe.

Thomas Street car park remained one of few car parks near the town centre of Crewe with no pay and display charge regime. The proposal was initially approved by the former Crewe and Nantwich Borough Council on the grounds that as demand for parking in the town increased, regulation of the car park would be necessary to improve the availability of space.

The Cheshire East Cabinet had adopted a Car Parking Strategy at its meeting on 16 April 2009. The Strategy stipulated that in principle, all car parks could be considered for charging subject to the fulfilment of criteria stated within the charging policy. This proposal brought Thomas St Car Park into line with that policy.

Note: Councillor Steve Conquest, who was a Local Ward Member for the area, was unable to attend the meeting but had forwarded his comments which were reported at the meeting.

RESOLVED

That

- (1) subject to statutory consultation, an amendment be made to the Borough of Crewe and Nantwich (General) (Off-Street Parking Places) (Consolidation) (Minor) Order 2008 to introduce a pay and display system of parking at Thomas Street Car Park, Crewe;
- (2) charging be introduced at the Thomas Street Car Park at the level of charging existing in the said 2008 Order but with amendments as follows: Monday to Friday inclusive 8am to 5pm: Up to 1 hour = 70p; Up to 2hrs = £1.00; 2-4hrs = £1.50; 4 to 10hrs = £2.20; Saturday and Sunday: free parking. Season tickets will also be sold at a fee of £400 per annum, limited to a maximum of 50% of available bays;
- (3) the additional set-up costs referred to in the report be funded via the new income stream; and
- (4) the proposal be advertised for the statutory period of 21 days and any objections be considered by the Cabinet Member at a subsequent meeting.

**7 AMENDMENT TO THE OFF-STREET PARKING PLACES ORDER (CREWE AND NANTWICH) TO INCLUDE THE CIVIC CENTRE (LIBRARY) CAR PARK, CREWE**

The Cabinet Member considered an amendment to the Borough of Crewe and Nantwich (General) (Off-Street Parking Places) (Consolidation) (Minor) Order 2008 to include the Civic Centre (Library) Car Park, Crewe.

The Car park had previously been managed by Cheshire County Council outside of Car Park Order control and was not subject to enforcement. It was now necessary to make the amendment to enable Cheshire East Parking Services to manage the site properly.

RESOLVED

That

- (1) an amendment be made to the Borough of Crewe and Nantwich (General) (Off-Street Parking Places) (Consolidation) (Minor) Order 2008 (as amended to comply with the Traffic Management Act 2004), the effect of which will be to introduce control under the Act to The Civic Centre (Library) Car Park, Crewe;

- (2) the controlled hours be from 8am to 6pm Monday to Sunday inclusive, in accordance with the existing Order as applicable in the area of the former Borough of Crewe and Nantwich; and
- (3) the proposal be advertised for the statutory period of 21 days and any objections arising during this period be considered by the Cabinet Member at a subsequent meeting.

The meeting commenced at 3.00 pm and concluded at 3.14 pm

Councillor D Brickhill  
Cabinet Member for Environmental Services

## CHESHIRE EAST COUNCIL

### Cabinet Member for Environmental Services

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<b>Date of Meeting:</b>	3 August 2009
<b>Report of:</b>	Head of Service - Safer and Stronger Communities
<b>Subject/Title:</b>	Off Street Parking Places Order – The Carrs Car Park, Chancel Lane, Wilmslow

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#### **1.0 Report Summary**

- 1.1 The report provides details in relation to the proposed off street parking places order and the representation that was received during the consultation relating to the proposed order.

#### **2.0 Recommendations**

That the Cabinet Member consider the representation received and decide whether, in the light of the representation, to approve the level of charges and authorise the Borough Solicitor to make the order in accordance with the advertised notice of proposals.

#### **3.0 Reasons for Recommendations**

- 3.1 In accordance with the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996, the Council is obliged to give consideration to any representations that are received under Regulation 8 and not withdrawn before making the Order. In this instance only one representation has been received and this relates to the proposed charging structure and not to the principle of introducing the car park control order on The Carrs (Chancel Lane) car park, Wilmslow.

#### **4.0 Wards Affected**

- 4.1 Wilmslow South

#### **5.0 Local Ward Members**

- 5.1 Councillors G Barton, W Fitzgerald, P Menlove.

#### **6.0 Policy Implications**

- 6.1 The proposal is in accordance with Cheshire East Parking Policy approved by Cabinet on 21<sup>st</sup> April 2009 which supports national policy

objectives that seek to reduce the number of car borne commuter trips to encourage use of other forms of travel to work. The proposal will also will ensure that parking spaces are available to bona fide park and Parish Hall users. As such the proposals will support both climate change and health agendas.

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

- 7.1 As previously reported, the capital cost of the installation of ticket machines and associated signage is estimated to be £3000 which can be funded from within existing budgets

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

- 8.1 As previously reported, the car park control scheme is intended to be self financing.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 To enable control to be implemented on The Carrs (Chancel Lane) car park an amendment order is required to vary the Macclesfield Borough Council (Off Street Parking Places) (Civil Enforcement and Consolidation) Order 2008 in accordance with the procedure set out within the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 9.2 Regulation 13 of the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 provides that before making an order the order making authority shall consider any objections duly made [under regulation 8] and not withdrawn.

**10.0 Risk Management**

- 10.1 There are no significant risks foreseen in respect of the decision requested as the proper procedures have been followed.

