

Cabinet Member for Environmental Services

Agenda

Date: Tuesday, 19th October, 2010
Time: 9.00 am
Venue: Room F1/2 - Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into two 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 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. Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide three clear working days' notice, in writing, in order for an informed answer to be given.

4. **Clear Way Forward Policy (Pages 1 - 16)**

To consider a policy to control the use of Advertising Boards and Goods displayed on the highway by the introduction of a guidelines scheme.

Contact: Paul Mountford, Democratic Services
Tel: 01270 686472
E-Mail: paul.mountford@cheshireeast.gov.uk

5. **Traffic Calming Policy** (Pages 17 - 30)

To consider a policy on the installation, maintenance or removal of traffic calming schemes within the highway.

6. **Congleton Parking Review Report** (Pages 31 - 64)

To consider a report on the Congleton Parking Review Report and to seek approval for the actions proposed.

7. **Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010, to Change the Charging Hours to 9 am to 5 pm** (Pages 65 - 70)

To consider proposals to change the charging hours on the relevant car parks in Congleton town, from 8am to 6pm Monday to Saturday, to 9am to 5pm Monday to Saturday and to make consequential changes.

8. **Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 on Princess Street Car Park, Congleton, to Extend the Maximum Stay to 8 Hours** (Pages 71 - 74)

To consider a proposed amendment to the Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 (as amended to comply with the Traffic Management Act 2004) (the Order) the effect of which will be to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 8 hours.

(There are no Part 2 items)

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 2010
Report of: Head of Regeneration
Subject/Title: Clear Way Forward Policy

1.0 Report Summary

- 1.1 That the Cabinet Member approves the policy to control the use of Advertising Boards and Goods displayed on the highway by the introduction of a guidelines scheme.
- 1.2 The Borough Council currently does not have a policy on the control of Advertising Boards or Displays of Goods on the highway.
- 1.3 The use of Advertising Boards throughout the Borough has steadily increased over the past few years. Advertising Boards are now causing a problem to pedestrians and particularly the visually impaired and wheelchair users.
- 1.4 They are also having an adverse effect on the Borough's streets and shops. It is for these reasons that the Borough Council is proposing this policy and guidelines to reduce the number of Advertising Boards and control the impact they have on pedestrian safety and convenience.

2.0 Recommendations

- 2.1 That the Cabinet Member for Environmental Services

- (1) approve the proposed Clear Way Forward Policy for Cheshire East;
- (2) endorse the current practice of the removal by the Council of fly posters and signs attached to street furniture without reference to the party who placed them; and
- (3) approve the introduction of charges to licence the displays of goods on the highway that are remote from the business in respect of the initial application, a renewal fee and, where the Council is the owner of the subsoil, a fee per square metre used, as detailed in the report.

3.0 Reasons for Recommendations

- 3.1 The use of Advertising Boards throughout the Borough has steadily increased over the past few years. Advertising Boards are now causing a problem to pedestrians and particularly the visually impaired and wheelchair users.

- 3.2 They are also having an adverse effect on the Borough's streets and shops. It is for these reasons that the Borough Council is proposing this policy and guidelines to reduce the number of Advertising Boards and control the impact they have on pedestrian safety and convenience.

4.0 Wards Affected

- 4.1 This report affects all wards equally.

5.0 Local Ward Members

- 5.1 This report affects all wards equally.

6.0 Policy Implications including - Climate change - Health

- 6.1 There are no human resources implications of the recommended option.
- 6.2 The policy is intended to ensure that highways enforcement is carried out in a fair and consistent way.
- 6.3 Enforcement of highways legislation is intended to bring about a reduction in environmentally irresponsible behaviour.
- 6.4 Enforcement of highways legislation is intended to bring about a reduction in environmental problems including the appearance of the street scene and obstructions caused by Advertising boards and shop displays. Local people, businesses and communities can expect to see an improvement in the street scene and safety as a result of this enforcement.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 It is an offence to deposit things on the highway without authorisation and the Council is empowered to prosecute offenders under the Highways Act 1980 and the Police Town Clauses Act 1847. Other powers are available under the common law. Technically, anything located on the highway, which is not authorised by law, is capable of amounting to an obstruction. This applies to both permanent and temporary features. As a result, the scope of these sections has been extended to encompass related matters such as Advertising Boards, goods placed on the highway and 'al-fresco' refreshment areas.

Section 130(a) of the Highways Act 1980 places a duty on a highway authority to;

“assert and protect the rights of the public to the use and enjoyment of any highway for which they are the highway authority...”

Section 130(3) also provides that

“Without prejudice to subsections (1) and (2) above, it is the duty of a council who are a highway authority to prevent, as far as possible, the stopping up or obstruction of the highways for which they are the highway authority”

There are several sections of the Act which enable the Council to take action to remove unauthorised features that have been placed on the highway.

These are;

- s132: Power to remove marks or signs from the highway
- s143: Power to remove structures from the highway
- s149: Power to remove things deposited on the highway as to be a nuisance

- 8.2 Under Part VII A of the Highways Act 1980 the Council has the power to licence the placing of items and amenities on certain types of highway, namely, footpaths, footways, pedestrian planning areas and other highway where vehicular traffic is prohibited. In some cases, the consent of the frontagers is required and special considerations apply in respect of a walkway.
- 8.3 The Council has the power to impose such terms and conditions in the licence as it thinks fit, including a requirement to indemnify the Council in respect of the placing/retention of the item on the highway. In respect of fees, if the Council is the owner of the subsoil it can impose such reasonable charges as it may determine. Where the Council is not the owner of the subsoil of the highway, it can only require the payment of such charges as will reimburse the council for its reasonable expenses in connection with granting the licence. Prior to granting a licence the Council is required to post notices on the street, serve notice on the owner and occupier of any premises appearing to the council to be likely to be materially affected and undertake consultation. The licence must not be granted until the Council has taken into consideration all representations made to it in connection with the proposal within the period specified in the notice.
- 8.4 If it appears to the Council that the licensee has committed any breach of the terms of the licence, it may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified. If the person fails to comply with the notice, the Council may take the steps itself and any expenses incurred, together with interest may be recovered from the person on whom the notice was served.
- 8.5 The advantage of entering into a licence with each individual person or business is that the Council can ensure compliance with the terms and conditions of the licence. Without a licence, the Council can only set down guidelines and then take enforcement action where appropriate.

9.0 Risk Management

- 9.1 The risk of not implementing this policy is that when we take a case to court we have no formal policy to back up the action being taken.

10.0 Background and Options

- 10.1 The shopping areas within Cheshire East town centres have much to offer by way of creating an ambience that makes them attractive to shoppers and visitors alike. The Council recognises this and, in its capacity as the highway authority, seeks to assist Businesses to promote their business activities in a way which is compatible with the public's right to use and enjoy the highway.
- 10.2 It is apparent that many Businesses advertise on the highway by using Advertising Boards and to a lesser extent displays of goods on the highway. A policy for the control Advertising Boards and Displays is required to safeguard the use of the highway by the public and for Businesses to understand their position and responsibilities in that respect.

Highway Signage

- 10.3 Highway signage may be considered in the following categories:

Signs - The Council's policy defines three types of signs;

'Official' signs: e.g. temporary and permanent road signs, boundary / parish signs, contractors' information boards, brown 'tourist' signs.

These being permitted in accordance with the appropriate legislation.

'Unofficial' signs: e.g. Advertising boards and other signs advertising B&B, farm shops, pop concerts, garden centres etc. The policy stated that they should not be allowed on the highway and they were therefore not permitted.

'Accepted' signs: Whilst they were not officially approved, signs that advertised events organised by recognised community groups, which are 'not for profit' and are for the benefit of the community were permitted on the proviso that they did not constitute a hazard to road users. Typical examples include banners advertising village rose fetes and charity firework displays organised by say, the local Rotary Group.

Goods on the Highway - The former County Council did not have a policy which specifically related to the management of goods placed on the highway. Where enforcement action was needed, the existing primary legislation was utilised (s143 and / or s149 of the Highways Act 1980).

Section 143 does have a significant drawback in that enforcement action can only be taken one month after a notice has been served on the person who has placed the items on the highway. More immediate action can be taken under s149, but officers had to be satisfied that the object deposited on the

highway constituted a danger. Prosecutions had been threatened but no proceedings were taken. In part this is because offenders have complied with requests to remove obstructions but also direct enforcement action is of more immediate effect bearing in mind that a prosecution in itself does not operate to remove the obstruction.

Options

Advertising Boards and Other Advertisements

- 10.4 Fly-posters and signs attached to street furniture not only act as a distraction to drivers, but they are also unsightly. It is therefore proposed that where such posters or signs are attached to street furniture the Council shall continue to remove and dispose of them as soon as is reasonably practicable and without reference to the party who placed them there. Fly-posting not on street furniture is dealt with under different legislation.
- 10.5 There are several options that Members may wish to consider in respect of the management of Advertising boards. These range from the adoption of a 'zero tolerance' stance to requiring all features to be licensed through to the 'do nothing' approach. However, in pursuing a rational way forward, it is important to stress that the Council needs to adopt a policy which can be sustained using available staffing and budgetary resources and is also designed to reflect the various local conditions that exist across the Borough.
- 10.6 Many highway authorities have considered whether A-Boards should be permitted on the highway. It would be fair to say that the approach nationally has been somewhat inconsistent. The London Borough of Kingston have banned all Advertising Boards on footways whilst in Leeds they are banned from the city centre but allowed elsewhere, albeit within certain criteria. Nottinghamshire and Warwickshire County Councils have introduced a system whereby such features are permitted to be placed on the highway without a licence on the condition that they meet a series of guidelines.
- 10.7 This latter approach is one that officers believe could form the basis of a fair, pragmatic and workable policy that the Council may wish to adopt. Hence, in order to strike a reasonable balance between the needs of businesses and highway users, it is suggested that the Council is unlikely to take enforcement action against persons placing Advertising boards on the highway provided they are placed in accordance with a set of guidelines.
- 10.8 However, it is recognised that the siting of Advertising Boards in some areas might be inappropriate or create hazards for highway users and therefore the Council will still take enforcement action where it considers it to be appropriate. Thus, rather than imposing a 'one size fits all' policy, it is suggested that an element of discretion should be built into the guidelines which would permit the Area Manager's and the Council's Community Safety

Wardens to manage Advertising Boards in a way that suits the local area. Whilst this may lead to the adoption of a seemingly inconsistent approach, for the reasons outlined above this is considered to be reasonable and fair.

Goods on the Highway

- 10.9 From both a legal and practical perspective, there are few differences between proprietors placing Advertising boards on the highway and them displaying goods they have for sale outside their premises. Hence, most of the issues and options relating to the Advertising Boards that were outlined in the preceding section are applicable to the display of goods on the highway.
- 10.10 However, there are a number of additional factors that need to be taken into account when considering this particular aspect. For instance, it would not be appropriate for alcohol to be displayed for sale nor would it be sensible for potentially hazardous materials such as gas bottles to be placed on the highway.
- 10.11 Displays of goods which are adjacent to the business premises and do not impede the public's use of the footway could be permitted and controlled in much the same way as A Boards albeit there would be some additions to the guidelines. Displays of goods remote from the business premises are a different issue and if they are to be allowed they need more stringent control which is best achieved through licensing.

Way Forward

Licensing

- 10.12 Displays of goods on the highway remote from the business premises would be licensed in accordance with s115 of the Highways Act 1980, on terms and conditions approved by the Borough Solicitor. Such terms would govern the area to be occupied, state that no transactions take place on the highway, require indemnification of the Council and adequate public liability insurance and state the charges to be paid in granting the licence.
- 10.13 It is proposed that a flat rate charge of £450 would be payable on application, and where the Council is the owner of the sub-soil the charge of £90 per square metre taken up by the licensed area. These fees would be payable prior to completion of the licence. Should an application fail then an amount of £150 would be refunded to the applicant. The retained portion reflects the Council's costs in dealing with the application. The licence would be renewed every three years, for an administrative fee of £100, on similar terms as the original licence.

Policy

- 10.14 A policy and set of operational guidelines dealing with Advertising Boards and displays of goods on the highway are set out in the Appendix to this report.

Enforcement/Supervision

- 10.15 Previously the enforcement and supervision of Advertising Boards and displays of goods on the highway was the preserve of the Area Manager's staff. Due to the many pressures on the Area Manager's staff, checking and supervision was only really carried out following complaints from the public or other sources. Consideration in conjunction with consultation with Town Centre Managers should be given to extend the responsibility for the management and supervision of Advertising Boards and displays of goods on the highway to the Council's Community Safety Wardens, CSW's. The CSW's have a high visibility within the town centres and they are well placed through their daily interactions with both businesses and Town Centre Managers to enforce the Council's policy and guidelines. Where considered appropriate, a further report will follow to provide the necessary delegations to the CSWs.
- 10.16 Where a business consistently fails to comply, after formal notification by the Council, with the guidelines for the placement of an Advertising Board or display of goods on the highway then the Council will have the offending Advertising Board or display removed to the Council's depot. If further signs or goods are placed on the highway otherwise than in compliance with the guidelines then the trader will be advised that legal enforcement action may be commenced by the Council.
- 10.17 Where a licence exists, any business who consistently fails to comply with the licence conditions will, following formal notification by the Council, have that licence revoked and the business shall be required to immediately remove the display from the highway. Should the business fail to remove the display then the Council shall remove the display and recharge the costs including council staff time to that business in accordance with the terms of the licence.

