

**PERRY CLOSE, HILLINGDON – PETITION
REQUESTING A FOOTWAY PARKING EXEMPTION**

ITEM 6

Cabinet Member

Councillor Keith Burrow

Cabinet Portfolio

Planning and Transportation

Officer Contact

Catherine Freeman

Papers with report

Appendices A & B

HEADLINE INFORMATION

Purpose of report

To inform the Cabinet Member that a petition of 21 signatures has been received from residents of Perry Close requesting that footway parking is permitted on a section of this road

**Contribution to our
plans and strategies**

The request for a footway parking exemption scheme on Perry Close has been considered in relation to the Council's strategy for road safety

Financial Cost

There are no direct financial implications to this report

**Relevant Policy
Overview Committee**

Residents' & Environmental Services

Ward(s) affected

Yiewsley Ward

RECOMMENDATION

That the Cabinet Member:

- 1. Notes the petition request.**
- 2. Meets with and listens to the petitioners concerns regarding parking issues on Perry Close.**
- 3. Agrees that Perry Close be approved for the introduction of a Footway Parking Exemption Scheme subject to a further report following consultation with local residents on a detailed scheme layout.**

INFORMATION

PART 1 – MEMBERS, PUBLIC AND PRESS

Cabinet Member meeting with Petitioners – 14 October 2009

Reasons for recommendation

To investigate in further detail the request of the petitioners.

Alternative options considered

Options will be discussed with the petitioners.

Comments of Policy Overview Committee(s)

None at this stage

Supporting Information

1. In April 2009 the Council received a petition with 21 signatures from residents of Perry Close requesting that footway parking is permitted on the northern side of Perry Close, opposite flat numbers 17-32. The petition organiser has highlighted that the petitioners are asking for no other changes to the parking in this road.
2. The petitioners state that: *'Since the Council have installed the bollards outside our flats (no's 17-32) it has caused a problem for access / exit to and from our car park for larger vehicles such as ambulances and delivery vans.'*
3. Perry Close is a no-through road with some off-street parking for residents, as shown on Appendix A. The east-west arm of Perry Close has a carriageway width of approximately 5 metres. The Council's Highways Maintenance section has recently installed four bollards on the grass verge, west of the entrance to flat no's 17-32 Perry Close, as shown on Appendix A. The bollards have been installed to protect the grass verge from vehicular abuse as the Council had received a number of complaints from the residents in this road. The Council subsequently received a letter from a resident of Perry Close requesting for the removal of one of these bollards; however, it was pointed out that this would lead to vehicles crossing the grassed section.
4. With regards to the petition request for footway parking to be permitted in Perry Close, the Council is prepared to exempt parts of footway from the Footway Parking Regulation under certain conditions. Parking can only take place on tarmac surfaced footways and there should be a minimum of 1.5 metres remaining for the safety and benefit of pedestrians. In addition footway parking should not be allowed within 15 metres of a junction.
5. The petitioners have requested that footway parking is permitted on the northern side of Perry Close, opposite flat numbers 17-32 (as shown on Appendix A), with no other changes to the parking in this road. However, the Cabinet Member will be aware that the Council generally considers a footway parking exemption as part of a comprehensive scheme within a road. From a preliminary site inspection it would appear feasible to allow only limited parking on the northern footway of Perry Close opposite numbers 17-32. The northern footway is approximately 2.35 metres wide which is part paved and part tarmac. The tarmac section adjoins the kerb and is approximately 0.75 metres wide. Within the Council's criteria, it would be permissible to allow footway parking for half a metre leaving over 1.5 metres for

safe pedestrian passage. However, the Council's criteria for a Footway Parking Exemption do not permit footway parking within 15 metres of a junction. This means footway parking can only be permitted for a length of approximately 12 metres on the northern footway of Perry Close, opposite no's 17-32, as shown on Appendix B. Therefore, it is recommended that the Council investigates the feasibility of additional locations for a footway parking exemption on Perry Close, as shown on Appendix B. The western side of the north-south arm has a number of vehicle crossovers and therefore footway parking would not be feasible on this section. In addition, footway parking is not recommended in the turning head at the southern end of Perry Close.