**11.0 Background and Options**

The intention to make an order on this car park was originally advertised on the 12<sup>th</sup> February 2009 following approval of the former Macclesfield Borough Council Cabinet on the 4<sup>th</sup> February 2009. Representations were received and the proposals were modified to reflect the needs of park and Parish Hall users. The proposal to make the order was subsequently re-advertised on the 4<sup>th</sup> June 2009 incorporating the agreed revisions following Cabinet Member approval dated 19<sup>th</sup> May 2009.



- 11.2 One representation has been received and not withdrawn and is set out below:

*The proposed Tariffs and times for this car park have potential for confusion. A simpler scale for consideration would be*

*Mon to Sat 8am to 6pm  
20p per hour, max 5 hours, no return within 2 hours*

*Sundays and Bank Holidays  
No Charge*

*This would allow park, parish hall & town visitors reasonable time to use the facilities at nominal cost, with the minimum of confusion, yet still deter all-day parking. Revenues would be maintained.*

*In addition:*

*I would like to suggest an exemption for Blood Transfusion Service staff and blood donors attending monthly sessions, signified by displaying an approved blood donor sticker in/on the vehicle.  
Thus Wilmslow and East Cheshire Council would be actively supporting an essential service.*

- 11.3 The proposal approved by the Cabinet Member and subsequently advertised included the following tariff structure:

Mondays to Fridays (excluding Bank Holidays) 8am – 6pm  
0-2 hours 20p  
2-3 hour (maximum) 50p  
No return within 2 hours

Saturdays and Bank Holidays  
0-2 hours 20p  
2-3 hours 50p  
3-5 hours 80p  
Over 5 hours £1.00

- 11.4 Officer's observations:

- 11.4.1 The proposed tariff structure is considered to be relatively straight forward and easy to understand and no significant operational problems are envisaged arising from its implementation. Charging on Bank Holidays is consistent with existing car park control measures operating on the Council's town centre car parks

- 11.4.2 Discussions had taken place with interested parties such as the Friends of the Carrs and representatives of the Parish Hall following their representations concerning the original proposal. The proposal now advertised has been agreed with them and reflects their needs in terms of their use of the car park.

The blood transfusion service can be accommodated within the control regime although those donating would be required to pay the parking charge if using the car park. It should be borne in mind that the measures are being introduced to discourage commuter parking to ensure that parking spaces are available for bona fide users of the Parish Hall and the Park, including those visiting the blood donor sessions. The nominal parking charge is necessary to cover the cost of control and enforcement, but the benefit to users is that parking space will be available to them which is not always the case at the present time.

- 11.4.3 If the representations received are accepted it would be necessary to advertise the revised proposals. This would mean that the intention to make an order on this car park will need to be advertised for a third time which could produce further representations which would need to be considered and will result in a further delay to the introduction of car parking control on this car park. Once the Order has been made, the process for varying the charges on the car park is much simpler than that required to make the order in the first place. This can be achieved by prior publication of a notice of the intended changes without the need to advertise an amendment to the control order. Therefore if it transpires that changes to the tariff structure may be deemed to be necessary in the future, this can be achieved relatively simply.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 It is suggested that the introduction of the Order as soon as possible within Year One is appropriate as this would mean that the benefits of the proposal, i.e. keeping the car park free for genuine users of the Parish Hall and Park, can be achieved as soon as possible.

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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Designation: Principal Assistant Engineer  
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Email: bob.broughton@cheshireeast.gov.uk

## CHESHIRE EAST COUNCIL

### Cabinet Member for Environmental Services

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<b>Date of Meeting:</b>	3 August 2009
<b>Report of:</b>	Head of Environmental Services
<b>Subject/Title:</b>	Proposal to Stop Up Highway Land at 134 Nantwich Road, Crewe

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#### **1.0 Report Summary**

- 1.1 An application has been received from the owners of the property at 134 Nantwich Rd to stop up an area of highway land shown hatched on the attached plan.

#### **2.0 Recommendations**

That the Cabinet Member for Environmental Services declare unnecessary and surplus to Highways Operations requirements, the area of highway land shown hatched on the attached plan, and authorise the submission of an application to the Magistrates' Court, for all rights to be stopped-up over this area, in accordance with Section 116 of the Highways Act 1980.

#### **3.0 Reasons for Recommendations**

- 3.1 The proposals are consistent with the Council's Policy on Highways Maintenance and are in accordance with the duty placed on the Authority under Section 116 of the Highways Act 1980.
- 3.2 The Council has the power under Section 117 of the Highways Act 1980 to make such an application on behalf of another person.

#### **4.0 Wards Affected**

- 4.1 Crewe South

#### **5.0 Local Ward Members**

- 5.1 Cllr David Cannon  
Cllr Dorothy Flude  
Cllr Betty Howell

#### **6.0 Policy Implications**

None

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 Before an application can be made to the Magistrates' court it will be necessary to notify certain parties of the proposal and to publicly advertise the council's intention to make the application. In considering the application, the court will determine whether the highway is unnecessary and in doing so, will take into account any representations received. It is a possibility, therefore, that the Magistrates may refuse the application. If the application is successful, the highway rights are extinguished and ownership of the surface will revert to the subsoil owner.

**10.0 Risk Management**

10.1 No risks identified

**11.0 Background and Options**

11.1 The area of highway land is considered to be unnecessary and surplus to requirements.

11.2 The Utility Companies have been consulted and they have no objection to the stopping up order. The Companies would still retain their right of access to any apparatus as exists. The applicant has agreed to bear the cost of any equipment diversions if required.

11.3 The company plan to install decorative fencing, contiguous with their adjacent property (No 136 Nantwich Road) thereby enhancing the street scene in the area.