11.0 Access to Information

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

Name: Gary Mallin
Designation: Highway Asset and Traffic Manager
Tel No: 01270 686342
Email: gary.mallin@cheshireeast.gov.uk

Policy for Advertising Boards and Displays of Goods on the Highway

1.0 Introduction

- 1.1 Advertising Boards and displays of goods are a fashionable way for businesses to promote their business in and around the town centres of the Borough, adding to the colour and atmosphere of the street scene for residents and visitors alike.
- 1.2 Advertising Boards and displays of goods must be appropriate for the area and properly set up so that they benefit the business, enhance the shopping area and do not cause a problem for other users of the street.
- 1.3 The Council is prepared to allow Advertising Boards and displays of goods to be placed on the highway on the strict understanding of the businesses that place them adhere to the terms of the Council's policy for Advertising Boards and Displays of Goods Adjacent to Business Premises on the highway.
- 1.4 Displays of goods remote from the business premises (greater than 2m away from frontage) will be considered only exceptionally and must be licensed by the Council. The requirements of the licence must be met in full, and at all times, by the business.

2.0 Consideration

- 2.1 Before a business places an Advertising Board or display on the highway the following factors need to be taken into account. The amount of space the Advertising Board or display will remove from the public use of the highway.
 - How the proposed Advertising Board or display will look when it is set up.
 - The effect it may have on the passage of the public on the highway including local residents, workers, shoppers and visitors.
 - Is the Advertising Board or display located in a Conservation Area? (The design and materials may need to be considered)
- 2.2 The Council appreciates that businesses will want to place their Advertising Board or display in a way that is attractive to customers. However, the following factors have to be taken into account when planning the setting out of the Advertising Board or display.
 - Available space
 - Type of premises
 - Street width
 - Street character
 - Number of passers-by
 - Existing furniture e.g. benches, planters etc. Other Advertising Boards, Displays of Goods or Street Cafes nearby
 - Residential properties

- 2.3 The needs of people using the highway are of paramount importance when considering Advertising Boards and displays. Freedom of movement for the disabled, pedestrian flows, access for emergency vehicles etc need to be taken account of. The type, size and colour of the Advertising Board and the type size and make up of displays need to be in keeping with the area. It is essential that Advertising Boards and displays do not cause an obstruction or inconvenience to members of the public, particularly people who are disabled, therefore adequate space must be left for wheelchair access.

3.0 Guidelines for Setting out an Advertising Board or Display of Goods on the Highway

- 3.1 Every Advertising Board and display should be placed according to these important key principles:

- People walking past the premises should have at least 1.8 metres of clear footway between the edge of the carriageway and the Advertising Board or display. This is to ensure that pedestrians, particularly the visually impaired, are not obstructed.
- In a very busy street it may be necessary to leave more than 1.8 metres of footway space for pedestrians. The manner in which the Advertising Board or display is set out should not prevent or discourage people from using the footway. The route available to them must be straightforward, obvious and unobstructed.
- The Advertising Board or display should be located immediately outside the front of the business premises and not on highway fronting adjacent businesses or properties.
- In pedestrianised areas these principles will generally apply to A Boards, although the special nature of these areas means that variations may be considered on an individual basis.
- A route for emergency vehicles (minimum 3.5 metres) is required.

- 3.2 The placing of an Advertising Board or display on the highway must meet the following requirements.

- Advertising Boards or displays will only be allowed on pavements where sufficient width of footway can be left clear and unobstructed for pedestrian usage of the area (usually a minimum of 1.8 metres).
- Advertising Boards or displays must not be placed in the way of vehicle movements - this is to ensure free and unobstructed access by the emergency services.
- All Advertising Boards must be temporary in their nature so that they can be easily removed i.e. they require no excavation to be installed or removed. They are to be totally removed from the highway at the end of each day's trading.

- Advertising Boards or display must not be located within 1.2 metres of any other permanent or temporary sign, pillar, post, item of street furniture, other display or the edge of the carriageway.
- An unobstructed footway width of 1.8 metres is desirable, but where this is not practicable a minimum width of 1.2 metres should be maintained. In pedestrianised areas a minimum width of 3.5 metres shall be provided.
- Advertising Boards or the display must not cause a visual distraction or obstruction to vehicle sight lines or block visibility for pedestrians.
- The siting of an Advertising Board or display must take into account the other reasonable needs of the area e.g. bus stops, pedestrian crossings, etc. in relation to their positioning.
- In areas of high volume pedestrian flow, e.g. near schools or in certain pedestrianised areas, the placing of an Advertising Board or display may not be allowed. This decision will be made by responsible Area Highways Manager.
- Advertising Boards and displays must be such that they can easily be detected by the visually impaired and negotiated by those with mobility handicaps.
- On footways an Advertising Board or display must not be placed within 2.0 metres of any tactile paving.
- Advertising Boards and displays must be stable and not represent a potential danger to any highway users. In particular, the structure must be of sufficient weight or design to prevent it being blown over in the wind.
- Advertising Boards or displays must not have a detrimental effect on the fabric of the highway.
- If appropriate, all other approvals and consents must be obtained prior to the Advertising Board or display being placed on the highway (including street trading and planning consents).
- Only one Advertising Board will be permitted per business.
- Any advertisement must relate only to the normal business of the trading establishment.
- Advertising Boards must not be fixed to lamp posts, bollards, seats, highway trees or other items of street furniture by means of chains, rope, etc. Any that are so fixed may be removed by the Council at any time without any reference to the owner.
- Advertising Boards should be no wider than 800mm square in plan and no higher than 1000mm above ground level.

- Rotating or swinging Advertising Boards will not be permitted.
- Advertising Boards must not contain any visual or written material that could be construed as inappropriate or offensive. Any breach of this condition will result in the immediate removal of any such signs.
- Advertising Boards leant against walls etc will not be acceptable
- Advertising Boards or displays must not impede vehicular emergency access.
- Where an accumulation of Advertising Boards and/or displays occur and this results in the obstruction of the highway (i.e. in multi-use premises), if instructed by an officer of the Council, all Advertising Boards must be removed until an acceptable solution has been reached by all interested parties.
- Advertising Boards and displays must only be positioned outside the premises that they directly relate to. They must also be located on the same side of the road and in front of the frontage (i.e. 'remote' or advance directional Advertising Board will not be permitted).
- No Advertising Boards will be allowed on roundabout islands (central or splitters), road safety refuges and central reservations
- All signs and displays shall be removed prior to and during events likely to result in significant increase in level of footfall (i.e. carnivals, marathons, religious services and other public events).
- In placing an Advertising Board or display on the highway, the person or body responsible for placing the item shall be deemed to have indemnified the Council against all actions, proceedings, claims, demands etc for any injury or damage caused to highway users arising from the siting of the Advertising Board or display on the highway. The person/business placing the Advertising Board (or business name as displayed on the board) shall maintain public liability insurance to the value of £5 million and an original policy certificate shall be provided to the Council where requested.
- The Business is solely responsible for the Advertising Board or display placed on the highway and shall make no claim or charge against the Council in the event of such item being lost, stolen or damaged, howsoever this may have occurred.
- Non compliant signs may be removed without notice and taken to the Council's depot for collection by the owner. A retrieval fee will be payable by the owner and signs not collected after one month will be subject to disposal. The Council will consider prosecution against persistent offenders.

- Should the Council be required to remove and / or store any items from the highway the Business shall make no claim or charge against the Council in the event of such items being lost, stolen or damaged.
- The person placing the Advertising Board on the highway (or business/trading name displayed on the board) will be responsible for checking with the Council's Planning Department as to whether it requires any planning permission or advertisement consent. These Guidelines do not give consent for either of those requirements.

4.0 Visual impact

- 4.1 The Council is keen to see high quality Advertising Boards and displays as an integral and attractive part of the shopping area scene. To achieve this, the Council expects the design of the Advertising Boards and displays to be of a high quality and standard.
- 4.2 The Council reserves the right to require Advertising Boards and displays to be removed if at any time they are found to be inappropriate. This may happen if the Advertising board or display becomes.
- Unsightly or unsafe through poor maintenance
 - Inappropriate because of new developments in the vicinity
- 4.3 To maintain and enhance the high standards in our town shopping areas the Advertising Boards and displays shall be of high quality construction, well coordinated and in colours that are sympathetic to the surrounding area. Light weight, flimsy or tatty construction is considered unacceptable.

5.0 Environmental Implications

- 5.1 It is vitally important that the environment for customers, members of the public, local residents and staff is a prime consideration.

6.0 Other requirements

- No protruding elements that could cause trip or fall
- No elements that could cause injury to passers by i.e. splinters, snagging of clothes

7.0 Display Specific Requirements

- Displays of goods may only be located immediately outside the frontage of the premises so that staff and customers do not have to cross the normal flow of pedestrians.
- The items on display may only relate to the business or trade normally carried out and in any event the display of alcohol and gas bottles/canisters or other dangerous goods is not permitted.
- The display must not obstruct fire door exits and statutory undertakers' plant and equipment.

- The display must be entirely within the frontage of the trading establishment and be no wider than a third of the available highway footway up to a maximum of 2.5m.
- In pedestrianised areas a minimum of 3.5m wide route must be retained.
- No selling or trading on the highway is permitted. All transactions must take place on the business premises.

8.0 Displays Remote from Business Premises Specific Requirements and Licence Details.

- 8.1 A licence under Sections 115E and 115F of the Highways Act 1980 is required for Displays of Goods remote from the business premises on the Highway. This is to ensure that they are properly set up, licensed and operated so that it benefits the business, enhances the shopping area and does not cause a problem for other users of the street. They shall comply with the requirements of these guidelines and the additional requirements that form the licence conditions.
- 8.2 Goods displayed on the highway must be licensed by the Borough Council as the Highway Authority. There are four factors that will be taken into account when considering an application:
- The amount of space the Goods will remove from the public highway.
 - How the proposed goods will look when set up.
 - The effect the display may have on the passage of the public on the highway including local residents, workers, shoppers and visitors.
 - That the display is in keeping with the surrounding environment of conservation areas.
- 8.3 On receipt of an application, a range of other Council Departments and organisations are consulted to ensure that the proposal is acceptable to them and whether any further application for permission, such as planning permission is required to be submitted. They include:
- The Borough Access Officer
 - Planning and Conservation
 - Town Centre Management
 - Legal Services
 - Environmental Health
 - Local Councillors
 - Town & Parish Councils
 - Waste Management
 - Cheshire Constabulary
 - Cheshire Fire Service
 - Regional Ambulance Service
- 8.4 A public notice will also be displayed close to the site of the proposed Display of Goods so that local people can comment if they wish. The results from the consultation exercise will be considered when determining the licence. As part

of the process, applicants will be required to submit evidence that they have public liability insurance of £5 million - an important requirement of the licence application.

- 8.5 Each application will be considered on its merits and its suitability to the local environment. Should a licence be granted, the licence holder must adhere to the conditions set out in this guide and the additional licence conditions otherwise the Borough will remove the display and terminate the licence.
- 8.6 The Goods to be displayed must be kept neat, tidy and safely in an attractive manner and be kept within the confines of the licensed area.
- 8.7 The Goods area must be kept clean, tidy and litter free and including an area of 5 metres surrounding it, must be swept and kept free of litter and debris at all times.
- 8.8 No cabling will be permitted across the highway
- 8.9 Additional guidelines may be added to licences as and when necessary.

9.0 Licence Fees

- 9.1 A flat rate charge of £450 would be payable on application, and where the Council is the owner of the sub-soil the charge of £90 per square metre taken up by the licensed area on completion of the licence. These fees would be payable prior to completion of the licence. Should an application fail then an amount of £150 would be refunded to the applicant. The retained portion reflects the Council's costs in dealing with the application. Provided there are no breaches of the licence, the licence would be renewed every three years, for an administrative fee of £100, under similar terms as the original licence.

