



## Highways Committee 27<sup>th</sup> July 2011

### Report from the Head of Transportation

For Action

Wards Affected:  
Barnhill, Preston

### **Consideration of representations to proposals to introduce pay and display parking controls in Preston Road & Bridge Road.**

#### 1.0 Summary

On 23<sup>rd</sup> March 2011 the Committee gave approval to the Head of Transportation to implement pay and display parking controls, at locations where free but controlled parking arrangements currently exist, subject to appropriate consultation arrangements being following and the identification of funding for implementation.

Proposals for the introduction of pay and display parking controls in Preston Road (and adjacent side roads) and Bridge Road (and an adjacent side road) were subsequently developed and have been the subject of consultation.

There have been a significant number of objections (including 4 petitions) to the proposals. These are not considered minor or vexatious and need to be properly considered by the Committee before a decision on whether or not to implement the proposals is made.

This report outlines the representations received in relation to the consultation, including the statutory consultation in association with the Traffic Order process.

The report considers those representations in the context of the original proposals and recommends that the Committee approves implementation of the proposals.

## 2.0 Recommendations

- 2.1 That, having given proper consideration of the matters raised by way of objections and representations summarised in Section 6 and Appendices 2 and 3 and discussed in detail within the report, and in the context of the policy and other reasons set out in the report and the Equality Analysis, the Committee approves the introduction of schemes of pay and display parking in Preston Road and Bridge Road (and adjacent side roads), as described in this report.
- 2.2 That the Committee notes that it is proposed to undertake a review of the operation of the scheme(s) no later than 12 months after their implementation and present the outcomes of that review to the Committee upon completion of that review
- 2.3 That the Committee instructs the Head of Transportation to give priority to working with the lead member, ward members, and others representing local residents and businesses, to (i) identifying and introducing measures to improve awareness and use of the Preston Road car park and (ii) to explore opportunities to pilot a charging regime in that car park that would further increase use of the car park and the vitality of businesses in Preston Road and could be considered for introduction in all town centre car parks.

## 3.0 Background - General

On 13<sup>th</sup> December 2010, in a report on fees and charges, the Executive Committee agreed proposals to “review anomalies for charging for on-street parking spaces on Bridge Road (Wembley), Preston Road and on the Park Royal Industrial Estate”.

On 23<sup>rd</sup> March 2011 the Highways Committee considered a report on the standardising of arrangements for short-term (controlled) on-street parking in the context of the earlier Executive Committee decision. That report considered issues relating to free short parking at locations where it is controlled. The Committee were advised that Preston Road and Bridge Road had been identified as areas where pay and display parking could be introduced so as to address those issues as part of an on-going programme. The Committee was advised that roads in Park Royal were fundamentally different from those such as Preston Road and Bridge Road and that a review of arrangements for those roads would be undertaken and reported at a later date.

The Committee delegated approval to the Head of Transportation to implement pay and display parking controls at identified sites subject to appropriate consultation arrangements being followed and the identification of funding for implementation.

The Committee were advised that residents and businesses in the immediate vicinity of the proposals would be notified of the proposals and invited to make

representations as part of the statutory consultation associated with the necessary amendments to Traffic Orders. This would be a departure from the usual arrangements for consulting on larger parking control proposals. Proposals for both Preston Road and Bridge Road were developed. Residents, businesses and statutory consultees were consulted on the proposals during June.

### **3.1 Existing arrangements & background – Bridge Road**

Bridge Road is a classified “A” road outside of a controlled parking zone (CPZ). The section of Bridge Road between Wembley Park station and its’ junction with Forty Lane has the Ark Academy on the western side and a number of businesses (predominantly retail) on the eastern side.

Extensive (yellow line) parking controls exist within the residential (Chalkhill Road) area to the east of Bridge Road. There are no significant parking controls within the residential (Barn Hill) area to the north of Bridge Road.

Bridge Road is within the Wembley Protective Parking Scheme area. There is a bus lane and “at any time” parking restrictions on the western side of Bridge Road. Along the eastern side of Bridge Road there are 3 parking bays within which parking is permitted free of charge Monday to Saturday between 9.30 am and 4.30pm for a maximum of 2 hours. Parking is not permitted during peak hours. There are no restrictions overnight (between 6.30pm and 8am) and on Sundays, except when the Event Day restrictions are in force. There are 2 parking bays in Chalkhill Road close to the junction with Bridge Road where similar restrictions apply. “At any time” double yellow lines are in place between the parking bays in Bridge Road and at junctions. Single yellow lines exist between and opposite the parking bays in Chalkhill Road.