11.4 The proposals are consistent with the Council's policy on Highways Maintenance and the application will be submitted in accordance with the procedures required within Section 116 of the Highways Act 1980.

11.5 The matter has been considered and approved by the Crewe and Nantwich Local Joint Highways and Transportation Committee at their meeting on 26 January 2009.

## **12.0 Overview of Year One and Term One Issues**

12.1 None

## **13.0 *Access to Information***

The background papers relating to this report can be inspected by contacting the report writer:

Name: Gary Mallin  
Designation:  
Tel No: 01244 973909  
Email: [gary.mallin@cheshireeast.gov.uk](mailto:gary.mallin@cheshireeast.gov.uk)

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Brooklyn  
House

Brooklyn Street

Club

BM 56.85m

Nantwich Road

55.8m

Shelter

136

Surge

130

Key

Area to be Stopped Up



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Cheshire County Council, Engineering Service,  
Backford Hall, Chester, Cheshire CH1 6EA.

County Engineer: Steve Kent

134/136 Nantwich Road, Crewe  
Stopping Up of Highway

Drawn By:	RW
Traced By:	
Checked By:	
Date:	13-10-08
Issued:	

Drawing No.	
Scale:	1:250



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## **CHESHIRE EAST COUNCIL**

### **Cabinet Member for Environmental Services**

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**Date of Meeting:** 3 August 2009

**Report of:** Head of Environmental Services

**Subject/Title:** 7.5 T Weight Limit Barthomley and Surrounding Area

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#### **1.0 Report Summary**

- 1.1 Reports have previously been considered by the Crewe and Nantwich Highways and Transportation Local Joint Committee (LJC) for a 7.5T environmental weight limit in the area around Barthomley. The LJC resolved to defer a decision to a future meeting.
- 1.2 This report considers the implications of introducing such an Order.

#### **2.0 Recommendations**

That an experimental traffic regulation order be introduced, the effects of which will be to prevent heavy commercial vehicles over 7.5 tonnes from proceeding along the lengths of roads shown on plan 1 (attached) except for access.

#### **3.0 Reasons for Recommendations**

- 3.1 The data available suggests that any restriction is not justified and there are concerns about the effects of placing restrictions at the Borough's boundary and not at junctions. However, due to the local concerns, an experimental order will allow a full assessment of the effects of proposal to be undertaken.

#### **4.0 Wards Affected**

- 4.1 Doddington

#### **5.0 Local Ward Members**

- 5.1 Cllr David Brickhill  
Cllr John Hammond  
Cllr Rodney Walker

**6.0 Policy Implications**

6.1 None

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 Installation of 15 unlit sign units and 2 Lit sign units, processing the orders. Estimated cost of £5,000.

8.2 Removal of signs or processing permanent Order estimated cost £2,000

8.3 Funding through the revenue budget allocation for traffic regulation orders.

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 Experimental orders are made under Sections 9 and 10 of the Road Traffic Regulation Act 1984 (as amended) following consultation with the Chief Officer of Police. It will require notices to be published and documents available for public inspection. Objections cannot be made to the experimental order until it is in force. Once it is in force objections can be made as to its permanence.

9.2 Without the consent of Staffordshire County Council, the experimental order may only cover that part of the area within Cheshire East.

**10.0 Risk Management**

10.1 An experimental order only remains in force for up to 18 months at which point it must be either made permanent or lapses. Consultation must be carried out during this period and a formal decision be made as to whether the order becomes permanent.

**11.0 Background and Options**

11.1 At its meeting on 23<sup>rd</sup> April 2007, the Crewe and Nantwich LJC resolved " That a 7.5 tonne weight restriction on Englesea Brook Lane and Barthomley Road be progressed".

11.2 Such a weight restriction normally extends to junctions on the neighbouring A and B roads in order to remove the prospect of drivers suddenly arriving at a restriction sign and having to turn round. In this case it was considered that the restricted area should extend in to Staffordshire.

11.3 Interested bodies were consulted about the proposals and the following responses were received:

- Sustrans – Support the proposal
- Staffordshire Police – Do not agree to the proposals
- Cheshire Constabulary – Will support the proposal on the understanding that the limit will be enforced commensurate with the policing needs of the area as a whole.
- Barthomley Parish Council – support the proposal
- Weston & Basford Parish Council – support the proposal
- Staffordshire County Council - object to any such proposal.

11.4 An entry / exit count of vehicles over 7.5T carried out in 2004 indicated that there were no vehicles over 7.5T passing through Barthomley and Englesea Brook using these roads. It has to be remembered that to prosecute the offence, a restricted vehicle would need to be seen entering and then exiting the restriction without stopping.

11.5 A report to the LJC on 21st July 2008 recommended that the proposal does not progress. The decision was deferred to a future meeting.

11.6 A further survey was carried out on 1<sup>st</sup> October 2008 which again indicated that there were no HCVs passing through the area.

11.7 Environmental weight restrictions can be introduced where the local roads are too narrow or not appropriate for use by large good vehicles. They can be introduced where the numbers of vehicles over 7.5T using the road are significant, for instance where the road forms a convenient much shorter route to industrial areas compared to the adjacent higher class roads. It is a legal control and as such should be justifiable on the following grounds:

- To reduce danger to pedestrians and other road users
- To prevent damage to buildings, roads and bridges
- To preserve the character, amenity and environment of an area
- To reduce and manage congestion on the roads

11.8 The area that should be covered by the Order includes part of Staffordshire. Staffordshire County Council would be responsible for introducing the Order in their County and they object to the proposal. Similarly, Staffordshire Police, who would be responsible for enforcement, do not support the order

11.9 It has been suggested that an Order be made that just covers the areas of highway within Cheshire East Borough. Although not normal for the reasons in paragraph 11.2, it is possible with advance warning signs being placed at the entry to the effected roads. This would need the approval of Staffordshire County Council.