10.0 General – Advertising Boards and goods displayed

- The Business/Trader must ensure that they have Public Liability Insurance to a value of £5 million and an original policy certificate provided to the Council where requested. The Business/Trader shall indemnify the Council as the Highway Authority against all claims that may arise in connection with the placing of an Advertising Board or display on the highway.
- The Council, as Highway Authority and Statutory Undertakers (gas, electricity and water) have the rights to carry out work within the highway. If required the Advertising Board or display shall be removed to allow access for the Highway works or Statutory Undertakers.
- The Council has powers under the Highways Act 1980 to take enforcement action where appropriate and to recover any expenses incurred. The Council is less likely to take enforcement action for obstructing the highway if the Advertising Boards and goods on the highway are displayed in compliance with the terms and conditions of this policy.
- The Advertising Board or display will be expected to enhance the local area. Any Business or Trader who places an Advertising Board or display

on the highway without meeting the requirements of the Council's policy will be instructed by the Council to remove the offending Advertising Board or display. The Council will use all of the powers at its disposal to remove the obstruction, prosecute where the Council deems appropriate and recover costs incurred.

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CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 2010
Report of: Head of Regeneration
Subject/Title: Traffic Calming Policy

1.0 Report Summary

- 1.1 The Borough Council currently does not have a policy on the installation, maintenance or removal of traffic calming schemes within the highway.
- 1.2 Various traffic calming schemes have been implemented throughout the Borough over a number of years. These schemes were generally safety or environmentally led. However, some schemes originate from private developers' designs that incorporate features identified in national and locally applied design aid documentation. The safety related schemes were implemented to reduce killed or seriously injured (ksi) incidents and environmental schemes were installed in response to resident's road safety concerns with the benefit of majority support.
- 1.3 Over the past 20 years, a great deal of experience has been gained both nationally and within Cheshire on the appropriate application of traffic calming. This Traffic Calming Policy has been written with the benefit of that experience.

2.0 Recommendation

- 2.1 That the Cabinet Member for Environmental Services approve the Traffic Calming Policy set out in Appendix A to the report.

3.0 Reasons for Recommendations

- 3.1 Cheshire East requires a formal policy on the installation, maintenance and removal of traffic calming within the Borough.

4.0 Wards Affected

- 4.1 This report affects all wards equally.

5.0 Local Ward Members

- 5.1 This report affects all wards equally.

6.0 Policy Implications

- 6.1 There are no human resources implications of the recommended option.

7.0 Financial Implications (Authorised by the Borough Treasurer)

- 7.1 The Strategic Director confirms that the costs of implementing this policy will be met from existing budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 The legislation relating to road humps and traffic calming measures is detailed in Appendix B. Whilst there are statutory requirements for the undertaking of consultation prior to the construction of road humps and traffic calming measures, full details of which appear in Appendix B to this Report, the legislation is silent as to the level of consultation to be undertaken when those measures are being removed. It is suggested that an appropriate level of consultation would be equal to that undertaken when installing the measures. Such consultation differs according to which legislation was used to install the measures.

9.0 Risk Management

- 9.1 The Authority currently does not have a formal policy to deal with Traffic Calming this proposal rectifies this situation enabling a consistent approach with dealing with the installation, maintenance or removal of traffic calming schemes.

10.0 Background and Options

10.1 Introduction

The Environment Portfolio Holder has requested a review of Traffic Calming across the Borough. Under the previous County Council administration various traffic calming schemes have been implemented. Most of these schemes were either safety or environmentally led. The safety related schemes were implemented to reduce killed or seriously injured, (ksi's), incidents and environmental schemes were installed in response to resident's road safety concerns with the benefit of majority support

10.2 Background

The safety related schemes were subject to a review of ksi statistics for the three years preceding consideration and were subject to after-studies to assess whether the implemented control measures achieved the desired outcomes. Environmentally led schemes were usually provided in response to local demand to deal with identified problems in relation to traffic speed and volume. Requests for traffic calming may have originated from elected members, or residents, and may have been received from individuals or in the form of petitions. After-studies were also carried out to determine if objectives of these schemes had been achieved.

The majority, (over 90%), of traffic calming schemes have been implemented on environmental grounds and schemes have been funded mainly through the Local Transport Plan(LTP), Such schemes were assessed and justified

through analysis of traffic characteristics and collision data and approved by the former Local Joint Highways Committees, (LJC's). These schemes were principally intended to reduce the number and severity of road traffic collisions or to limit the potential for such incidents. They were also intended to reduce traffic volume on through routes and improve the environment for residents by encouraging walking, cycling and the use of public transport. These objectives are in line with the government's objectives of reducing traffic growth by promoting alternative forms of transport and reducing ksi's for which there are a number of local and national targets.

10.3 Other Authorities

There are several highway authorities who are reviewing the need for traffic calming on their networks. The drivers for these reviews range from complaints from the public, continuing need and efficiency of the network. Chief amongst these highway authorities is the London Borough of Barnet, (LBB). LBB had begun a significant road resurfacing programme and had undertaken a review of traffic management measures within that context.

LBB's Traffic Calming code of practice sets out that prior to any resurfacing work a reassessment of the need/appropriateness of existing traffic calming measures shall be undertaken. This includes consultation with Ward Members and residents. Flintshire County Council and Bolton Council are also reviewing the continuing need for traffic calmed, road humps/speed cushion schemes.

10.4 Traffic Calming

The concept of traffic calming is primarily concerned with reducing the adverse effects of motor vehicles on built-up areas. This usually involves reducing vehicle speed and volume, improvements for pedestrians and cyclists and improvement of the local environment. Traffic control devices such as speed limit signs are regulatory measures that require enforcement whilst traffic calming measures are intended to be self enforcing. Traffic calming measures consist of a variety of measures often used in combination. Typically these are:

- Road humps, speed cushions, speed tables and plateau junctions (vertical deflection)
- Chicanes and build out's (horizontal deflection)
- Prioritised, single direction, build outs
- Signs & lines and gateway features
- Vehicle activated signs (temporary or permanent)

National legislation and advice on traffic calming is set out in Appendix B to this report.

10.5 Issues

Traffic calming features, particularly those that involve vertical deflection, are not universally liked. There can be areas of objection from both road users and local residents:

- Can be unpopular with emergency services, buses and cyclists
- potential damage to buses and discomfort for passengers
- potential damage to motor vehicles
- possible noise/vibration issues for residents

On the other hand, road humps and speed cushions are an effective measure in reducing vehicle speeds. National standards, determined by the Department for Transport in accordance with the findings of the Transport Research Laboratory, are intended to minimise potential problems provided vehicles are driven at appropriate speeds.

The condition of the Council's road network is giving rise to concern both in rural and urban areas. The Borough's Highway Maintenance Budget is under increasing pressure due to a deteriorating network condition and the effects of the last two winters such that a sizeable backlog of maintenance work is building up. The majority of traffic calming schemes have been implemented in residential streets to reduce traffic volumes and/or vehicle speeds and a significant proportion of these roads are in need of resurfacing. Where there are road humps or speed cushions, the cost of the works increase and less resurfacing can therefore be carried out in the Borough. There are also ongoing maintenance issues on individual traffic calming features, as they are expensive to repair and keep safe.

10.6 Way Forward

In view of the pressures surrounding the Highway Maintenance Budget, the deteriorating network and traffic calming maintenance requirements, it is proposed that, where highway maintenance works would require the reinstatement of any traffic calming feature likely to make the maintenance operation more difficult or more costly, the need for those features should be reviewed. The aim of the review would be to assess the ongoing need for the features, look at the original case made for the scheme and to determine if it is delivering the original objectives. If not, the humps and speed cushions or other features should be considered for removal as part of the maintenance works. A proposed Traffic Calming Policy, including a review process, is set out in Appendix A to this report.

10.7 Summary

Road humps speed cushions and other features have been installed on the Borough's road network for both accident reduction and environmental

reasons. Due to a variety of concerns, including those expressed by the public and the emergency services, coupled with network condition and budget issues, the continuing need for a particular scheme should be reviewed where highway maintenance works are programmed. The review will determine whether the traffic calming features are retained or removed.

11.0 Overview of Year One and Term One Issues

11.1 Not applicable.

12.0 Access to Information

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

Name:	Gary Mallin
Designation:	Highway Asset & Traffic Manager
Tel No:	01270 686342
Email:	gary.mallin@cheshireeast.gov.uk

Traffic Calming Policy

Introduction

1. Traffic Calming is an important element in local a road safety strategy and as such is an important technique in reducing both the number and severity of road accidents in Cheshire East. The Council is committed to the promotion of Traffic Calming schemes where the benefits can be shown to outweigh any disadvantages. In particular the Council will give priority to those schemes where the accident reduction potential is the greatest.
2. As part of any traffic calming scheme design the likely effects of vehicle-generated noise, vibration, exhaust emissions and air quality will be examined and any detrimental effects mitigated as far as possible. The design and implementation of Traffic Calming schemes shall follow the guidance set out in the Department for Transport's (DfT), Local Transport note 1/07. This deals with government legislation, highway user issues, various types of traffic calming, consultation and prioritisation.

Scheme Assessment

3. New sites will only be considered for traffic calming where there are personal injury accidents on the proposed roads. Sites that are to be considered will be prioritised using an approved assessment procedure, set out in the appendix, that takes into account factors such as accidents, speeds, traffic flow, through traffic, pedestrian and cycle generators, schools, development and community severance.
4. Before detailed investigations of priority sites are commenced, an initial review will be undertaken to determine whether traffic calming is the appropriate solution. Where traffic calming a road or route could displace traffic onto equally unsuitable roads or routes an area wide study will be undertaken.
5. Where possible and beneficial Traffic Calming measures will be considered as part of highway, traffic management, safety, structural maintenance and development schemes. Sites that are externally funded maybe progressed irrespective of their priority on the Council's programme provided they are acceptable in highway terms and satisfy the reduction in accident criteria.
6. Before any schemes are, implemented informal and formal consultation will be carried out with the statutory consultees, emergency services, bus operators, local Member and the residents of properties immediately adjacent to be proposed scheme.

Review and Reassessment

7. Where structural maintenance schemes are planned on traffic calmed roads or routes the opportunity shall be taken to reassess the need of the traffic calming scheme. Criteria for the review are set out in the appendix.
8. For safety related schemes a review of the circumstances that led to the implementation of the scheme shall take place. If the circumstances have not materially changed then the scheme shall remain in place. If circumstances have changed then the scheme shall be reviewed against the criteria which led to its implementation.
9. For environmental schemes, a similar consultation shall be carried out to that which was carried out to implement the original scheme. The default proposal being that the road humps and speed cushions be removed should there not be majority support for them to remain, or, following assessment, where the objectives of the scheme have not been achieved. The Portfolio holder for Environmental Services will make the final decision.
10. In all cases the local Members, Town and Parish Councils, emergency services and bus operators shall be consulted along with the local residents living directly adjacent to the scheme. Each dwelling fronting the scheme shall be provided with a questionnaire where the residents can set out whether they are in favour of the road humps and speed cushions being removed or not.
11. If there is support for the Traffic Calming features to remain then a further review is to be carried out in order to consider any alternative measures which could be taken in preference to the reinstatement of the vertical deflection features.

Appendix to Policy

Review of Traffic Calming Scheme or Features at a location where Highway Maintenance is Proposed.**Review Criteria**

Situation	Traffic Calming Installed as Environmental	Traffic Calming Installed as Casualty Reduction (ksi) and 20mph Zones including Schools
No Maintenance Required	No Change	No Change
Maintenance Required to Humps/Cushions only		
0% to 30%	No Change	No Change
31% to 70%	Reassess Scheme	No Change
71% to 100%	Reassess Scheme	Reassess Scheme
Surface Dressing Scheme		
Encompassing Part of Traffic Calming Scheme	No Change	No Change
Encompassing All of Traffic Calming Scheme	No Change	No Change
Carriageway Resurfacing/Reconstruction		
Encompassing Part of Traffic Calming Scheme	Reassess	Reassess
Encompassing All of Traffic Calming Scheme	Reassess	Reassess

ASSESSMENT OF NEW TRAFFIC CALMING PROPOSALS

1. There is a proven benefit in road safety terms for all road users by the installation of traffic calming in certain locations. This assessment process aims to be data led to ensure that only schemes which provide proven benefits are installed using the available funding. This data led approach aims to ensure value for money. The assessment process utilises site specific data to highlight, prioritise and evaluate schemes that require treatment. This will ensure that schemes with high accident rates are given a higher priority. It is proposed that a trigger level will be set before any schemes are taken forward to consultation and construction. In general, A and B class and other strategic urban roads would not be subject to conventional physical traffic calming.

ASSESSMENT PROCESS

2. The assessment process will produce, after detailed surveys and analysis, a list of priority sites to be taken forward to implementation. All sites assessed will have an accident history that may demonstrate a need for traffic calming or another form of road safety engineering works.
3. It is recognised that the number of sites to be implemented will be influenced by the available budgets. It is considered sufficient to take steps to highlight and prioritise schemes for inclusion in a five year programme as part of this assessment.
4. The criteria used to assess each scheme will be: -
 - Accidents
 - Speed
 - Vehicle Flow
 - Pedestrian generators (potentially hazardous locations within scheme area)
 - Severance (the number and category of pedestrians crossing the road)
5. A score for each scheme will be formulated, using the above criteria, to generate a prioritised list of schemes. Pedestrian and vehicular traffic counts together with speed measurements will be obtained for each site. Detailed accident statistics will be used in this assessment. The data should show extensive information for each of the accidents including: -
 - Weather conditions
 - Directions of travel for vehicles/pedestrians
 - Descriptions of accident
 - Time of incident
 - Number of casualties and severity
6. It may be proved when investigating each site at this stage, that traffic calming is not the most suitable option or the site is unable to accommodate traffic calming. In these circumstances, the site should be considered for inclusion in

an alternative programme for implementing road accident reduction measures and removed from this assessment.