The parking controls have been in place for a number of years. In 2009 residents were consulted on proposals to convert the free parking bays to pay & display bays so as to increase turnover. The majority of respondents to the consultation rejected the proposals and Committee decided not to implement them.

### **3.2 Existing arrangements & background – Preston Road**

Preston Road is an unclassified road outside of a CPZ and is a local shopping area. The section of Preston Road between Carlton Road East and The Avenue is predominantly fronted by businesses (generally retail) with residential premises above. There are yellow line controls to the north and south of this section. There are no significant parking controls in the residential areas to the east and west of Preston Road. There is a (Council operated pay and display) public car park off Preston Way on the western side of Preston Road.

Preston Road is within the Wembley Protective Parking Scheme area. Along both side of Preston Road are (11) parking bays within which parking is permitted free of charge for up to 1 hour (subject to no return within 2 hours) from Monday to Saturday between 8am and 6.30pm. Overnight (6.30pm to

8am) and on Sundays there are no controls. There are (9) similar bays in side roads off of Preston Road close to the junction(s) with Preston Road. There are single and double yellow parking controls, crossing zig-zag controls and bus stop controls between the parking bays.

The current arrangements in Preston Road have been in place since an extension of a smaller, central area, of free parking controls was approved by Highways Committee in March 2006. The decision to expand the extent of free parking bays was informed by a parking survey which illustrated that the original bays were well used and motorists generally complied with the one hour requirement whilst the area with no bays had a lower turnover of space with a longer stay duration. When making their decision the Committee were advised that short term free parking bays are resource intensive in terms of enforcement and that enforcement resource would continue to be prioritised within CPZs.

The Preston Road car park is poorly used. For a short period in 2010/11 the charges for the car park were reduced to below the standard charge rates in other car parks. In April this year charges in the car park were changed to be consistent with all Council public car parks.

#### **4.0 Proposals**

In March 2011 the Committee were advised that there were issues in relation to free short term parking in areas where parking controls exist. The issues were that:

- (i) They (free short term bays) represent an inconsistency since motorists parking in those bays do so free of charge whilst they would be charged at generally similar locations elsewhere (outside and within CPZs).
- (ii) They could be argued as being contrary to the Council's general policy of encouraging the use of more sustainable transport modes and discouraging non-essential car journeys
- (iii) In that they are resource intensive to properly enforce. there is generally a low level of compliance with the one hour maximum stay and hence their purpose is undermined.

Proposals to address these issues by introducing pay and display controls in both Preston Road and Bridge Road and side roads where free short term parking bays exist were developed. If introduced, motorists would have to pay to park in these bays from Monday to Saturday between 8am and 6.30pm in Preston Road and side roads and from Monday to Saturday between 9.30am and 4.30pm in Bridge Road and side road.

The maximum stay period in Preston Road would be 2 hours. All other parking controls (yellow lines) and the Event day arrangements would remain unchanged.

## **5.0 Consultation**

Consistent with the arrangements approved by Highways Committee, consultation on the proposals took place in June 2011. Statutory consultation on the necessary Traffic Orders took place in the normal way with the proposals advertised in the local press, London Gazette and sent to statutory consultees. At the same time, all residents and businesses in the immediate vicinity of the roads where controls were proposed to change were notified of the proposals by letter and invited to make representations.

A meeting, organised by the QARA Group of Associations was attended by officers during the consultation period and at the organisers request to support understanding of the proposals.

Approximately 30 representations were received outside, and prior to the start, of the consultation period. In the main these were received in advance and shortly after the Committees decision to approve consultation in March 2011. Those objections have not been captured here although the sense of those objections is covered by others. It is anticipated that those objectors would have repeated their objections in later correspondence or by signing one of the petitions.

The consultation materials are shown at Appendix 1.

## **6.0 Responses to of the consultation**

A total of 43 written responses to the proposals have been received. These are tabulated and summarised in Appendix 2.

Aside from one response all the responses opposed the proposals.

Of the responses 35 (85%) related solely to the proposals for Preston, 5 (11%) related to solely to the Bridge Road proposals whilst 3 (4%) covered both proposals.