11.10 As there were no HCVs travelling through on those days that surveys took place it is difficult to justify the need for the Order. Local residents indicate that the main problem is when part of the surrounding road network is closed and at such times vehicles use Barthomley as an alternative route. As the volume of vehicles during these occurrences can not be easily recorded the only measurable way is to take the opinion of residents in to account. In this case it would be preferable to introduce an experimental Order and to consult local residents as to its effectiveness.

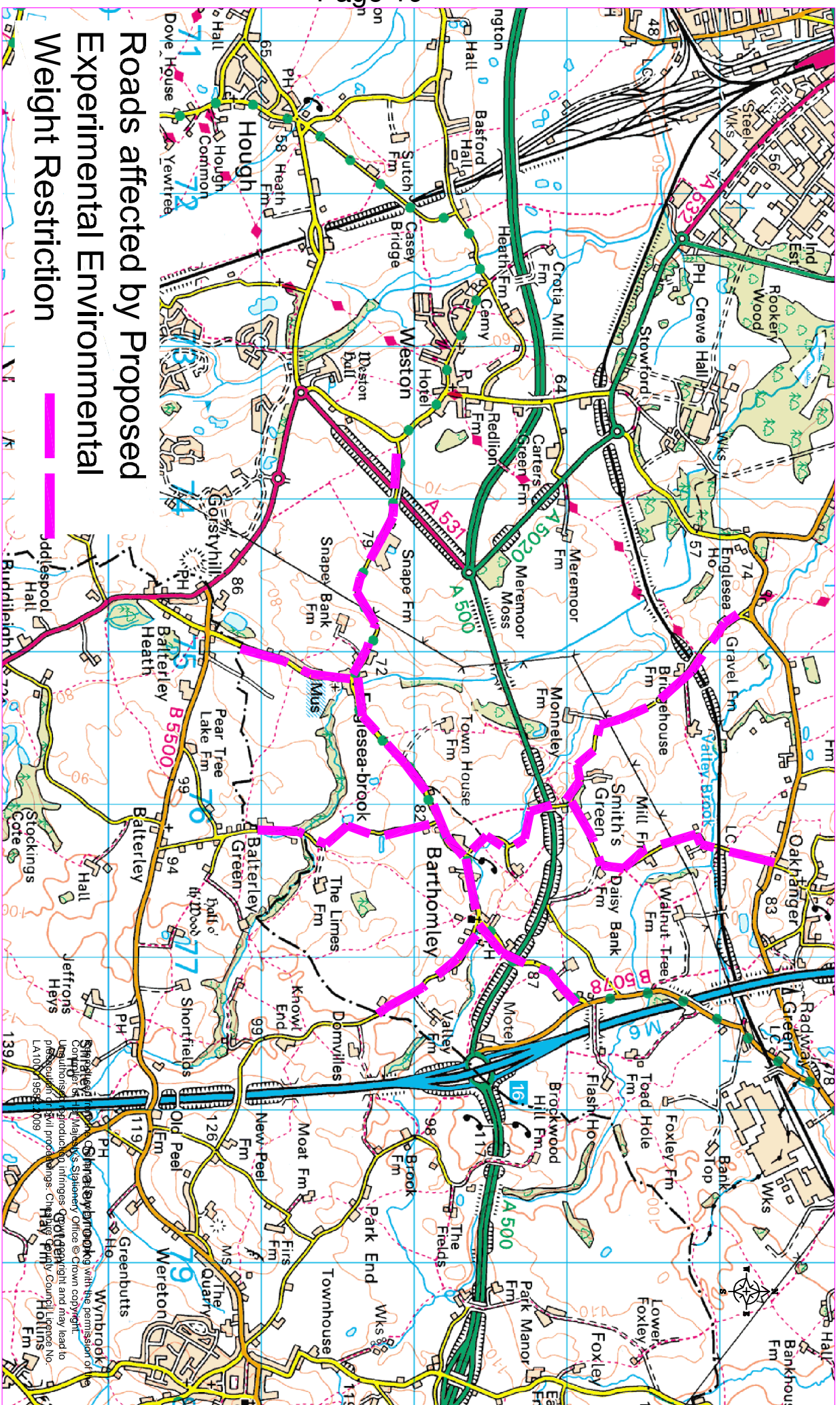
## **12.0 Overview of Year One and Term One Issues**

12.1 None

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name: Rob Welch  
Designation: Area Traffic engineer  
Tel No: 01270 371177  
Email: [rob.welch@cheshireeast.gov.uk](mailto:rob.welch@cheshireeast.gov.uk)



## Roads affected by Proposed Experimental Environmental Weight Restriction

Project:

## Barthomley and Surrounding Area

Drawn by: R Welch

Checked by:

Date: 11-5-09

Scale at A4:NTS



**Cheshire East**  
Council

### Proposed Extent of Experimental 7.5T Weight Restriction Except for Access

Drawing No:

Phase/Rev:

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## CHESHIRE EAST COUNCIL

### Cabinet Member for Environmental Services

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**Date of Meeting:** 3 August 2009  
**Report of:** Head of Environmental Services  
**Subject/Title:** Alleygating Scheme – Crewe South

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#### **1.0 Report Summary**

- 1.1 The Safer Communities Partnership has requested a further amendment to the Lunt Avenue/Ruskin Road/Smallman Road/Tynedale Avenue, Crewe Gating Scheme in the Crewe South Ward.
- 1.2 Approval of a further amendment is requested

#### **2.0 Recommendations**

That

- (1) authority be granted to advertise the amended proposal to make a gating order under section 129A of the Highways Act 1980 and if no objections are received, the gating order be made, for the alleyways contained by Gates 332,375,335,336,331,334 and 330 indicated on the attached plan; and
- (2) authority be granted to erect gate 333 in respect of the unadopted passageway adjacent to Tyndale Avenue as indicated on the attached plan.