7. On completion of the assessment at this stage, each site will be ranked in order of priority. As discussed previously, there should be a threshold below which it is difficult to demonstrate that a measurable road safety benefit can be obtained. This threshold has been set following due consideration of data gathered relating to previous traffic calming schemes implemented by Cheshire County Council and Cheshire East Council, and also taking account of the Government targets for accident reduction. The threshold has been established at a score of 75 points. The effect of this is that priority schemes with a priority score above 75 would go forward for implementation in line with available budgets. When schemes with a priority score below 75 come to the top of the list for implementation then a new assessment would be triggered. This threshold may require reviewing in line with the Governments accident reduction targets, and should also be reviewed on a regular basis.
8. Before any physical traffic calming is installed, a full consultation will be carried out including the Emergency Services, bus operators, Local Members, Town and Parish Councils and the residents of the affected roads.

Criterion utilised to assess Proposed Traffic Calming Schemes

Criterion	Range	Priority Factor
1. Vehicle speed (85th percentile)	0-5	10
Desirable speeds 20 mph Residential	6-10	15
- speed limit other roads	11-15	20
	16-20	25
2. Vehicle Flow veh/hour	Per 100	1
Per 100 vehicles for peak hours	over 1000	10
3. Accident level, vehicle occupants (personal injury accidents/km Over 3 year study period)	fatal	x6
	serious	x4
	slight	x2
Accident level, vulnerable road users (personal injury accidents/km over 3 year study period)	fatal	x7
	serious	x5
	slight	x3
4. Pedestrian generators (this list is not exclusive)	school entrances	6
	bus stops	3
	community centers	3
	doctor surgeries	3
	elderly, nursing	
	homes, hospitals	3
	nurseries, play	
	groups etc.	3
5. Severance (Difficulty crossing the road)	0-20 second wait	0
Waiting time	20-60 second wait	5
	>60 second wait	10
% vulnerable pedestrians (child/elderly)	>10%	5

Note:

If a proposed scheme achieves a score above the threshold, following the traffic assessment shown above, an additional 15 points may be added to the score should match funding be available from Town and Parish Councils or other external source.
Ref: DfT LTN 1/07 and Slinn et al 1998

Site Assessment Example.

Stage 1

A request has been received for a section of a Cheshire East road to be assessed for physical traffic calming. The road is currently subject to a 30 mph limit and is in a heavily built up area.

The information for a stage 1 assessment is as follows:-

9 serious and 21 slight accidents are recorded for the 10 year study period.
The road is 1100m long

The Accident per Kilometre rate is calculated as $\frac{30 \times 1000}{1100} = 27.27$

This level of accident per kilometre rate when judged against other roads in the borough is considered to need further investigation for traffic calming. It is therefore proposed to carry out a full assessment.

Stage 2

The factors to be used for assessment are shown below.

Factor	Data	Score
85% percentile speed	36	15
Vehicle flow	2750	10
Accidents vehicle occupants	7 serious	28
	17 slight	34
Accidents vulnerable road users	2 serious	10
	4 slight	12
Pedestrian generators	bus stop x2	6
	Doctor	3
	elderly home	3
Total Score for Site		121

This figure would then be compared against other requests for traffic calming schemes under consideration. This example is likely to be a priority for the Council.

Traffic Calming Legislation and Advice

The main powers by which Highway authorities introduce traffic calming have been provided by the following legislation:-

1. The Highways Act 1980 (as amended) – is the primary legislation containing most of the provisions relating to road humps and traffic calming. This Act also provides for the construction of pinch-points, kerb build outs and pedestrian refuges.
2. The Highways (Road Humps) Regulations 1999 (SI 1999/1025)– these Regulations provide details of the road humps (including speed cushions) which can be constructed on roads with a speed limit of 30mph or less. The Secretary of State' authorisation is not required provided the humps are between 25 and 100mm high, at least 900mm in long in the direction of travel, and have no vertical face greater than 6mm. Generally, however, the Regulations give considerable flexibility in the design and placement of road humps. In respect of consultation, under the Highways Act 1980, the highway authority has a statutory duty to consult the police and also post notices in the street and in local newspapers advertising the scheme. Further, the Highways (Road Humps) Regulations 1999 require consultation with the fire service, ambulance service and organisations representing those who use the road. Such organisations could be residents associations, bus companies, and haulage organisations. National guidance (LTN 1/07 below) recommends that 'dialogue should be opened with all interested parties (including pedestrians, disabled people, cyclists' groups and where appropriate, equestrians).
3. The Highways (Traffic Calming) Regulations 1999 (SI 1999/1026) defines the different types of measures which are to be classed as traffic calming measures for the purposes of the Highways Act 1980. It also details the specifications for rumble devices and over-run areas. In respect of consultation, the Regulations require the highway authority to consult the police and such persons or organisations representing persons who use the highway or who are otherwise likely to be affected by the traffic calming measures.
4. Department for Transport, DfT, Local Transport Note 1/07, March 2007, Traffic Calming. This Local Transport Note (LTN) brings together in one comprehensive document a summary of the research commissioned by the Department for Transport (DfT, formerly the DTLR, DETR and DoT), together with research from external sources, to provide advice on the use of traffic calming measures. It covers relevant legislation and the design, effectiveness and installation (including signing and lighting) of measures. This LTN does not aim to cover issues such as driver education or speed limit enforcement

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CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 2010
Report of: Head of Safer and Stronger Communities
Subject/Title: Congleton Parking Review Report

1.0 Report Summary

- 1.1 The report presents the Congleton Parking Review Report and recommendations and requests approval for the actions proposed in order to take the recommendations forward.

2.0 Recommendations

- 2.1 That the Cabinet Member for Environmental Services

- (1) note the review report (attached as an appendix to this report); and
- (2) agree that officers take appropriate action to progress the recommendations within the review report, including, where appropriate, the production of further reports requesting that statutory consultation be carried out in relation to proposed orders.

3.0 Reasons for Recommendations

- 3.1 The Parking Review was undertaken as required and promised following the introduction of control and off street charging in Congleton town centre, in February 2010. The review took place in August and September of this year. The report sets out findings from the Review of the parking situation in the town centre in respect of both on and off street parking and control measures. The objectives of this Review were:

- To study the controls and facilities for parking in the central area of Congleton town and
- identify changes needed to improve the provision, control and management of parking.

- 3.2 The Review consisted of analysis of off street car park usage and availability, of the on street parking restrictions, and of enforcement activity. Consultation took place with Ward councillors, town councillors and the town centre manager, and members of the Congleton Business Association. The recommendations in the report stem from these studies and consultation and are felt to represent an improvement to the control and provision of parking services in the town which still adheres to the objectives in the Council's Parking Strategy:

The Council's existing parking objectives set out to be consistent with and contribute to the overall aims of the National and Regional transport strategies which seek to:

- *Achieve a reduction in overall traffic*
- *To increase use of more sustainable and healthy forms of travel*
- *To achieve a more effective and efficient transport system, whilst taking into account:*
 - *The economic vitality of the town centre*
 - *The parking needs of people with disabilities*
 - *The parking needs of local residents, shops and businesses*

- 3.3 It is considered that the recommendations reflect the Council's recognition of local needs and pressures whilst still in keeping with the objectives of encouraging different travel choices and balancing the needs of different user groups. In this way the limited resource of parking in the town continues to be managed effectively.

4.0 Wards Affected

- 4.1 Congleton East and West

5.0 Local Ward Members

Congleton Town East -David Brown, Peter Mason, Andrew Thwaite
Congleton Town West - Gordon Baxendale, Roland Domleo, David Topping

6.0 Policy Implications - Climate Change and Health

- 6.1 No significant implications are identified

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

- 7.1 These will be dealt with in separate reports in cases where changes to Orders would be required
- 7.2 Costs of other actions including surveys for Residents Schemes, and repairs and improvements to signs and lines, are covered by existing expenditure budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 S 122 Duty

- 8.1.1 Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following;

'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

8.1.2 The matters specified under s122(2) are as follows:

- (a) the desirability of securing and maintaining reasonable access to premises;*
- (b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;*
- (c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);*
- (d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and*
- (e) any other matters appearing to the local authority to be relevant.'*

8.1.3 The changes proposed within the recommendations are a response to study and consultations which indicate that the changes will improve parking management and control. An analysis of the section 122 duty will be carried out in relation to any subsequent decisions relating to proposals to amend either off street parking places orders or traffic regulation orders.

8.2 As highlighted above, some of the recommendations within the review report would necessitate proposals to amendment orders made under the Road Traffic Regulation Act 1984. The procedure for making such amendment orders is as set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (of which statutory consultation and publication of proposals is a requirement). Any such proposals will be the subject of separate decision reports.

9.0 Background and Options

9.1 The background to the review report is set out within paragraph 3.0 above. It is suggested that the alternative option is not to approve that officers take action to progress the recommendations within the review report.

10.0 Risk Management

10.1 N/A

11.0 Overview of Year One and Term One Issues

11.1 N/A

Access to Information

Background Document:
The Congleton Parking Review Report

Name: Paul Burns
Designation: Parking Manager
Tel No: 01270 537805
Email: carparks@cheshireeast.gov.uk



2.3 28/09/2010

Parking Review:

Congleton Town Centre

2010

Congleton Parking Review

Contents	Page
1. Introduction: Scope and Objectives	3
2. On Street Control and Parking Provision	4
3. Off Street Car Parks	7
4. Consultation and Comment	11
5. Residents' Parking Schemes	15
6. Conclusion and Recommendations	18
7. Appendices:	20
I. Town Centre Map	
II. On Street Restrictions and TROs Analysis	
III. Car Park Condition Survey	
IV. Parking Patterns on Restricted Streets: survey data	
V. Parking Patterns on Unrestricted Streets: survey data	
VI. Bus Usage Statistics	

1.0 Introduction, Scope and Objectives

- 1.1. This report sets out findings from a review of the parking situation in the town centre in respect of both on and off street parking and control measures.
- 1.2. Management of public parking in the town centre consists of a combination of on street restrictions and limited waiting provision, and of provision of off street public car parks. Control is exercised through Civil Parking Enforcement (CPE) (under the terms of the Traffic Management Act 2004) which began in January and February of 2010. This brought the control of parking in Congleton into line with that already in place in the areas of the former Macclesfield, and Crewe and Nantwich, boroughs.
- 1.3. Prior to this on street control rested with the Police, and off street control with the local authority under a Car Park Order from 1983. This latter was not enforced as there was no enforcement team in place under the former authority Congleton Borough Council.
- 1.4. The service is provided by one team of 26 Civil Enforcement Officers and 9 Notice Processing staff covering the whole of the Cheshire East area.
- 1.5. The objectives of this Review are:
 - 1.5.1. **To study the controls and facilities for parking in the central area of Congleton town and**
 - 1.5.2. **identify changes needed to improve the provision, control and management of parking.**
- 1.6. The study focuses specifically on the town centre as defined on the map shown at Appendix I. This is so that the interrelationship between parking controls and facilities can be fully observed in terms of the effect on traffic circulation, and on ease of movement and parking for all customers, organisations and residents within the central area.
- 1.7. This report summarises the analysis of the current controls and provisions for parking and makes recommendations for changes to improve both customer service and circulation through appropriate controls.