32 (75%) of the responses came from residents with 6 (14%) coming from businesses and 5 (12%) coming from ward members.

Four (4) petitions were received. These have all been verified by Democratic Services. Details of the petitions are shown at Appendix 3. All of the petitions were signed by residents and others opposed to the proposals. A total of 2182 signatures are contained within the 4 petitions.

No objections were received from the statutory consultees (the emergency services etc).

## **6.0 Consideration of objections / representations**

The following section of the report considers the objections / representations received in response to the consultation. Every objection / representation received (as summarised in Appendices 2 and 3) has been considered in the

drafting of this report. There are a number of recurring themes in the objections. For practical reasons this section discusses those recurring themes only.

The recurring grounds for objection are:

- The proposals will adversely impact on residents using the local shops, reducing patronage and, in turn, adversely impact on the viability of the businesses/shopping areas (which is contrary to the Council's wider policies and strategies)
- The existing arrangements are working well and there is no justification for change
- The consultation arrangements were flawed
- The proposals will adversely impact on residents living within the area affected by the controls
- The proposals will displace parking onto adjacent residential streets without controls and adversely impact on the amenity of residents there
- The rationale for introducing the proposals is flawed and the objectives will not be achieved
- The financial business case is flawed – in particular the impact on lost business rates has not been considered
- The pay & display charges proposed are exorbitant
- The proposals will adversely impact on older people needing to access services in the 2 areas, rely on use of a car, and have limited disposable income.
- The proposals are (wholly) finance driven

Considering each issue in turn

***“The proposals will adversely impact on residents using the local shops, reducing patronage and, in turn, adversely impact on the viability of the businesses/shopping areas (which is contrary to the Council's wider policies and strategies)”***

The proposals will clearly impact those residents who currently use or work in the businesses in Preston Road and Bridge Road and currently drive to park there. Those residents will have to decide whether to drive and pay, drive and park nearby or in the car park, visit the area using a different mode of transport or to use facilities/shops elsewhere.

No surveys have been undertaken to measure the origins, purpose or normal duration of visitors to these locations and therefore it is not possible to predict the precise impact of the proposals. It is the case that it is not normal practise to undertake such surveys and no "patronage" surveys were undertaken at either location when the controls at each location were implemented.

In the absence of detailed surveys it is assumed that most users of the businesses at the 2 locations either live within a reasonably close proximity or are "passing through".

The introduction of pay and display controls will allow motorists to pay to stay (legally) beyond the current maximum time periods which will allow visitors to park close to facilities which usually require a longer stay time or where there is uncertainty about the stay time. This would support certain trips.

Similarly the introduction of pay and display controls leads to more effective enforcement (assuming the level of resources does not change) which in turn improves compliance and increases "churn". This is likely to increase patronage as potential visitors perceive the areas as easier to find a space to park. At the current time, spot surveys indicate a generally low level of available parking space at both locations' when the existing controls are operational.

The existence of the car park at Preston Road offers visitors the opportunity to park reasonably close to the shopping area at lower rates than the pay and display charges proposed.

The cost and availability of parking spaces does generally impact on decisions on how, when and where to access facilities. However there are many other drivers that also impact on the viability and vitality of shopping parades (operational costs, the retail mix/offer, proximity of competition, quality of the public realm etc). Officers are of the view that there is no definitive evidence that the proposals will have a significant detrimental impact on patronage which would in turn adversely impact on the viability and vitality of businesses at these locations.

The Council's wider strategies and policies, including the (draft) Local Implementation Plan which is the subject of a report elsewhere on the agenda and the Council's current Parking Enforcement Plan are not specific in relation to the form and nature of controls to be employed at any particular location and do not compliment or run contrary to the proposals.

***"The existing arrangements are working well and there is no justification for change"***

There are 3 issues which the proposals are intended to address:

The first is that the existing arrangements are inconsistent with other areas. Regardless of how the arrangements are perceived as working, it is evident that the arrangements are inconsistent with that elsewhere (inside and outside CPZs) and hence is a reason for change.

The second is that the arrangements could be argued as contrary to the Council's policy of encouraging the use of more sustainable transport means. In is the case that the arrangements do discourage long stay commuter parking in both areas. However the existence of free short term parking bays little to encourage potential visitors to travel to the area by foot or cycle (where it is practicable to do so). The introduction of the proposals would encourage a proportion of visitors to examine alternative travel choices.