#### **3.0 Reasons for Recommendations**

- 3.1 To enable the gating to alleyways at Lunt Avenue, Ruskin Road, Smallman Road and Tynedale Avenue to proceed

#### **4.0 Wards Affected**

- 4.1 Crewe South

#### **5.0 Local Ward Members**

- 5.1 Cllr David Canon  
Cllr Dorothy Flude  
Cllr Betty Howell

**6.0 Policy Implications**

6.1 None

**7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)**

7.1 None

**8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None

**9.0 Legal Implications (Authorised by the Borough Solicitor)**

- 9.1 Section 129A of the Highways Act 1980 allows the council to erect, or allow the erection of, a physical barrier to restrict public access to a highway over which the public would normally have a right of passage. A 'gating order' can be made provided the council is satisfied that the premises adjoining the highway are affected by crime or anti-social behaviour, that the highway is facilitating the persistent levels of crime and/or anti-social behaviour and in all the circumstances it is expedient to make the order. The test of expediency is a balance of the interests of those affected by the behaviour complained of and the interests of the travelling public.
- 9.2 Under Section 129C the council must undertake a consultation exercise before making the order, including erecting site notices and publishing notices on its website and in a local newspaper. The notice must invite written representations within a period of not less than 28 days. The council is obliged to consider any representations that it receives before making the order and it may choose to cause a public inquiry to be held to consider any opposed order. It must cause a public inquiry to be held where objections to an order are sustained by the police, fire brigade, NHS, or other council through whose area the highway passes. Public inquiries are to be presided over and determined by an inspector appointed by the council.
- 9.3 The order itself must contain specific details and copies must be erected adjacent to the affected highway. The council must keep a register open for inspection containing copies of all notices of proposal for the making, variation, or revocation of orders and copies of all gating orders made. The council must also publish gating orders on its website and supply copies of the same to anyone who requests a copy and pays a reasonable charge.



- 9.4 A person may challenge the validity of a gating order (within 6 weeks of the date on which it was made) in the High Court on certain specified grounds, being that the council had no power to make it or any requirement under the Act was not complied with in relation to it (and which substantially prejudices the interests of the applicant). On an application under this section the Court may suspend, quash (in full or part) or allow the gating order to stand.
- 9.5 The council relies upon permitted development rights for the erection of the gates.

## **10.0 Risk Management**

- 10.1 Under section 129B of the Highways Act 1980 a gating order may not be made so as to restrict the public right of way over a highway which is the only or principal means of access to any dwelling. Without this amendment the gating cannot proceed

## **11.0 Background and Options**

- 11.1 At its meeting held on 27<sup>th</sup> October 2008, the LJC granted authority for a Gating Order to be made, subject to there being no objections, at Lunt Avenue/Ruskin Road/Smallman Road/Tynedale Avenue, Crewe (gates 329, 330, 331, 333, 334, 335, 336).
- 11.2 Following further investigation it was found that there are dwellings taking primary access to the alleyway to the rear of the properties 1-37 Lunt Avenue. Under section 129B of the Highways Act 1980 a gating order may not be made so as to restrict the public right of way over a highway which is the only or principal means of access to any dwelling.
- 11.3 Further proposals were submitted to the LJC on 26<sup>th</sup> January 2009, which agreed to advertise an amended proposal.
- 11.4 However, following further investigation and consultation the Safer Communities Partnership (SCP) have submitted a further amendment to the scheme in order to include the passageways to the rear of the properties 15-37 Lunt Avenue (gates 332 and 375). It is also intended to install a gate along the unadopted passageway alongside 56 and 58 Tynedale Avenue (gate 333). This unadopted passageway will not form part of the gating order. The written consent of the adjacent property owners will be obtained to the erection of the gate. Plan attached.
- 11.5 The property 10 Smallman Road is currently in the process of being converted to a flat taking primary access from the passageway to the rear. Under the provisions of the Highways Act 1980 a gating order cannot therefore be made in relation to the passageway to the rear of the property or the passageway which runs alongside it (gates 329 and 330).

- 11.6 It is proposed not to install gate 329 and to relocate gate 330 to the rear boundary between 10/12 Smallman Road.