2. On Street control and provision

- 2.1. Location of and nature of existing restrictions:** Appendix II details the restrictions together with an explanation from Highways Engineers as to their function. In summary findings of the Review were as follows:
- 2.1.1. Controlled Hours: Research indicates there is no discernible current reason for the 8.00am – 7.00 pm time restrictions for parking. It would appear this became a standard time period in the late 1970's and 80's. Most Traffic Regulation Orders (TROs) in the past 20 years have used 8.00am – 6.00pm as the standard time period. One 8.00am – 7.00pm was changed in 1997 to 8.00am – 6.00pm (Antrobus Street). There are no special circumstances requiring retention of the 8.00am – 7.00pm restrictions. A narrower time band would suffice if the streets concerned are considered to be affected by displacement parking, and this would then generally remove all unrestricted parking within 5 minutes' walk of the commercial centre of Congleton. (Some streets may justify a Residents Parking scheme- see section 5.0 of this Report).
 - 2.1.2. Ward and Town Councillors have suggested a change to 9am to 5pm controls to assist residents. This is dealt with at the recommendation stage below.
 - 2.1.3. Each change would need a new order or a consolidation order, with cost and time implications.
 - 2.1.4. The main anomaly is the situation on Park Road, with a 30 minute limited waiting over a full 24 hour period. It appears the limit should have been 8.00am – 7.00pm and does not seem to be justifiable now. Changes to this are dealt with below in the recommendations.
 - 2.1.5. Certain roads were quickly identified as liable to displacement parking following the start of civil controls and charging, and may require the imposition of TRO's including Residents Parking schemes to alleviate problems for local residents. In the table below they are grouped by reference to the nearest chargeable car park. Where resident parking studies have been undertaken these are shown:

Car Park	Streets associated	Res Survey Vote result (where app.)
West Street Car Park	Crescent Road, The Crescent, Nelson Street, Swann Street, Waggs Road	Not yet surveyed
Antrobus Street Car Park	North Street, Holford Street, South Street, River Street, Back River Street	No (see 5.2)
Princess Street Car Park	Riverside	Not yet surveyed
Fairground Car Park	Riverside	Not yet surveyed
Chapel Street	Howey Lane / Hill, Priesty Fields	Not yet surveyed
Lawton St/Back Park Street / Park Street	Park Street (east), Willow Street, Spragg Street, Worrall Street, Thomas Street, Roe Street.	Yes

2.1.6. Most of these streets have no current restrictions on parking, others have some.

2.1.7. A number of other recommendations to consider TRO changes are included at Appendix II (highlighted bold). These will need to be considered by Highways Operations and subject to further study.

2.2. Parking Patterns on Restricted Streets: a survey of parking on streets having limited waiting and no waiting restrictions revealed results as at Appendix III. The findings are summarized:

2.2.1. The occupancy of town centre limited waiting bays observed was 79%. Given that there is a time delay in someone vacating a bay and another finding a space this is quite a high occupation rate. (It also indicates that use of these bays for residents' parking -dual use- may not be feasible if it receives strong opposition from the shops).

2.2.2. The abuse of the bays suggests that enforcement is not yet creating sufficient deterrent. However some anomalies in signs and lines may restrict enforceability in certain cases.

2.2.3. There was no evidence from this study that the abuse came from residents.

2.2.4. Further work may be necessary to establish enforceability of all restrictions in the sense that they conform to statutory requirements. This will take place as part of normal CEO patrol and report systems in partnership with Highways Engineers.

2.3. Parking Patterns on unrestricted streets: sample studies were conducted in order to establish usage patterns and the extent of any displacement parking on streets where enforcement is currently not possible due to lack of waiting restrictions. The details are shown at Appendix IV. Conclusions from the data obtained were:

- 2.3.1. There was no evidence of significantly more vehicles parked during the working day than in the evening. Indeed parking levels were almost identical. In spite of this, many people continue to cite examples of displaced parking in unrestricted streets such as Howey Lane. The Highways Engineer has recommended some changes to TROs in these cases and therefore these may be progressed by the Highways team in the normal way ie by means of local consultation on any proposal.
- 2.3.2. With one small exception (South Road) no street was ever fully parked when surveyed and plenty of “free” parking was available if people knew where to look.
- 2.3.3. The percentage of residents estimated to be parked during the day was a little over 13% compared to an estimated 44% of non residents and 43% unoccupied. This figure is useful when considering residents’ parking schemes.

2.4. Enforcement: The level of enforcement in terms of PCNs issued indicates good compliance generally with 136 PCNs issued from April to June. However this may also have been affected by variable frequency of patrol and attendance in the first 2 months during which sickness absence and vacancies in the CEO team have stretched the resource. A period of increased presence is necessary to establish the full extent of non-compliance.

- 2.4.1. Feedback from the Police has not indicated any issues arising from congestion or road safety issues since the commencement of on and off street civil control, though further enforcement presence may result in even greater compliance generally. However the study at Antrobus Street and environs has indicated some congestion which may become an issue.
- 2.4.2. In some cases the periods of restrictions are felt to be wrong (See 2.1.1) which makes the deployment of enforcement teams less efficient.
- 2.4.3. Some residents complain about displacement onto uncontrolled streets due to introduction of charging off street. This is considered as part of the Residents Parking Scheme Study results at 5.0.

3. Off Street Parking

3.1. Parking Stock

- 3.1.1. Council- operated car parks are shown in table 1 below together with the current charging status. The map attached at Appendix I shows locations. In addition uncharged parking is available at Congleton Leisure Centre (unadopted carpark) which is within reasonable walking distance of the town centre.
- 3.1.2. Additional town centre parking is provided by Morrisons supermarket and the adjacent Bridestones shopping centre. This is operated privately by Euro Car Parks, and parking is not charged for with stay limited to maximum 2 hours.
- 3.1.3. Further parking without charge is provided at Tesco's across the A34 but this is not within the town centre and unlikely to be considered within walking distance by most customers.
- 3.1.4. The physical condition of the pay and display car parks is generally good. Signs and meters were installed as new from February and with some amendments and maintenance, have been satisfactory. Equally, surface condition and line markings are good with the exception of some of the uncharged car parks.
- 3.1.5. The car parks have been the subject of a general condition survey and the results are attached at Appendix II. More immediate small works will be undertaken in ensuing weeks; any which are in need of more substantial work will be investigated with a view to obtaining contractor quotation in accordance with Cheshire East Procurement rules.

Table 1

Name/Location	Maximum Capacity	Disabled Spaces	Long or Short Stay	Fees		
Congleton				0-1 hrs	1-2 hrs	2-3 hrs
Antrobus Street	69	2	Short	£ 0.30	£ 0.50	£ 1.00
Princess Street	82	2	Short	£ 0.30	£ 0.50	£ 1.00
Fairground	74	6	Short	£ 0.30	£ 0.50	£ 1.00
				0-2 hrs	2-4 hrs	4-10 hrs
Back Park Street	81	3	Long	£ 0.50	£ 1.00	£ 1.50
Chapel Street	47		Long	£ 0.50	£ 1.00	£ 1.50
West Street	159	4	Long	£ 0.50	£ 1.00	£ 1.50
Park Street	37		Long	£ 0.50	£ 1.00	£ 1.50
Blake St/Edgerton St	35		Long	Free		
Rope Walk	29		Long	Free		
Roe Street	24		Short	Free		
Rood Hill	8		Long	Free		
Royle Street	28		Long	Free		
Thomas Street	46		Long	Free		

3.1.6. There are 717 bays of which 17 are for disabled only. The breakdown across long, short, paying and free, is as follows:

Table 2

	Total	Paying	Free
Short Stay	249	225	24
Long Stay	470	324	146
Total	719	549	170

3.2. **Usage:** Pay and Display charging was introduced on January 21st 2010. Civil Parking Enforcement on street was also introduced from February 2010. The usage of the car parks from February to end May 2010 has been analysed based on sales of tickets:

3.2.1. Income from the car parks averages £4000 per week with over 6500 ticket sales. This splits at 60% short stay ticket sales, giving over 40% of the sales income.

3.2.2. Turnover of bays in a car park (the frequency with which vehicles use the bays, on average) is a useful measure of occupancy. In Congleton during the period from March to June 2010 turnover as indicated by the sales information is:

Table 3

Parking Bay Turnover	Bays	Mar – June 2010 Avge Wkly Sales	Av Daily Sales (6 days/wk)	T/over per bay per day
Short Stay				
Antrobus Street	69	1343	224	3.2
Princess Street	82	917	153	1.9
Fairground	74	1332	222	3.0
% total sales		58%		
Long Stay				
Back Park Street	81	648	108	1.3
Chapel Street	47	347	58	1.2
West Street	159	1499	250	1.6
Park Street	35	67	11	0.3

3.2.3. Occupancy of Princess Street is observed to be very low especially on weekdays even though turnover is 1.9 vehicles per bay per day.

3.2.4. Park Street, located across Mountbatten Way, is also hardly used indicating a need for a change to its management.

3.2.5. The turnover of bays in Congleton compares well with figures for other towns in Cheshire East. In Macclesfield, on average bays in car parks mainly used for long stay achieve 1.5 per bay per day. Those used for short stay (more central, higher tariff) achieve from 2.5 to as high as 4.9. In Crewe, long stay car parks are on average at 1.4 to 1.5 with short stay at between 3.1 to 4.3.

3.2.6. Occupancy and usage figures prior to the introduction of charging consisted of results of surveys carried out on a sample basis by consultants RTA in 2006. The patterns of use observed to date largely bear out their conclusions. Turnover per bay indicates that long stay car parks are predominately used as such.

3.3. Enforcement

Compliance on the car parks has generally been good with 123 PCNs issued in car parks from April to June. However these figures have been taken from a period of varying levels of enforcement due to staffing shortages.

- 3.4. The occupancy and enforcement figures together indicate that capacity overall, for parking in the town, is normally sufficient for the observed level of demand. However some adjustments may be needed and solutions found for some residents coupled with finding the best use and control of Princess St and Park St car parks should ease some local pressures.

- 3.5. **Provision for Disabled Drivers:** the Off Street Order allows customers displaying a valid Blue Badge to park without charge within any bay on a public Council operated car park.

3.5.1. Of the total of 784 bays in the town under public control, only 17 wide disabled bays are offered, ie. 2%. Of the central car parks a total of 591 bays, only 3% are wide disabled bays.

3.5.2. The national guideline states that at least 5% of bays provided should be wide, disabled only. Organisations for the Disabled often cite 10% as their preferred figure. However, in view of Cheshire East's current policy of not charging any disabled customer, an increase to at least 5% is recommended. Concentrating the extras in the central car parks would give, in effect, 6.6% and would increase the total wide bays available to 39. Given existing low occupancy in Princess St this should not affect availability for other customers.

3.6. Uncharged Car Parks

3.6.1. Of those listed in table 1 as "free", or uncharged at point of use, all are some distance from the town centre and were not considered for charging for this reason. They either serve more residential streets or business/industrial zones and as such, their patterns of use are predominately long stay. It is not proposed therefore to alter the control of these car parks. However a number would benefit from some maintenance as shown in the Condition Survey at Appendix II.

3.6.2. Congleton Leisure Centre car park is provided free and without controls as it is not covered by the Car Park Order. The car park capacity is:

- 41 lined spaces.
- 3 lined Disabled spaces.
- To the rear approx 12 spaces unlined.
- To the side approx 30 spaces unlined.

Total = 86 available spaces.

3.6.3. Staff have not seen any significant changes since parking charges were introduced. A recent survey over 2 days revealed the car park to be 60% occupied, with only 8% long stay. This indicates that displacement to the Leisure Centre from the town centre due to increased control and charging has not been a major issue to date.

3.6.4. Roe Street Car Park: The exception to the above is Roe Street which principally serves a doctor's surgery. It was recognised last year that there would be a need

for control of stay length on this car park to facilitate use by patients. It is cited in the Car Park Order as limited to maximum stay 3 hours. It was agreed that a voluntary control scheme would be monitored initially and recommendations made on the basis of observed use patterns. It has been recommended that greater control of long stay parking on this car park now be exercised without introduction of charging. Of the methods available it appears that the simplest is to improve signs and to step up patrols to encourage compliance. This should be cost effective on the basis that once motorists understand the position, constant attendance will not be necessary.

3.7. Public Transport Usage

- 3.7.1. Recent figures on bus usage obtained from Cheshire East Council Integrated Transport Service show a growth of 13% compared with the same period last year. This may indicate a move towards use of public transport away from vehicles since parking controls were stepped up, although caution is required as it is not possible to deduce destinations for passenger numbers collated in this way.

4. Consultation and Comment

- 4.1. Ward Councillors submitted a range of comments and these are summarised below, together with Officer comments.
- 4.2. The Town Council and Congleton Business Association have also supplied views at meetings held, the “No 2 Parking Charges” group has submitted views and suggestions in a letter to Cllr Fitzgerald.

