

WELWYN HATFIELD BOROUGH COUNCIL
CABINET PLANNING AND PARKING PANEL – 10 JANUARY 2019
REPORT OF THE CORPORATE DIRECTOR (RESOURCES, ENVIRONMENT AND
CULTURAL SERVICES)

INTRODUCTION OF VERGE PROTECTION ORDER IN VARIOUS ROADS, HANDSIDE
WARD, WGC

1 Executive Summary

- 1.1 The Council began consulting residents in the four areas which are described as Parkway A, B, C and D. The proposals included the introduction of a Verge Protection Order (VPO) to cover verges, footways and vehicle crossovers (VXOs).
- 1.2 A VPO covers the limits of the public highway, extending from the centre of the road to the highway boundary, which in many cases is the boundary of the private property. Yellow line waiting restrictions also share the same boundary.
- 1.3 The Council are receiving more and more requests to deal with people parking on the verge and pavements. At present, enforcement of parking on the pavement is the remit of the Police as this could be classed as obstruction; however this is regarded as a low priority for the Police due to other work pressures. Vehicles parking on the verge and green areas are reported through to the Council and the Street Warden team who will monitor and place notices on vehicles parking in such areas, requesting that they refrain from doing this. Without a VPO in place, there is not the means to effectively and robustly manage vehicles parking in these areas
- 1.4 The VPO which covered the four areas, was formally advertised in December 2017 (**Appendix B**) and a number of objections were received in response to the proposals. A report has been presented at the July and October meetings of Cabinet Planning and Parking Panel (CPPP) for consideration, on both occasions the Panel deferred the decision for further discussion with HCC and affected residents.
- 1.5 A resident meeting was held in the Council Chamber on the 24th October 2018. This provided residents an opportunity to submit questions about the proposals and the affects in advance of the meeting and ask further supplementary questions to Parking and Cemeteries Services Manager on the night. Unfortunately, officers from HCC were not able to attend the meeting. The meeting was well received by residents and the overwhelming feeling from all involved was to meet with officers at HCC to see if further considerations could be made to the resident's concerns.
- 1.6 A meeting took place with officers from HCC and WHBC in November and possible options were discussed. A meeting also took place with Ward Councillors and the County Councillor for the area on the 20th December in which alternative solutions were discussed and agreed by Councillors as the only way forward to address the concerns of the residents particularly in Parkway Close and Honeycroft.

- 1.7 This report sets out the results of the informal consultation, the statutory consultation and the recommended course of action. A total of 258 properties and businesses have been consulted. This report also outlines the amendments the Council are proposing and the objections which were received in response to the advertised VPO.
- 1.8 Twenty five objections have been received relating to the VPO proposals, please see **Appendix A**.

2 Recommendation(s)

- 2.1 That the Panel consider the objections received in 3.1.1, 3.2.3 and 3.3.9; in particular the issues raised in Section 15 around equalities and diversity. Having considered all the detailed issues in this report including any proposed mitigating actions; recommends to Cabinet to proceed with the creation of VPO Order as amended (**Appendix C**), for the reasons set out in this report.

3 Explanation

Parkway A

- 3.1 This section of Parkway covers the area between the junctions of Stanborough Road and Rooks Hill, There is existing junction protection only at the junction with Stanborough Green. A new RPPS has been introduced commencing on 8th October 2018 which applies to the carriageway and includes the cul-de-sac. This restriction operates Monday-Saturday, 9am-5pm.

3.1.1 Parkway A - Objections

- a) There is no need for a verge protection order on this specific stretch of parkway because of existing bollards that prevent parking on the verge.
- b) The verge protection order will prevent residents from parking on the vehicle crossover and substantially increase on-road parking.

- 3.1.2 The reasons for moving forward with these amended proposals as detailed in **Appendix C** are as follows:

- a) The existing oak posts were installed precisely as a result of verge parking. A verge protection order would enable their removal and represent a major improvement in the conservation area street scene.
- b) There is existing off road parking for most properties. Those without any such provision have been included in the eligible list of properties for the cul-de-sac permit parking area.

3.2 Parkway B

- 3.2.1 This section of Parkway covers the area between the junctions of Turmore Dale and Barleycroft Road. A new RPPS has been introduced which includes six parking bays which can accommodate approximately 19 vehicles. This restriction operates Monday-Saturday, 9am-5pm.

3.2.2 Honeycroft is located in this section. This road is very unusual as it doesn't have any parking available upon the road itself due to its limited width. Residents are currently parking either within the boundary of their property or on VXOs which are classed as public highway. The majority of people using this road are residents and their visitors. Honeycroft properties are included within the RPPS on Parkway, so residents can purchase a permit or vouchers for any visitors. See **Appendix D** which outlines the extent of the public highway.