## **12.0 Overview of Year One and Term One Issues**

- 12.1 None

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

Name:	Rob Welch
Designation:	Area Traffic Engineer
Tel No:	01270 371177
Email:	<a href="mailto:rob.welch@cheshireeast.gov.uk">rob.welch@cheshireeast.gov.uk</a>

## APPLICATION FORM

### PROPOSED GATING ORDER FOR Smallman Road/Lunt Avenue , St Johns/Valley (15)

#### APPLICATION FROM Crewe & Nantwich Safer Communities Partnership      CRIME & DISORDER REDUCTION PARTNERSHIP

1	<b>LOCATION OF HIGHWAY</b> <input type="checkbox"/> provide sufficient details and a suitable map (attach separately) to identify the start and end points of the highway, including, as appropriate, house numbers, street names, parish/district/sub-district, number if PROW	The alleyway is identified in this application and maps are provided for reference The alleyways on the block bounded by Smallman Road, Nantwich Road, Tynedale Avenue, Lunt Avenue and Ruskin Avenue. Gates 329, 330, 331, 332, 334, , 336 on the attached maps refer.
2	<b>NATURE OF THE PROBLEMS</b> <input type="checkbox"/> provide details of the type and location of all relevant crime and ASB  NOTE – Police Incident Crime Numbers <u>must</u> be provided together with other relevant evidence  <input type="checkbox"/> indicate how the following main criteria are met and how they are applicable to this application - <ul style="list-style-type: none"> <li>o1 premises adjoining or adjacent to the highway are affected by crime or ASB</li> <li>o2 the existence of the highway is facilitating the persistent commission of criminal offences or ASB</li> <li>o it is in all the circumstances expedient to make the Order for the purposes of reducing crime or anti-social behaviour</li> </ul>	<p>In order to evidence the need for the alley gates which have been identified as requiring gating orders an examination of levels of criminal damage to a dwelling, anti-social behaviour and the levels of burglary. Analysis to identify areas that would benefit from alleygating has shown that the areas of St Johns Ward and Part of Valley ward suffers from rear entry burglary rates, criminal damage and youth nuisance rates over twice the borough average.</p> <p>In the period 2006/2007 the area suffered from 578 Incidents of Anti-Social Behaviour, 81 Burglaries and 97 incidents of Criminal Damage &amp; Arson.</p> <p>This application is for gating as part of the overall scheme to make this whole area safer by completing the gating that has already begun.</p> <p>Specific Crime Incidents related to this alleyway in 2006/7are:          ASB Incidents: 1136, 821, 198, 46, 75, 415, 682, 940, 151, 991, 619, 963, 221, 398, 98, 987, 493, 703, 655, 905, 120, 924, 840, 559, 589, 921          Burglary: cc07285257, cc07365945, cc08041929, cc08048655, 707429839,          Criminal Damage: cc07182235, 0707281803, 0707430901, cc07157783</p>
3	<b>ALTERNATIVE METHODS OF REDUCING CRIME OR ASB</b>  <input type="checkbox"/> provide details of the alternative methods that have been tried or considered, or dismissed	Gating a passageway is not always an option, or even in some circumstances the best option. CNBC and C&N SCP have considered the options available for crime

<p>(give reasons). Indicate which have been tried and which have been considered or dismissed. Also indicate the actual or presumed levels of effectiveness of each method.</p> <p><input type="checkbox"/> <input type="checkbox"/> indicate why stopping off or diverting the highway is not considered appropriate.</p> <p><input type="checkbox"/> <input type="checkbox"/> indicate any previous contact/discussions with the County Council concerning possible stopping up.</p>	<p>and disorder reduction in each case and are only applying for a gating order as the most expedient manner of reducing the crime, disorder or anti social behaviour associated with the alley ways listed above and indicated on the plans provided.</p> <p>The alleyways are in an area where gating has been successfully carried out, and as such could compromise the effectiveness of the whole scheme if not included. The gating of these alleys will contribute to the improved safety and feelings of safety of the residents affected.</p> <p>The whole area of the ward was selected for possible gating on the basis of analysis of crime and disorder figures in the three years up to the end of 2004/2005. The ward was also identified in the Indices of Multiple Deprivation as the ward with the worst crime problem in Crewe.</p> <p>A survey to determine the appropriateness of gating these alleys has been carried out and alternate options considered. The alley ways have been assessed as suitable for gating, and was considered the most efficient, sustainable and cost effective intervention.</p> <p>Alternative methods tried - policing: this has proved over the years to be ineffective and is not a sustainable long term option as policing levels inevitable vary with time and other demands.</p> <p>Alternative Methods considered and dismissed - improved lighting. This is considered to be ineffective based on the experience of Stoke where increased lighting of alleys has been tried and the council there is now introducing gates as more effective. Lighting alleys increases problems where there is a lack of natural surveillance of the alleyway.</p> <p>Stopping off or diverting the 'highway' is not considered appropriate as the 'highways' are not through routes for vehicles, but provide access to the rear of properties</p> <p>County council highways have been consulted in the Crewe Alleygate Scheme and have advised that applications for gating orders would be required in all cases where highway status is indicated on the definitive map.</p>
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4	<p><b>ACCESS TO DWELLINGS/PREMISES/FACILITIES</b></p> <p><input type="checkbox"/> provide location details and addresses of all properties or facilities whose access would be <u>directly</u> affected by the restrictions</p> <p><input type="checkbox"/> for each of these properties or facilities indicate its type and normal use. Also indicate whether the highway provides the primary or only access</p> <p><input type="checkbox"/> provide location details and addresses of all buildings or facilities whose access is <u>indirectly</u> affected by the restrictions (i.e. always accessible, but takes longer to get there)</p>	<p>The primary access to no property will be affected.</p> <p>Properties affected are residential properties as follows:</p> <p>2-58 Tynedale Ave, 12-36 Smallman Road, 13-39 Lunt Avenue, 5-57 Ruskin Road, 223 to 227c Nantwich Road</p> <p>The gate at the rear of 10 Smallman Road will restrict access to a currently derelict property to the rear of 5 Carlisle Street. It should be noted that the owner of this property has previously applied for planning permission for conversion to two dwellings. This has been refused. Should permission be granted in the future any order would need to be rescinded.</p>
5	<p><b>ALTERNATIVE ROUTES</b></p> <p><input type="checkbox"/> provide details, including location maps (attach separately), of alternative routes during the restricted periods</p> <p><input type="checkbox"/> indicate the approximate increase in distance and foot or cycle journey times involved and comment on the potential negative aspects of the alternative routes (e.g. non-compliance with mobility standards, personal safety issues, lack of surfaced highway or lack of adequate crossing points, etc.)</p>	<p>In all cases below the longest and most likely journey has been used to calculate the difference in distance that would be added to a hypothetical journey without the alley gates being in place.</p> <p>The maximum alternative route between the two alley way entrances (gate position 333 and 334) on the public highway, that is Lunt Avenue turning right into Ruskin Road, then onto Nantwich Road and right again into Smallman Road is approximately 18m longer than that via the alleyway.</p>