Congleton Town Centre Review Ward Councillor comments and ideas (end June 2010)	
Councillor Comment	Officer Comments
<ul style="list-style-type: none"> West Street- Fire Station – introduce 1 hour restrictions here? 	This is being progressed as part of a Ward Local scheme, and is subject to further investigation
<ul style="list-style-type: none"> Opposite Dr's surgery (jn Astbury St)/Spar shop (introduce 1 or 2 disabled bays + 2 hr bays elsewhere along this route). 	This seems to refer to 2 different locations. We have a request for disabled parking bays on West Street outside a care facility which is unlikely to proceed as there is a car park in the grounds; the same would apply to the Drs on Astbury Street which has a car park also. (D Palmer)
<ul style="list-style-type: none"> High St- on-street /off street Order- timing controlled hours to be consistent 	Agreed- to be recommended
<ul style="list-style-type: none"> Princess St car park underutilised except Mkt Days- Make it a short/long stay CP. Make it LONG stay + change designation or just Mkt day. Similar to Antrobus Street? (Moore St/Back Park Street). 	Most practical is probably extension to all day for Princess Street (10hours).
<ul style="list-style-type: none"> Residents Schemes to receive more consideration 	Residents schemes to be progressed where supported by residents (see 5).
<ul style="list-style-type: none"> Antrobus St- <u>on</u> street- redesign on-street bays to “chevron “style 	Scheme for chevron parking has been forwarded to safety audit ; initial officer opinion is that this may represent road safety hazard (D Palmer)
“Cheshire East [states] charging for car parking is about car park space management and has nothing to do with raising revenue. If that is the	Pay and display data suggest car parks are still generally well used with 2 main exceptions which are dealt with in the recommendations.

case then we are not succeeding when the car parks are empty yet the residents have to park wherever they can until the car park charging time is over".	Residents Schemes also being proposed in most affected areas.
1. Park Street: car park little used since charging while residents who used to use it park in the side streets.	Park St car park charge regime to be subject to alternative proposals including Residents Parking and/or alternative.
-withdraw charging – though this may draw long stay payers from Back Park Street (Lawton St) cp.	
-include as part of a Residents' Parking Scheme	
2. Antrobus Street: consider ways of transferring customers from Antrobus St to Princess St to free space for residents parking in the latter. (P St nearer shops than A St but few people realise it is there).	Princess St car park and Antrobus St : Town Councillors considered A. St should remain short stay as this is now well used by shop customers. P St to be extended to all day but preserving the 1 hour stay fee within the tariff.
3. Charging Hours: change these from current 8am to 6pm. To 9am to 5pm- would assist residents whilst still providing control without significant loss of income.	Car Park controlled hours need to be altered as discussed above. An 8.30 to 5.30pm on street period, coupled with the same hours off street would be feasible and should not reduce control significantly. Residents in worst affected streets, where evidenced by support for canvassed schemes, should be offered on street Parking Schemes. In addition, the 8.30-5.30pm on street period would allow residents to park in limited waiting bays with a half hour leeway.
4. "Consider something bold to help the town and the image of Cheshire East. How about reducing the charging time on short stay car parks to 4pm or even 3pm. I do not know what the revenue cost would be but it would be very welcome and gain many " brownie points " for Cheshire East. I gather an increasing number	Other towns (eg Chester) have reduced or suspended charges on specific car parks after 3pm. In the case of the 3 car parks in Chester, it has not been shown to increase total car park occupancy overall but rather, redistributes existing flows to some extent- as was also the case in Crewe (Dec 2008).

of councils are doing such things including Chester”.	If it were to be considered, it should be a part of a wider discussion on regeneration outside Parking services.
<u>Park Road:</u>	
Residents parking scheme required. The parking restriction outside the house is for 30 min 24 hours a day 7 days a week. This restriction has been in force for many years though enforcement was very rare prior to introduction of CPE last year. The restriction does not allow for resident parking while accommodating the needs of those attending the paddling pool so a more appropriate scheme of control is required.	Agreed this needs review and should change as part of a Residents’ Parking Scheme to be drafted.
“We have a choice between residents parking, or a limit of something like 2 to 3 hours to enable visitors to use the paddling pool or the park. It has to be one or the other”.	

4.3. Congleton Business Associaton :

- 4.3.1. There was support for 2 hours free at the start of the day, using meters with alphanumeric keyboards so tickets (issued free for 2 hours) would be vehicle specific.
- 4.3.2. The Town Centre Manager also wished the 9 to 5 controlled hours to be given more consideration.
- 4.3.3. In respect of Princess St car park there was doubt as to whether extension to long stay would be of benefit to the town.
- 4.3.4. On Street limited waiting bays were generally felt to be adequate at 30 mins in the town centre streets.
- 4.3.5. Bridestones Redevelopment: concern was expressed over the effect of this as Princess St car park will close and the market move on to part of Fairground. It was agreed to check that car park alternate provision is built into the redevelopment overall plan, though no firm dates for the development have been published.

4.4. Congleton Town Council

- 4.4.1. They express opposition to charging but this is beyond the scope of the Review.
- 4.4.2. The group were in favour of a change to 9am to 5pm. for controlled hours off street.

- 4.4.3. Antrobus St – it was agreed that parking bays could be both sides and increase capacity without affecting safety- if in line, rather than “echelon” bays. However CEC Officers believe it should only need one side to provide sufficient capacity for residents, as it would be worse to have too many bays which then lay unoccupied.
- 4.4.4. Antrobus St – car park – should not need to be changed to long stay nb if there is an on street scheme for residents. There is a need to preserve the short stay bays for the town shoppers.
- 4.4.5. Princess St car park: the group agreed to support lengthening the maximum stay to 10 hours but preserve the short stay charges as now.
- 4.4.6. Park Street car park: the management of the car park needs to change. The group felt it better to offer spaces via contract permits to local businesses.
- 4.4.7. Roe Street: the car park order limiting max stay to 3 hours should be enforced. A few PCNs would send message and compliance would then improve.
- 4.4.8. Disabled bays: agreed that more wide bays need to be provided, focussed on the more central car parks.
- 4.4.9. Residents Parking Schemes: need to investigate possible other needs in Howey Lane although no requests yet from residents so it may be simply a need to consider extending waiting restrictions.
- 4.4.10. Park Road: the conflict between needs of residents and visitors to the pool needs resolution. CEC will detail a dual purpose scheme, but that the limit for non residents should be less than 2 hours or it would probably be abused by town centre visitors. The bias of benefit should be in favour of residents. The existing control of 30 min/24 hours/7 days, to be removed and replaced with this new control.

4.5. No2Parking Charges Group

- 4.5.1. They express opposition to charging but this is beyond the scope of the Review.
- 4.5.2. Most of the Group's points echo those of others above- in respect of controlled hours, Antrobus Street and underused car parks. However they also call for heavily discounted permits on Princess St and Park Street car parks for town centre traders. Existing policy offers permits at £300 per annum which is a substantial discount. (6 days per week, 48 weeks per year at £1.50 per day would cost £432). However as stated, this suggestion has merit in that it could lead to improved usage, possibly relieving pressure elsewhere.
- 4.5.3. Permit prices will remain at current levels but will be considered as part of tariff review for 12/13.

5. Residents' Parking Schemes

5.1. Following the introduction of on and off street controls, and car park charges, surveys were conducted in groups of streets where residents expressed concern about displacement and parking difficulties. These surveys entailed firstly, establishing which streets were contiguous and likely to be zoned together, and secondly, leafleting the properties to gauge support for any scheme. It was made clear that no scheme would be installed unless a clear majority of affected residents were in favour. Any scheme would follow the principles set out in the Council's Residents Parking Policy (available at http://www.cheshireeast.gov.uk/transport_and_travel/car_parks_and_parking.aspx)

5.2. Results of the studies undertaken were as shown in the table 5 below:

Table 5

RESIDENTS' PARKING SURVEYS		
AREA	STREETS	VOTE
Antrobus Street Area	Antrobus Street	No
	North Street	
	South Street	
	Holford Street	
	River Street	
	Back River Street	
Lawton Street Area	Lawton Street	Yes
	Kinsey Street	
	Tanner Street	
	Bark Street	
	Park Street	
	Bank Street	
	Back Park Street	
Stonehouse Green Area	Stonehouse Green	Yes
Mill Street Area	Mill Street	No
Moor Street Area	Moor Street	No
	Willow Street	
	Lower Park Street	
	Foundry Bank	
	Park Street (part)	
	Centenary Place	
Park Road Area	Park Road	Yes
	The Meadows	
	Worral Street (part)	
	Park View	

5.3. Given the development time needed for a Residents Scheme in Park Street area, it may be beneficial to make residents only parking permits available to residents in

these streets at £50 for Park Street Car Park on a temporary basis at least, until the street scheme is available.

- 5.4. **Antrobus Street:** owing to specific protests and difficulties highlighted in the area of Antrobus Street, further comment is as follows:

Antrobus Street area, Congleton Survey February 2010

- 5.4.1. Antrobus street is a busy one way street close to Congleton town centre. It is part of a one way system and as such is vital to traffic flow in the vicinity. Off Antrobus street are smaller streets consisting almost exclusively of terraced residential properties. Antrobus street, however, has a number of small businesses spread throughout its length combined with terraced residential properties.

5.5. Survey

- 5.5.1. A survey was carried out and found the area heavily parked throughout. Conversations with residents indicated that a significant percentage of the vehicles were town centre workers and visitors rather than residents.
- 5.5.2. The total area as stated above consists of just over 100 residencies and approximately 10 – 15 small businesses including two hairdressers, a butchers, a small cleaning company and a couple of general purpose grocery shops.
- 5.5.3. The narrowness of North Street, South Street and Holford Street combined with bad parking causes significant problems for emergency vehicles and bin wagons. Reports from residents have confirmed this. Photographs and notes have been stored for future use.

5.6. Potential solutions

- 5.6.1. The initial survey suggests quite strongly that the area would be appropriate for consideration for a residents parking scheme. Such a scheme would have to take into account the needs of the small businesses which are suffering from lack of space for their customers.
- 5.6.2. The consultation (leaflet drop) sought to determine demand from residents and businesses during the day, which could then be compared with available space. The likely result is that sufficient space could be provided for the residents either without the need for use of the car park or for very limited use of it. The number of responses was very low but it cannot be assumed that those not responding are in favour. The numbers of responses were therefore considered to be insufficient to progress a scheme to the design stage at that time.
- 5.6.3. The consultation should be repeated now given 1) acknowledged pressure on parking in this area, 2) the elapsed period since inception of controls, and the improved understanding of their impact on the residential area.

6. Conclusion and Recommendations from this review

6.1. On Street and Off Street Controlled Hours:

- 6.1.1. On Street: The period of control for some restrictions runs from 8am until 7pm Monday to Saturday. There appears to be no reason to continue with this from a control viewpoint. It creates difficulties for residents. The proposed introduction of Residents' Schemes may adequately address the issue in some specific locations but this will not be appropriate everywhere. A proposal has been made to reduce on street controlled hours to 9am to 5pm Monday to Saturday. Given the compact nature of the town centre and its retail and business profile this seems reasonable. There are few major retailers with trading hours beyond this time, and residential and business properties are particularly close to each other. This will require a change to the On Street Parking Order and Traffic Regulation Orders following statutory consultation.
- 6.1.2. Off Street: For the same reasons it is also proposed to reduce chargeable hours from 8am to 6pm, to 9am to 5pm also to ensure compatibility with the on street hours and to avoid confusion for customers. This will assist residents living in streets within the town centre with parking difficulties at the beginning and end of each day. This will require a change to the Off Street Parking Places Order following statutory consultation.
- 6.1.3. A number of the existing restrictions have physical (sign and line) faults which would render enforcement open to challenge. These have been prioritised and referred directly to Highways term contractor for rectification.
- 6.1.4. New restrictions should be considered in streets adjacent to West St Car park. This may require a survey of residents to establish views of a Residents' Parking Scheme there.
- 6.1.5. Park Road: in addition to the overall change to 9am to 5 pm controlled hours, the limited waiting time to be extended from 30 minutes to 2 hours on this road.
- 6.1.6. Antrobus Street/West Street junction: an on street disabled only bay to be provided near the Spar shop, closest to the junction of Antrobus and West Streets.
- 6.1.7. **Other changes to restrictions** have been recommended by Highways Engineers and should be further explored through survey and consultation. Details are at Appendix II.

- 6.2. **Off Street Control and Charging:** The balance between long and short stay bays overall is felt to be good given the usage pattern observed. It is relatively easy to reach the centre on foot from any car park. Given the objective of limiting vehicle circulation in the narrow central streets, the current long/short stay split is generally appropriate. However the following exceptions and recommendations may prove helpful to customers and workers:

- 6.2.1. **Princess Street car park:** the extension to long stay to be approved, in order to improve usage whilst still preserving short stay availability, prices and
- 6.2.2. turnover. The proposed new tariff range would be:

Princess St	0-1 hrs	1-2 hrs	2-3 hrs	2-4 hrs	4-10 hrs
Current	£0.30	£0.50	£1		
Proposed	£0.30	£0.50	£1	£1	£1.50

6.2.3. **Park Street car park:** Local businesses and organisations should be approached for expressions of interest in either contract parking or leasing. Pending the introduction of residents' schemes in nearby streets, residents should also be offered temporary permits on this car park.

6.2.4. **Roe Street Car Park:** Signs indicating maximum stay 3 hours should be erected and the car park patrolled to improve compliance.

6.2.5. **Provision of wide Disabled Bays:** this should be increased to a total of 39 from 17 now, to be located on town centre car parks. The selection of car parks on which to locate them is to be decided and subject of further study. Recommendations of the Ward Councillors will be taken into account, and the local disabled organisations also consulted.

6.2.6. **Motor Cycle bays:** It is part of Cheshire East Council's Parking Strategy to encourage alternative forms of travel to the private car. Accordingly appropriate locations for marking bays for two wheeled use only will be found.

6.3. Residents' Parking Schemes

6.3.1. Residents in zones identified in previous consultations where response was poor or only a small minority voted in favour, will be canvassed again to ensure a fair chance has been given for consideration of a scheme. This includes the Antrobus Street and Moor Street Area.