6. If footway parking is approved it has been the Cabinet Member's usual practice to suspend footway parking regulations until detailed design and consultation has been carried out. If the Cabinet Member approves these requests, it is recommended that withholding enforcement applies to those areas where it is permissible to park on the footway within the Council's criteria. This means it should not restrict the remaining footway to less than 1.5 metres wide, takes place on a tarmac surface only and not within 15 metres of a junction.

Financial Implications

Investigations, design and consultation are undertaken within the normal staff resources and can therefore be accommodated within existing budgets. The works cost of introducing a footway parking exemption scheme in Perry Close would depend on details of the actual scheme approved. This cost would not be known until detailed design and consultation is complete. The implementation of a formal footway parking exemption scheme involves the installation of white lines and signage on the footway where parking is permissible. No budget allocation has been made to this project at the current time. However, the eventual cost of the work could potentially be funded from the accumulated surplus of the Parking Revenue Account. If Members wish to progress the scheme at some future time, they will need to agree how the cost will be funded before officers can take action in accordance with the Council's Financial Regulations.

EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

It will allow further consideration of the petitioners concerns and the request for a footway parking exemption scheme in Perry Close.

Consultation Carried Out or Required

This will be carried out with residents of Perry Close when detailed plans have been drawn up.

CORPORATE IMPLICATIONS

Corporate Finance

N/A

Legal

The proposed introduction of footway parking may be introduced using powers conferred under section 6 of the Road Traffic Regulations Act 1984 to make Traffic Regulation Orders (TRO's) to regulate the speed, movement and parking of vehicles and to regulate pedestrian movement.

Section 122 of the Act provides that when making a road traffic order the Council is under a duty to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway.

In performing this duty the Council must, so far as is practicable, have regard to the following matters (section 122(2) of the Act):

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected and ... 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;
- (bb) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);
- (c) 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.

The duty under section 122(1) of the Act is subject to the provisions of Part II of the Road Traffic Act 1991 (section 122(3) of the Act).

Procedures for making road traffic order

In making any road traffic order the Council must comply with the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

Regulation 13 requires that the Council consider any objection or petition received and not withdrawn following public notification of the road traffic order.

Regulation 14 allows the Council to modify an order in response to objections received. Pursuant to Regulation 14 (3) if the Council does modify an order it must take such steps as appear appropriate to it, in order to:

- i. inform persons likely to be affected by the modifications;
- ii. give those persons an opportunity of making representations; and
- iii. ensure that those representations are duly considered by the Council

Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

The Council must conduct any consultation in accordance with the expected legal standards. The leading case on consultation is the High Court decision *R v Brent London Borough Council, ex parte Gunning* (1985) 84 LGR 188. In this case, Hodgson J drew attention to four elements that should exist in the proper performance of a statutory duty to consult.

Members must be satisfied that:

- a. Consultation took place at a time when proposals were still at a formative stage;
- b. Sufficient reasons for the proposal were given to permit intelligent consideration and response;
- c. Sufficient time was allowed for consideration and response; and
- d. That responses from the public were conscientiously taken into account when finalising the statutory process.

Accordingly, the Council must balance the concerns of the objectors with its statutory duty to secure the expeditious, convenient and safe movement of vehicular and other traffic.