3.2.3 Parkway B - Objections

- a) Based on the parking restrictions (Verge Protection Order) you are proposing for Honeycroft any cars parked on the driveway in front of my garage would be illegally parked. We would have to seek alternative parking in nearby roads.
- b) We maintain the areas of grass which are council owned. The adjoining driveways should also remain unaffected by your parking restrictions.
- c) Most of the homes here have substantial drives for off-road parking. This is the main route in and out of town and parked cars cause congestion.
- d) I only have space for one car. Where will all my visitors and tradespeople park, if not on my driveway?

3.2.4 The reasons for moving forward with these amended proposals as detailed in **Appendix C** are as follows:

- a) The amended proposals remove the need for a permit to be displayed on the driveways as highlighted in Appendix C. Residents also have access to the permit parking bays which have been provided in Parkway to cater for overspill and/or visitors.
- b) See response to a)
- c) The Police do not wish for parking to be removed from Parkway as this would increase vehicle speeds and the likelihood of collisions.
- d) Sufficient permit parking bays have been provided for.

3.2.5 After discussion with officers at HCC, the council are amending the advertised proposals to remove the VPO from the VXOs in Honeycroft. The Council recommend to introduce the amended TRO as outlined in **Appendix C**.

Parkway C

3.2.6 This section of Parkway covers the area between the junctions of Barleycroft Road and Church Road, including Parkway Close.

3.2.7 Parkway Close is a quiet cul-de-sac and the majority of people either driving or walking in Parkway Close are the residents and their visitors. The entrance road is very narrow, with a parking section on the central island which currently accommodates up to 16 vehicles. Parkway Close is an iconic area within Welwyn Garden City and is visited from people all around the world to see an example of Ebenezer Howard's Garden City ethos.

- 3.2.8 Residents have been parking on extended vehicle crossovers and an additional three informal parking areas have been created by adapting pedestrian footways to accommodate vehicles. The proposed VPO would cover the grassed areas around the carriageway, including the pedestrian footways and VXOs.
- 3.2.9 During the initial consultation Parkway Close residents were of the opinion that they should be allowed to continue parking on the four formal and three informal VXOs. These areas are public highway, please see **Appendix D** for the boundary plans.
- 3.2.10 After discussion with officers at HCC, the council are amending the advertised proposals to remove four formal VXOs in Parkway Close from the VPO. In addition, as this area is public highway, Hertfordshire County Council are not opposed to four parking spaces to be created, one parking space adjacent to each of the four pedestrian footways.
- 3.2.11 This option has been discussed with County Councillor Quinton who has agreed to look at funding this through his Locality Budget. The four new parking spaces and the VXOs will be advertised as part of the resident parking permit scheme in the coming months.
- 3.2.12 The three informal VXOs which are actually modified pedestrian footways are not considered to be a valid parking space and it is intended to return them to their natural state. Residents have already received notification from Hertfordshire County Council of their intention to remove the pavement slabs and reinstate as grass.
- 3.2.13 The Council recommend to introduce the amended TRO as outlined in **Appendix C**.

3.2.14 **Parkway C - Objections**

- a) I have never witness verge parking in Parkway. Money would be better spent in encouraging new business to the town.
- b) If Parkway Close residents are not going to be allowed to park on their hard standings, we (Parkway North residents) should all be re-zoned A04
- c) My own household contains an elderly and disabled person, and we would feel particularly discriminated against.
- d) When Zone A03 was created my husband applied for a permit to park on a crossover and this was granted without objection. Why did the Council take our money and issue a permit?
- e) The area shown in the map of the current zone was drawn as it is, specifically in order to include the areas of hard standing within the permit zone.
- f) What works in another road with a completely different set up should not be seen as a one size fits all.
- g) My husband is disabled and a blue badge holder. The provision of an advisory disabled bay will not guarantee that I can park close to my house as in fact anyone can use it. Your lack of consultation shows a lack of consideration for the Equalities Act 2010 and impinges on our rights.

3.3.9 The reasons for moving forward with these amended proposals as detailed in **Appendix C** are as follows:

- a) Verge parking has increased in Parkway, even more so with the advent of on-line shopping.
- b) The creation of four additional parking spaces will replace the ones which have been used on the pedestrian footpaths therefore, there would no net loss.
- c) The vehicle crossovers in Parkway Close will now form part of permit parking Zone A03, therefore allowing residents to park in these areas without penalty.
- d) At the time of issue, the Council were of the opinion that permit holders would park in the centre island, and not on vehicle crossovers and pedestrian walkways.
- e) The hard standings referred to in this case are in fact pedestrian walkways which have been modified by residents to accommodate vehicle parking.
- f) The Council understands that many roads have unique factors. Both Welwyn Hatfield Council and Hertfordshire County Council have recognised this point in arriving at their decisions to exempt the vehicle crossovers in Parkway Close from the verge protection proposals.
- g) There is nothing under the Equalities Act 2010 that confers upon a person the right to park upon a pedestrian walkway. Please see the possibility of additional four parking spaces as outlined in 3.3.5 and 3.3.6.