6.3.2. Lawton Street, Stonehouse Green and Park Road zones: residents have expressed approval in principle so it is recommended that schemes for these zones be progressed to design stage.

7. Appendix I

Map of Town Centre: Definition of Study Area

Attached on separate sheet.

Appendix II On Street Restrictions and TROs : Highways Engineer's Analysis

SCHEDULE

Antrobus Street

This is the old A54 through route, now giving access to the town centre and also a peripheral route. Mix of residential and commercial uses plus a church. It is one way and gives access to a car park. Residential properties are terraced and few have any off street parking.

OPINION: Restrictions assist traffic flow and are appropriate. Changes to layout may produce more on street spaces.

Cross Street

Town centre fringe, commercial, narrow.

OPINION: Existing restrictions considered appropriate.

West Street (and West Road)

Main access route to / from town centre, mix of commercial and residential. Part one way. Suffers from congestion and provides access to car park.

OPINION: Existing restrictions permit parking at critical areas, leading to congestion and vehicular / pedestrian conflict. Consider further restrictions.

Mill Street and Swan Bank

Town centre access and periphery route, carries high traffic volume, one way streets. Parts are narrow. Almost exclusively commercial, subject to deliveries, has main post office.

OPINION: Existing restrictions are appropriate.

Wagg Street and Waggs Road

Performs as an access road to town centre and is a local distributor road. A mix of residential and commercial, with a church. Narrow in part, Waggs Road also has a school.

OPINION: Existing restrictions are appropriate.

Lion Street

Access to car park.

OPINION: Existing restrictions are appropriate.

Bridge Street, Duke Street, Little Street, Victoria Street and western part of High Street.

Traditional town centre streets, predominantly retail. Pedestrianised 10.00am - 4.00pm each day (and subject to prohibition of driving order), with deliveries only outside that time.

OPINION: Existing restrictions are appropriate.

High Street

Town centre access and peripheral route, 2 way traffic, mostly retail with commercial. Bus route also. Often congested and suffers from pedestrian / vehicular conflict.

OPINION: Consider further restrictions.

Lawton Street

Provides egress route from town centre and is a bus route. One way, a mixture of town centre fringe retail, commerce and residential.

Has physical parking bays provided.

OPINION: Existing restrictions work well and are appropriate.

Market Square

Town centre fringe, Mostly commercial / government, one way.

OPINION: Existing restrictions are appropriate.

Market Street

Town centre access, bus station and route.

Opinion: Existing restrictions are considered appropriate.

Kinsey Street, Bark Street, Tanner Street, Park Street(west) and Bank Street.

Mix of residential and businesses. Small terrace houses have no off street parking. Access to car park, some one way streets, mainly narrow and difficult to negotiate.

OPINION: Existing restrictions are appropriate.

Back Park Street

Car park access road, providing some rear access to Lawton Street.

OPINION: Existing restrictions are appropriate.

Moody Street

Local distributor, mixed uses but not a through route primarily. Gives access to Chapel Street car park, becomes narrow at junction with Howey Hill / Lane, and then provides access to town cemetery.

OPINION: May need more restrictions due to displacement town centre parking causing congestion.

Chapel Street

Mixed use, car park access, church and often congested.

OPINION: Consider further restrictions.

Canal Street

Mostly commercial, very narrow in part. Town centre access road from south.

OPINION: Consider further restrictions.

Walworths Bank

Mixed Residential and commercial, narrow cul de sac.

OPINION: Existing restrictions considered appropriate.

Colehill Bank

Very narrow, access to private street.

OPINION: Consider total prohibition.

Stone House Green

Residential and commercial, town centre, pressure for car parking.

OPINION: Existing restrictions considered appropriate.

Princess Street

Town centre, commercial uses, car parks access and service access.

OPINION: Existing restrictions are considered appropriate.

Foundry Bank

Town centre fringe, commercial, adjacent main A54 distributor road.

OPINION: Existing restrictions considered appropriate.

Worrall Street

Town centre fringe, mostly commercial, access to leisure centre.

OPINION: Existing restrictions considered appropriate.

The Meadows

Town centre fringe, commercial and minor residential, cul-de-sac.

OPINION: Existing Restrictions considered appropriate.

Park Road

Residential, commercial and leisure uses, existing order is very restrictive especially for residents if enforced.

OPINION: Consider change to legalise TRO or revise (to residents parking scheme?)

Willow Street

A54 main distributor / through road, high traffic flows, congested. Mixture of commerce and residential.

OPINION: Consider further restrictions.

Bromley Road, Park Lane and Mountbatten Way

Major through routes and town centre access, high traffic flows and vehicle turning movements.

OPINION: Existing restrictions considered appropriate.

Appendix III

Congleton Parking Review: Condition Survey 9th July 2010

1. Pay and Display Car Parks

In all cases they are fit for purpose although some will need to be considered for resurfacing and relining if CEBC is to maintain a consistent standard.

Not all Pay and Displays have CCTV coverage or charter recognition. Some are currently being accredited (Fairground, West Street, Back Park Street) as part of the PARK MARK SCHEME run by Cheshire Police. All relevant signage i.e. Entry plates, parking regulations, tariff charges exist including "Pay HERE" and "HAVE YOU PAID AND DISPLAYED". Antrobus Street is serviced with 1 pay and display meter and I would recommend a second machine is put in. High volumes of through traffic are generated resulting in increased operational demand on the machine culminating in more "out of order" occurrences.

Recommendations by Car Park

Antrobus. Fit 1x Disabled notice board, fit 1x litter bin and grit box, and install a second P&D machine.

Park Street. Consider review of lighting, fit 2x litter bins and 1x grit box, and provide disabled bays x2.

Fairground. Resurface and reline, fit 1x litter bin, and 1x grit bin, repair copings to boundary walls. Fit 3x Disabled notice boards. Consider relocating recycling station freeing up spaces.

Back Park Street. Fit 1x Disabled notice board, fit 3x litter bins and 1x grit bin.

West Street. Fit 2x Disabled notice boards, fit additional "Have you paid and displayed" sign.

Chapel Street. Consider 1 additional lighting column. Reline "KEEP CLEAR" markings for access. Consider resurfacing and lining, and in the interim cut out an area of tarmac approx 17mts x 10 meters at entrance and make good. Fit 1x litter bin and 1x grit bin, and provide disabled bays.

Princess Street. Fit 1x Disabled notice board. Reline parking bays. Consider removal of Armco barrier on boundary walls for something in more keeping with the surroundings.

2. Car parks not charged for at point of use

Thomas Street. Lighting improvements, regulation signs, entry signage, litter bins x2, grit bin x1, cctv camera. Surface is of the block paving type with bays white lined over. Consider including disabled bays.

Royle Street. Regulation signs, entry signs, railing to 3 boundaries to separate footpath users from car park and vehicles. Lighting column/columns and cctv, litter bin x1 and grit bin x1.

Roe Street. Consider laying top surface dressing and completely reline bays and keep clear access to surgery car park. Fit lighting columns x2, litter bin x1, grit bin x1 and cctv camera. Fit safety railing along southwest boundary. Northeast boundary wall needs re-pointing. Area of grass verge fronting north east boundary should be levelled off and tarmaced.

Appendix IV
On Street Parking Restrictions and Limited Waiting Bays

SURVEYS **1,2,5,6,7,** *Different* *inc. market day and a*
Summary **July 2010** *times of day* *Saturday*

Street	Restriction	Observations	Occupancy (Spaces taken in bays)	Overstayed
Lawton Street	30NR30 Bays	Average use	17 out of 25	5 vehicles
High Street	30NR30 Bays	Average use	9 out of 10	2 vehicles
High Street	Disabled Bay	Average use	2 out of 2	n/a
Kinsey Street	30NR30 Bays	Average use	9 out of 11	4 vehicles
Moody Street	60NR60 Bays	Average use	9 out of 12	2 vehicles
West Street	30NR30 Bays	Average use	14 out of 19	3 vehicles
Swan Bank	30NR30 Bays	Average use	5 out of 5	3 vehicles
Town Centre Area	Yellow lines	Daily average		10 vehicles abusing yl's
Notes				
No significant difference on any day including week day, market day and Saturday				

Appendix V

Parking Patterns near to Congleton town centre on non restricted sections of road

Scope and purpose

Surveys were undertaken of a sample of roads and streets near Congleton Town Centre where no restrictions apply. The purpose of these surveys was to determine:

- Total number of spaces available
- Total occupancy rate of spaces during the day
- Total occupancy rate of spaces in the evening
- Total number of spaces being used by residents during the day
- Total number of spaces being used by non residents during the day

Collection of data and reliability

Data collection was carried out by logging registration numbers during the day and during the evening (outside normal working hours). Vehicles parked during the evening were assumed to be residents' vehicles and this information was used to assess the number of residents parking during the day also.

The reliability of the data therefore must take into account the following:

- this method of survey provides data which is approximate.
- The accuracy is affected by the frequency of survey visits: with only 3 or 4 surveys carried out the result is only a "snapshot" and will not take into account seasonal variations or changes occurring e.g. during school holidays.
- The assumption that all vehicles parked in the evening are residents' vehicles and that all residents are present during the evening is only suitable for "rough and ready" results but does give a picture which is useful if the limits are remembered. To some extent the errors cancel themselves out but this cannot be guaranteed.

Conclusions from the data obtained

- Of the 382 (estimated) spaces available on the roads surveyed there was a clear pattern of parking with no evidence of significantly more vehicles parked during the working day. Indeed parking levels were almost identical. Average occupancy during the day was about 57% compared with evening average occupancy of about 56%.
- With one small exception (South Road) no street was ever fully parked when surveyed and plenty of "free" parking was available if people knew where to look.
- The percentage of residents estimated to be parked during the day was a little over 13% compared to an estimated 44% of non residents and 43% unoccupied.

Raw Data

Road	Daytime numbers	Resident numbers	Evening numbers	Total spaces
Crescent Rd	18	5	16	40
The Crescent	9	4	12	27
Nelson St	13	2	19	23
Swann St	33	7	43	45
Waggs Rd	8	0	20	30
Antrobus St	29	7	25	32
North St	11	4	12	19
Holford St	5	3	9	11
South Rd	5	3	5	5
River St	12	3	11	30

Howey Lane	21	4	11	22
Howey Hill	8	2	13	31
Priesty Fields	4	0	4	12
Park St	7	4	9	12
Willow St	1	0	0	14
Spragg St	16	4	11	25
Worrall St	18	1	8	18
Thomas St	11	1	2	12
Roe St	9	1	1	6
Totals	238	55	231	414

Appendix VI

Comments from N2PC Pressure Group

N2PC would suggest that the present scheme is modified.

It appears that:

- Park Street car park is virtually empty on a daily basis
- Princess Street car park is similarly not well used.
- Residential issues particularly on the west of the town around Antrobus Street remain unresolved.

With these issues in mind N2PC believe that a number of changes could be made which would alleviate some of the issues highlighted and make better use of the towns resources which CEBC can do without actually removing charges.

Residential issues

N2PC propose that the Park Street and Princess Street car parks be used to provide residential and trader car parking.

Examination of Antrobus Street suggests that because it is a one way system, it would be possible to park cars down one side of Antrobus Street in herring bone fashion. This would enable many more residential vehicles to be accommodated. The area would have to be clearly marked as residential parking.

N2PC believe this would not interfere with the passage of vehicles down Antrobus Street.

Parking issues

Car parking charges in the adjacent boroughs in Staffordshire and West Cheshire & Chester start at 9.00am and finish at 3.00pm

N2PC have observed that the number of spaces taken up by 8.30am is minimal and that a start time of 9.00am could easily be accommodated. People who need a car park to park overnight should by this time have left for work the following morning prior to 9.00am. In addition at the other end of the day like the council car parks in Cheshire West and Chester and Staffordshire we recommend that no charge for parking should be made after 3pm in the afternoon.

Trader issues

Traders have suffered a double hit with declining income and increased costs as they have to pay parking charges. Depending upon the number of vehicles this can be hundreds if not thousands of pounds a year. We recommend that CEBC consider a heavily discounted parking permit scheme for trader's vehicles and make use of the available spaces on the Park Street and Princess Street car parks. This will at least start to redress the imbalance that CEBC have created by their charging regime and hopefully go a little way to alleviate further shop closures and business failures by reducing their current account expenditure. N2PC would ask that CEBC take our carefully considered proposals into serious consideration and respond accordingly.

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 2010
Report of: Head of Safer and Stronger Communities
Subject/Title: Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010, to Change the Charging Hours to 9am to 5pm

1.0 Report Summary

- 1.1. This report provides details of proposals to change the charging hours on the relevant car parks in Congleton town, from 8am to 6pm Monday to Saturday, to 9am to 5pm Monday to Saturday and to make consequential changes arising therefrom.