6	<p><b>RESTRICTIONS</b></p> <p><input type="checkbox"/> indicate the times and periods of the restrictions, providing reasons for the appropriateness thereof</p> <p><input type="checkbox"/> provide details and addresses of the premises or facilities for which access is required at particular times or periods. Also indicate how the premises or facilities would be affected if the restrictions did not match these times or periods and how such effects would be mitigated</p>	<p>Restrictions would be in place twenty four hours a day 365 days a year.</p> <p>All properties with rear access via the alley way will be provided with access keys.</p> <p>Access is maintained by provision of master keys for utilities and emergency services, and arrangements have been made to inconvenience residents as little as possible over matters such as refuse collection.</p>
7	<p><b>MANAGEMENT OF THE RESTRICTIONS</b></p> <p><input type="checkbox"/> suggest the particular bodies or organisations willing and capable of opening/closing the gates/barriers at the designated times/periods. NOTE – the body or organisation <u>must</u> have the capacity and resources available to fulfil these obligations on 100% of occasions and also must be able to provide full indemnities for employees and third parties (currently £5m)</p>	<p>Management of restrictions is not required</p>
8	<p><b>EFFECT ON THE COMMUNITY</b></p> <p><input type="checkbox"/> indicate the positive and the negative effects on particular sections of the community (not just those adjoining or adjacent to the restricted highway). Include comments that indicate how the negative effects can be reduced to acceptable levels</p>	<p>Feelings of safety amongst residents of areas where alley gates have been installed has been shown to increase, and there is evidence of positive impacts on community feeling and health. Research by Professor Hirschfield and the University of Liverpool has shown the positive health benefits due to a reduction in stress and feelings of fear.</p> <p>Alley gate design is compliant with access requirements under the Disability Discrimination Act.</p>

9	<p><b>CONSULTATION</b></p> <p><input type="checkbox"/> indicate which groups/individuals/bodies or organisations have been consulted, either formally or informally, and supply their comments</p> <p><input type="checkbox"/> for negative comments from such consultations, indicate what modifications have been made to the proposals or indicate why any particular comments should not be taken into account and considered further</p> <p><input type="checkbox"/> indicate which groups/individuals/bodies or organisations it was not possible to consult, but which it is considered should be given the opportunity to comment on the proposals</p>	<p>The Safer Communities Partnership carries out extensive consultation through its contractor, Alternatives (Lighthouse Project), Ltd. This is compliant with guidance and requirements under existing legislation, including the CROW Act, Highways Act and CNEA 2005.</p> <p>All properties affected by the scheme are consulted and any objections addressed to the satisfaction of residents.</p> <p>.</p>
10	<p><b>MANAGING DIVERSITY</b></p> <p><input type="checkbox"/> provide comments on the direct or indirect effects of the proposals on the grounds of age, disability, gender, race, religion or belief, sexual orientation or social exclusion. (Notes to assist with this are provided in the Procedure Notes for Gating Orders)</p>	<p>Alley gating is intended to improve the quality life of all people in the effected area and promote social cohesion through an improvement in feelings of safety and community.</p> <p>Gate design is compliant with access requirements.</p>
11	<p><b>FUNDING</b></p> <p><input type="checkbox"/> indicate the amount of funding available from other than the County Council's specific budget for Gating Orders</p> <p><input type="checkbox"/> indicate whether this funding is available for either or both of the initial implementation and the annual ongoing management/maintenance costs</p>	<p>£432,000 has been allocated by the Borough Council to the Alleygate Project for initial implementation of all gating in St Johns and Valley Wards. This is based on estimates of £1,800 per gate plus the same again for future maintenance.</p> <p>Future maintenance will be managed by the borough council on behalf of county highways.</p>