3.3 **Parkway D**

3.3.1 No objections were received relating to VPO area within Parkway D. Therefore the Council are proposing to proceed as advertised in December 2017. Please see **Appendix B**

3.4 **Traffic Regulation Order**

3.5.1 On the 20th December 2017 the public notice proposing “**The Borough of Welwyn Hatfield (Various Roads, Handside, Welwyn Garden City) (Prohibition of Stopping and Waiting on Verge or Footway) Order 2017**” was advertised in the Welwyn Hatfield Times. Notices were also erected in the lengths of roads affected. Please see **Appendix B**.

3.4.2 The closing date for formal objections was 31st January 2018. However, the Council must consider any objections which are received until the objections have been considered. Please see **Appendix A** for all objections received and for which area they relate too.

3.4.3 The Council are able to amend any order without the need to re-advertise as long as this becomes less restrictive. Therefore, by removing the described sections (Parkway Close and Honeycroft VXOs) from the VPO, this constitutes as making the order less restrictive.

3.4.4 If the Panel recommendation is to proceed with the proposed amended order and is subsequently ratified by the Cabinet, the following process will take place. The verge protection order will be sealed and proceed to implementation. Residents will be notified of the commencement date which will also be advertised in the local press.

- 3.4.5 The new permit parking areas in Parkway Close will be added to the relevant resident parking permit zone, A03. As this represents an additional restriction, the existing Order will be re-advertised and the formal consultation process carried out once more. Any objections received to these proposals will be considered at a future meeting of this Panel.

4 Legal Implication(s)

- 4.1 TROs are created under the Road Traffic Regulation Act 1984. Consultations follow a statutory legal process as set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. No other legal implications are inherent in relation in to the proposals in this report.

5 Financial Implication(s)

- 5.1 The cost of TRO works recommended in this report will be funded through existing Parking Services revenue and capital budgets.
- 5.2 It is standard procedure to monitor new parking restrictions for the first 6 months after they are implemented. During this period all reports of safety issues or parking displacement will be recorded. If any significant safety issues are discovered during the monitoring period, Parking Services will investigate and carry out the appropriate remedial action.

6 Risk Management Implications

- 6.1 Changing the parking conditions in the above mentioned roads could generate negative publicity. Some parking may be displaced into nearby roads.
- 6.2 It is standard procedure to monitor new parking restrictions for the first 6 months after they are implemented. During this period all reports of safety issues or parking displacement will be recorded. If any significant safety issues are discovered during the monitoring period, Parking Services where possible will investigate and carryout the appropriate remedial action.

7 Security & Terrorism Implications

- 7.1 There are no known security & terrorism implications inherent in relation to the proposals in this report.

8 Human Resources

- 8.1 There are no known Human Resources implications in relation to the proposals in this report.

9 Communication and Engagement

- 9.1 When making any changes to parking restrictions there is a statutory consultation process which the Council needs to adhere too. This includes consulting directly with all affected parties and a number of statutory consultees, such as the Police and Hertfordshire County Council.
- 9.2 In addition, Notices needs to be erected within all roads affected and advertised in the local newspaper, in this case the Welwyn Hatfield Times.

9.3 This process has been carried out and there are no known implications in relation to the proposals in this report.

10 Health and Wellbeing

11.1 There are no known Health and Wellbeing implications in relation to the proposals in this report

11 Procurement Implications

11.1 There are no known procurement implications in relation to the proposals in this report.

12 Climate Change Implication(s)

12.1 There are no known climate change implications in relation to the proposals in this report.

13 Link to Corporate Priorities

13.1 This report is linked to the Council's Corporate Priority Protect and Enhance the Environment, and specifically to the achievement to Deliver Effective Parking Services

- Protect and enhance the environment and deliver effective parking services;
- Engage with our communities and provide value for money

14 Equality and Diversity

14.1 I confirm that an Equality Impact Assessment (EqIA) has been carried out.

14.2 The EqIA found that there is potential for negative impacts on Disability. There is an inbuilt exemption to the Verge Protection Order which allows for the unloading and loading of goods and passengers.

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Background papers to be listed (if applicable)