2.0 Recommendation

- 2.1 That the Cabinet Member for Environmental Services approves

(1) subject to statutory consultation, a proposed amendment to the Cheshire East Borough Council (Off Street Parking Places) (Congleton Area) Order 2010 (as amended to comply with the Traffic Management Act 2004), the effect of which will be as follows:

- (a) to change the Charging Hours from 8am to 6pm (Monday to Saturday) to 9am to 5pm (Monday to Saturday) in relation to the following car parks in Congleton: Antrobus Street, Princess Street, Fairground, Roe Street, Back Park Street, Chapel Street, West Street and Park Street;
- (b) to amend the Maximum Period a Vehicle may wait within the Charging Hours from 10 hours to 8 hours in relation to the following car parks in Congleton: Back Park Street; Chapel Street; West Street and Park Street; and
- (c) to amend the tariff structure to in relation to Back Park Street, Chapel Street, West Street and Park Street car parks in Congleton from:
0 – 2 hours £0.50; 2 – 4 hours £1.00; and 4 – 10 hours £1.50
to:
0 – 2 hours £0.50; 2 – 4 hours £1.00; and 4 – 8 hours £1.50

- (2) that the Borough Solicitor, or officer acting on his behalf, be authorised to publish a notice of proposals in relation to the amendment order, with any objections to be made within the

statutory consultation period of 21 days. In the event that objections are received, they be referred back to the Cabinet Member for consideration at a future meeting; and

- (3) that in the event that no objections to the proposed amendment order are received, the Borough Solicitor be authorised to make and bring into force the proposed amendment order (as set out in (1) above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 The amended hours will prove beneficial to town centre residents in particular, who otherwise find difficulty parking at the beginning and end of the day without charge. Adequate control and management of the car parks will be achieved by the new hours because they cover the key trading and business period in the town.
- 3.2 The Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 provide that before a local authority makes an off-street parking places order it must consider all valid objections received during the consultation period which have not been withdrawn.

4.0 Wards Affected

Congleton Town East and West

5.0 Local Ward Members

Congleton Town East – Cllr David Brown, Cllr Peter Mason, Cllr Andrew Thwaite
Congleton Town West – Cllr Gordon Baxendale, Cllr Roland Domleo, Cllr David Topping

6.0 Policy Implications including Climate Change and Health

- 6.1 There should be no significant effect on vehicle movements and therefore on emissions.

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

- 7.1 Costs are estimated as follows:

Reprogramming of meters and processing software:	£3,000
Alteration of car park signs:	£1,400
Legal and advertising costs	£1,000
Total	£5,400

Minimal impact on income is expected. These will be funded from existing expenditure budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 S 122 Duty

Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following;

8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.*

8.1.2 The matters specified under s122(2) are as follows:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(d) any other matters appearing to the local authority to be relevant.'

8.1.3 It is considered that the change proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2). The reduced hours for charging are a response to councillors' and business owners' observations that beyond this period (9am to 5pm) there is insufficient business activity and therefore vehicle movements to justify control by means of charging. Therefore the change is unlikely to compromise access, safety or air quality.

8.2 Changing the charging hours of these Car Parks requires the proposing and making of an amendment order to amend the Original Order. The procedure for making such an order is prescribed within the Local

Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

- 8.3 The Regulations prescribe that before making an order the local authority must publish a 'notice of proposals' in a newspaper circulating in the area in which any road or other place to which the order relates is situated and to place documents relating to the proposals on deposit for inspection by members of the public. The local authority is also required to consult with certain prescribed bodies, including the Chief Officer of Police, and is required to take into consideration any objections received within the 21 day consultation period. If any objections are received then these will be reported to the Cabinet Member for consideration.

9.0 Risk Management

- 9.1 N/A

10.0 Background and Options

- 10.1 At the time of the adoption of the Car Park Order for the town it was agreed that subsequent review of the controls and their effects would be conducted and recommendations made for change.
- 10.2 The change has been proposed as a result of recommendations coming from the Congleton Town Centre Parking Review completed in September 2010, following consultations with Ward members, the Town Council and Business Association as well as feedback from residents.
- 10.3 Relevant detail from the Review report is included as an Appendix and the entire report itself is available for inspection. This report sets out findings from the Review of the parking situation in the town centre in respect of both on and off street parking and control measures. The objectives of this Review were:
- To study the controls and facilities for parking in the central area of Congleton town and
 - identify changes needed to improve the provision, control and management of parking.
- 10.3.1 Ward Councillors submitted a range of comments to the Review. The Town Council and Congleton Business Association have also supplied views at meetings held. All backed a move from the existing restrictions to a narrow time band for control.
- 10.3.2 Although in some locations Residents Parking Schemes may be preferred by residents, this is not universal; nor are they appropriate or practical in all locations. Without this general change to off street hours, there will remain parking difficulty at each end of the day for those residents without the option of an on street scheme.

- 10.4 Ward Members felt strongly that this change should be made to assist residents in a town centre who have consistently expressed to them their difficulties where residential areas are significantly interspersed in the business district. Their situation was felt to be unusual to the extent that control and off street charging had hitherto not been exercised and so this measure was proposed to lessen impact on them whilst still maintaining control and management as required in the Council's Parking Strategy. The proposal is consistent with this Parking Strategy the objectives of which are:

Strategy Objectives

The Council's existing parking objectives set out to be consistent with and contribute to the overall aims of the National and Regional transport strategies which seek to:

- *Achieve a reduction in overall traffic*
- *To increase use of more sustainable and healthy forms of travel*
- *To achieve a more effective and efficient transport system, whilst taking into account:*
 - *The economic vitality of the town centre*
 - *The parking needs of people with disabilities*
 - *The parking needs of local residents, shops and businesses*

- 10.4.1 It is considered that the narrower period of controlled hours reflects the Council's recognition of local needs and pressures whilst still in keeping with the objectives of encouraging different travel choices and balancing the needs of different user groups. In this way the limited resource of parking in town continues to be managed effectively improving bay turnover and availability.

- 10.5 The options remain either not to change the charged hours at all, or to propose another range of hours. However the proposal in this paper stems from the consultations in the review as shown above so already has considerable support.

11.0 Overview of Year One and Term One Issues

- 11.1 The redevelopment of the Bridestones Shopping Centre which may begin within one year, will affect demand for parking in the town. It is unclear at this stage what impact the revised charging hours may have on this demand.

12.0 Access to Information

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

Name: Paul Burns

Designation: Parking Manager

Tel No: 01270 537805

Email: carparks@cheshireeast.gov.uk

EXTRACT FROM THE CONGLETON PARKING REVIEW REPORT

6. Conclusion and Recommendations from this review

6.1 On Street and Off Street Controlled Hours:

6.1.1 On Street: The period of control for some restrictions runs from 8am until 7pm Monday to Saturday. There appears to be no reason to continue with this from a control viewpoint. It creates difficulties for residents. The proposed introduction of Residents' Schemes may adequately address the issue in some specific locations but this will not be appropriate everywhere. A proposal has been made to reduce on street controlled hours to 9am to 5pm Monday to Saturday. Given the compact nature of the town centre and its retail and business profile this seems reasonable. There are few major retailers with trading hours beyond this time, and residential and business properties are particularly close to each other. This will require a change to the On Street Parking Order and Traffic Regulation Orders following statutory consultation.

6.1.2 Off Street: For the same reasons it is also proposed to reduce chargeable hours from 8am to 6pm, to 9am to 5pm also to ensure compatibility with the on street hours and to avoid confusion for customers. This will assist residents living in streets within the town centre with parking difficulties at the beginning and end of each day. This will require a change to the Off Street Parking Places Order following statutory consultation.

CHESHIRE EAST COUNCIL

Cabinet Member for Environmental Services

Date of Meeting: 19th October 2010
Report of: Head of Safer and Stronger Communities
Subject/Title: Proposed Amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 on Princess Street Car Park, Congleton, to Extend the Maximum Stay to 8 Hours

1.0 Report Summary

- 1.1 This report proposes the amendment of the Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 (as amended to comply with the Traffic Management Act 2004) (the Order) the effect of which will be to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 8 hours.

2.0 Recommendations :

- 2.1 The Cabinet Member for Environmental Services is requested

- (1) subject to statutory consultation, to approve an amendment to the Order, the effect of which would be:
 - (a) to extend the maximum permitted length of stay on Princess Street Car Park, Congleton from 3 hours to 8 hours; and
 - (b) to amend the charging regime to the following: Monday to Saturday inclusive: 9am to 5pm: up to 1 hour: 30p; up to 2 hours: 50p; up to 3 hours: £1.00; up to 4 hours £1.00; up to 8 hours £1.50.
- (2) to authorise the Borough Solicitor, or officer acting on his behalf, to publish a notice of proposals in relation to the proposed amendment order, with any objections to be made within the statutory consultation period of 21 days. In the event that objections are received, for these to be referred back to the Cabinet Member for consideration at a future meeting; and
- (3) in the event that no objections to the proposed amendment order are received, to authorise the Borough Solicitor to make and bring into force the proposed amendment order (as set out in 2.1.1 above) and to give notice thereof in accordance with statutory requirements.

3.0 Reasons for Recommendations

- 3.1 Occupancy of this car park has been low in recent months since the introduction of control through charging. Following the Car Parking Review and consultation with the Ward Councillors, Town Councillors and the Business Association, it was considered that this change would increase options for long stay users near to the centre and help reduce displacement parking in adjacent streets. However it was agreed also to retain the short stay fees as the car park does serve local shops, businesses and the market.
- 3.2 Princess Street Car Park holds 82 bays and so has sufficient capacity to accommodate longer stay as well as shorter stay customers.

4.0 Wards Affected

- 4.1 Congleton West

5.0 Local Ward Members

- 5.1 Councillors Gordon Baxendale, Roland Domleo, David Topping

6.0 Policy Implications - Climate Change and Health

- 6.1 There may be some increase in vehicle movements at this location which may marginally increase emissions. However this may be balanced by reduced displacement parking in narrow streets with its consequent safety issues.

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

- 7.1 A small income increase may be expected due to the increased facility for long stay parking.
- 7.2 There will be some costs required in year 2010/11 for altering signs, lines and administration and statutory advertising which will be absorbed in existing budgets.

8.0 Legal Implications (Authorised by the Borough Solicitor)

- 8.1 S 122 Duty

Section 122 of the Act imposes a general duty on the local authority to have regard to certain factors when exercising its functions under the Act, including car parking order making. Section 122 states the following;

- 8.1.1 *'It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters*

specified in subsection (2) below) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.

8.1.2 The matters specified under s122(2) are as follows:

(a) the desirability of securing and maintaining reasonable access to premises;

(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

(e) any other matters appearing to the local authority to be relevant.'

8.1.3 It is considered that the change proposed in this report will not adversely affect the fulfilment of the Authority's duties under s122(2). The changed hours for charging are a response to councillors', officers' and business owners' observations that this car park is underutilised as a short stay. The change will make it easier for some longer stay vehicles to find a safe and convenient parking space that does not compromise the availability of short stay space in the centre. Therefore the change is unlikely to compromise access, safety or air quality.

8.2 Changing the maximum stay of the Car Park requires the proposing and making of an amendment order to amend the Order, the procedure for which is as set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

8.3 The Regulations prescribe that before making an order a local authority must publish a 'notice of proposals' in a newspaper circulating in the area in which any road or other place to which the order relates is situated and to place documents relating to the proposals on deposit for inspection by members of the public. The local authority is also required to consult with certain prescribed bodies, including the Chief Officer of Police, and is required to take into consideration any objections received within the 21 day consultation period. Failure to consider any such objections would pose a risk to any subsequent decision. If any objections are received then these will be reported to the Cabinet Member for consideration.

- 8.4 The proposed maximum stay of 8 hours is to be in line with the proposal in a separate report to change all controlled hours in Congleton town centre off street car parks to 8 hours (i.e. 9am to 5pm). The statutory consultation for that proposal will run simultaneously with that for this report. Should that proposal for any reason fail, this will also necessitate a revision to the proposal in respect of Princess Street in this report.

9.0 Background and Options

- 9.1 The proposal stems from the findings of the Congleton Parking Review as explained above.
- 9.2 Options include the following:
- 9.2.1 not to change the maximum stay to 8 hours: this would result in occupancy remaining low and not maximising best use of the car park.

10.0 Risk Management

N/A

11.0 Overview of Year One and Term One Issues

- 11.1 This car park will be affected by the proposed Bridestones Redevelopment and may be absorbed into it, so becoming unuseable. However there is no fixed date for this yet and so it is felt to be worth the expense and resource to make this change.

Access to Information

Background Document:

Cheshire East Borough Council (Off Street Parking Places) (Congleton area) Order 2010 (as amended to comply with the Traffic Management Act 2004)

Documents are available for inspection at: Westfields, Middlewich Road, Sandbach, or through contacting the report writer:

Name: Paul Burns

Designation: Parking Manager

Tel No: 01270 537805

Email: carparks@cheshireeast.gov.uk