The third issue is that of compliance with the maximum stay period. It is the case that pay and display controls are less resource intensive to enforce than the existing arrangements. There are indications that compliance could be improved at both locations which would improve "churn" which frequently supports trade. The introduction of a longer maximum stay period encourages visits from compliant motorists seeking to use certain types of facilities.

***"The consultation arrangements were flawed"***

The consultation arrangements were consistent with those agreed by the Highways Committee at the meeting on 23<sup>rd</sup> March 2010. The arrangements comply with legislation in relation to the introduction of parking controls. Those residents and businesses in the immediate vicinity of the proposals were alerted to the proposals by letter drop in addition to the statutory press and street notices. It would not be practicable or necessarily appropriate to directly alert every potential visitor to the two locations of the proposals.

Notwithstanding the arrangements made, the number and source of the responses received indicates a relatively high level of awareness of the proposals and how to respond. Officers are of the view that the consultation arrangements were appropriate and adequate and will have enabled the Committee to consider pertinent and relevant issues and make an informed decision.

***"The proposals will adversely impact on residents living within the area affected by the controls"***

No analysis of car ownership levels of residents within the areas where controls are proposed has been undertaken. Nevertheless it is recognised that the proposals could impact on those vehicle owning residents who live within the two locations and seek to park close to their homes in two main ways:

Firstly, they will have to pay for short term parking whereas they previously would not have had to. This is the case but has to be balanced by the opportunity to pay and park for longer periods and by the increase in opportunities to park that should be result from increased churn.

Secondly, there is the risk that the proposals will displace parking into adjacent residential streets and limit parking choices for those residents who live within the areas where pay and display is to be introduced and seek to park elsewhere (when the controls are in operation). There is no certainty that this will be the case since it will depend on the choices other users/visitors make. Generally residents and visitors seek parking space at different times of



the day and this ameliorates the impact of displaced parking although not generally on Saturdays.

***“The proposals will displace parking onto adjacent residential streets without controls and adversely impact on the amenity of residents there”***

Again it is difficult to assess the degree to which parking will be displaced into adjacent areas since it will depend on a number of factors that current influence visitors/users and the choices they would make if the proposals are introduced.

In the case of Bridge Road displacement this is unlikely to be a significant issue since there are parking controls to the east of Bridge Road and the nearest uncontrolled areas (around Barn Hill) are unlikely to be attractive alternatives.

There are no significant controls in the residential roads adjacent to Preston Road. There is evidence of relatively high levels of commuter parking in roads or parts of roads closest to the station and shopping area at the current time. However a recent consultation undertaken to ascertain the level of local support to address this through introduction of a CPZ showed a lack of consensus for the introduction of CPZ controls.

Again it is difficult to determine to what extent parking will be displaced. In the main commuter parking in adjacent roads starts before there is greatest demand for parking space to visit shopping areas. There is likely to be a degree of additional displacement which will in turn increase the difficulty that some residents may have parking in close proximity to their homes. This is likely to be ameliorated to a degree by a “spreading” of any displacement over a relatively large area. Where displacement might cause significant local congestion or seriously compromise road safety it will be possible to introduce short lengths of parking controls (ie at corners) to address this.

The Committee will be aware that there are currently no resources to re-visit the possibility of introducing a CPZ in this area.

The degree to which the introduction of pay and display controls is seen as acceptable by visitors and encourages churn and to which visitors use the public car park will impact on the extent of any displacement onto adjacent roads and hence on the extent of loss of amenity for residents there. On balance, officers’ view is that the extent of displacement is unlikely to significantly increase parking stress over a large area.

***“The rationale for introducing the proposals is flawed and the objectives will not be achieved”***

The rationale for introducing the proposals was to (i) eliminate the inconsistency whereby free short term parking is allowed in some areas and not in other similar areas (ii) to reinforce the wider approach in relation to the use of sustainable transport modes and (iii) to address the issue of likely lower levels of compliance and encourage “churn”.

There is an argument that inconsistency in unnecessary and that the Council should introduce different parking regimes that are particularly sensitive to the nature and needs of particular locations. Whilst there are inconsistencies in schemes and regimes (for example there are CPZs in some areas and not others and different CPZs have different operating times) it is the case that the Council has consistency in parking charges across the Borough and is moving to a more consistent rationale behind the introduction of controls. In making earlier decision's the Executive and then the Highways Committee would have been mindful of the rationale behind the proposals (as regards the issue of consistency) and would have made an informed decision.