Corporate Property

Relevant Service Groups

BACKGROUND PAPERS

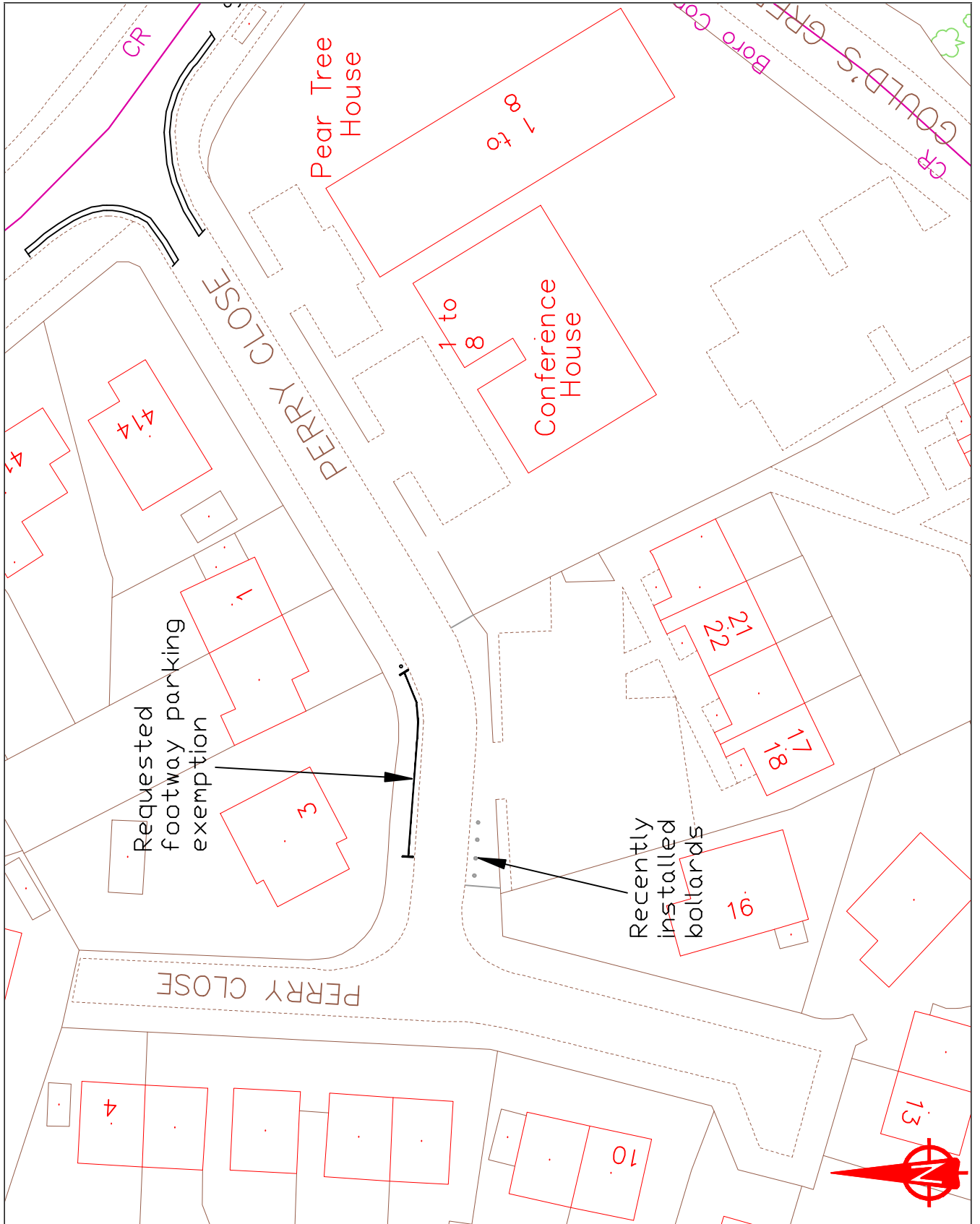
Petition received, dated 30th April 2009

Notes:

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Project Perry Close, Hillingdon		Checked (Initial/Date)	
Description Location plan		Checked (Initial/Date)	
Scale 1:500	Drawn (Initial/Date) CF 6/09	Checked (Initial/Date)	Checked (Initial/Date)
Project No.	Drawing No.	Rev.	



Notes:

Proposed
footway
parking
exemption

Vehicle
crossover

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London Borough of Hillingdon, 100019293, 2009



Project Perry Close, Hillingdon		
Description Proposed footway parking scheme		
Scale 1:500	Drawn (Initials/Date) CF 6/09	Checked (Initials/Date)
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