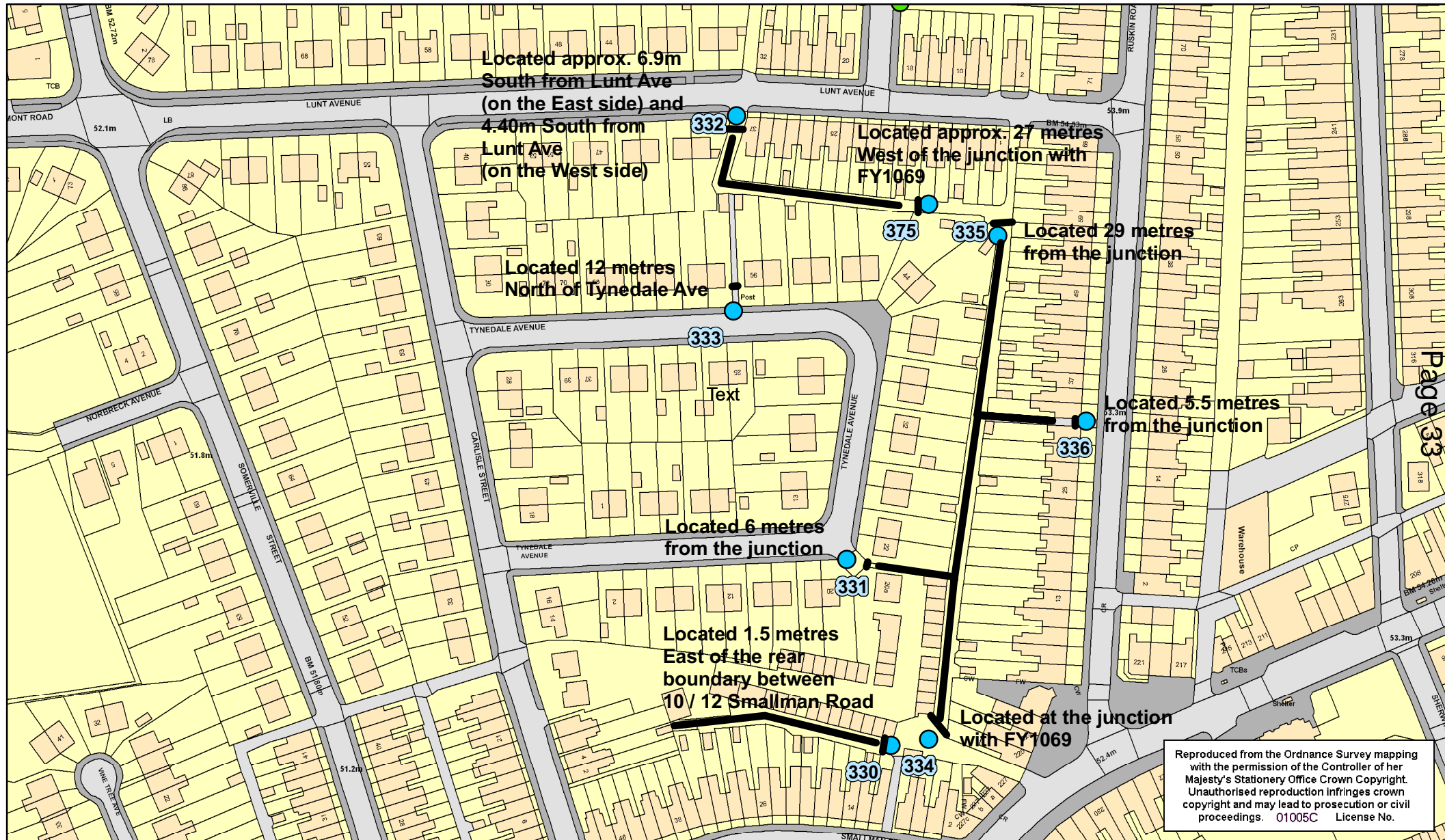
12	<b>OTHER INFORMATION/COMMENTS</b> <p><input type="checkbox"/> indicate the source/origin of the initial request for consideration of a Gating Order</p> <p><input type="checkbox"/> comment here on any other matter in support of this application</p> <p><input type="checkbox"/> if the CDRP has made other applications, indicate the priority of this application compared to those others</p>	<p>he request for gating in this area originated with the Safer Communities Partnership on the grounds of extensive analysis of crime problems in Crewe and consideration of practicable long term solutions.</p> <p>The application for the gating of these alleyways is based on a thorough analysis of crime issues in this ward and across Crewe which indicated that a gating programme in appropriate areas would have an impact on crime in the area. This application is intended to allow the CDRP to gate the few remaining alleys in this area where ASB and crime can still occur.</p> <p>It is considered that a failure to gate these alleyways will compromise the objective of reducing crime and ASB across the ward, and will leave gaps in the scheme that could become a focus for ASB and crime in the area.</p>
<p><b>Completed on behalf of</b>   <b>Crewe &amp; Nantwich</b>   <b>CDRP by</b>   David Burns   <b>print name</b>   <b>Date</b>   <b>23/09/08</b></p>		
<p><b>Authorised on behalf of</b>   <b>Crewe &amp; Nantwich</b>   <b>CDRP by</b>   David Burns (Safer Communities Manager)</p> <p>.....   <b>signed</b>   <b>Date</b>   <b>23/09/08</b></p>		



FOR USE BY CHESHIRE COUNTY COUNCIL HIGHWAYS DEPARTMENT ONLY			
Issue		Y/N	Remarks including next actions
	<b>Status of the highway</b> •1 private                   ?   no action by CCC •2 adopted*                 ?   action - Area Highway Manager •3 unmetalled PROW*    ?   action – PROW Team Manager  <i>*see Procedures            Section4.3</i>		
2	<b>Has the application been completed fully and correctly, and does it provide full justification for a Gating Order?</b>		
3	<b>Are all of the main criteria met? And have the relevant Members been consulted?</b>		
4	<b>Are there any conflicts with other CCC Policies, Standards or Plans (including diversity issues)?</b>		
5	<b>If the application from the CDRP was initially unacceptable/incomplete, has the CDRP been given the opportunity to modify/amend it for further consideration?</b>		
<b>Date of LJC</b>		<b>RECOMMENDATION</b>	

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# Alleygating - St Johns Ward - Gate 330, 331, 334, 335, 336, 332, 333, 375



04.5 18 Meters



**NOTE:** Blue Circles not representative of actual locations

Map Produced by Mark Cotton 29 Apr 2009

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