A different approach could have been to move to consistency by introducing free short parking in similar locations. Notwithstanding the complexity of such an approach (and the resource implications it would need) the impact of such an approach is considered contrary to the Council's wider strategy of encouraging more sustainable transport modes and making an appropriate allocation of kerbside parking space.

The issue of encouraging use of more sustainable transport modes has been discussed earlier. The use of parking controls and pricing regimes is part of a wider strategy to discourage non-essential car use and is considered a reasonable driver for the proposals.

Similarly there is no evidence to suggest that the introduction of pay and display controls to improve compliance without deploying additional enforcement resources is irrational.

***“The financial business case is flawed – in particular the impact on lost business rates has not been considered”***

The financial business case was set out in the report to Highways Committee on 23<sup>rd</sup> March and is re-stated in this report. The costs and income shown are based on officers best estimates based on information from comparable projects. In particular a prudent reasonable estimate of bay usage has been taken.

The business case does not take account of the financial implications beyond those directly associated with the proposal. It is not normal practice to take account of issues such as collection of business rates or other taxes.do otherwise – particularly since there are many external factors that will impact on the viability and vitality of a location in addition to the availability and price of parking space.

***“The pay & display charges proposed are exorbitant”***

The Council has a policy of charging the same rates for parking in pay and display bays irrespective of where those bays are located. Consistent with this approach the standard regime of charges would be introduced at these locations.

The Council reviewed and revised its regime of charges in April 2011. That review included a comparison of the charges made by other Councils in London. When making the decision to amend the charges the Executive would have considered the proposed new charges in the context of transport and other policies, the financial situation, the impact of revising them and comparative charges elsewhere. In making their decision the Executive would not have been of the view that the charges are exorbitant.

***“The proposals will adversely impact on older people needing to access services in the 2 areas, rely on use of a car, and have limited disposable income”.***

The proposals have been subject to an equalities analysis to determine whether they would significantly disproportionately impact on older people. The analysis demonstrates that this is not the case.

***“The proposals are (wholly) finance driven”***

The report to Highways Committee outlined the 3 main issues associated with free short term parking arrangements in the Borough and discussed how the proposals would address those issues. The report did not propose the introduction of the controls to increase revenue. The financial implications were set out in the report and demonstrate that their introduction would generate additional income. In making decisions the Committee must be mindful of the financial implications. It is not unlawful to generate a surplus from parking activity provided that surplus is invested in transport related activity. Although the proposals will generate additional income officers are of the view it is erroneous to say they are finance driven.

## **7.0 Financial Implications**

The cost of implementing the proposals is estimated to be £50.0k exclusive of staffing costs (which can be met from the (Transportation) revenue budget). There will be additional operational costs of c£8k pa.

Income from the introduction of controlled parking at these locations is estimated to be £196k per annum.

The annual cost of the machines and signage over the normal operational is estimated to be £9k per annum which could be met from the projected estimated additional income stream leaving a projected net income of £179k per annum.

There is a satisfactory business case for introduction of the proposals as a self-funded scheme.

The Parking Revenue Account contains provision for an estimated additional income of £284k during the current 2011/12 financial year from additional parking controls. The income associated with these proposals will contribute to that provision.

## **8.0 Legal Implications**

The introduction of parking controls, including the introduction of “pay and display” controls, requires the making of a traffic regulation order under the Traffic Regulations Act 1984. The procedures to be adopted for making the actual Orders and any amendments thereto are set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996.

The procedures require a period of statutory consultation, which means the authority, must properly consider any comments and objections to the scheme(s). If it fails to do this the implementation of the scheme would be unlawful and it would be impossible to enforce. If the process is not carried out properly the decision could be challenged by way of judicial review with the same result.

Members have authorised the Head of Transportation to commence the statutory process and to consider and reject objections if he thinks they are minor or vexatious. In this instance objections have been received that the Head of Transportation thinks are other than minor or vexatious. Consequently this report has been presented in order that the Committee shall properly consider the objections and decide whether or not to approve the making of the Traffic Orders and implementation of the scheme(s).

## **9.0 Diversity implications**

An equalities analysis has been undertaken and is shown at Appendix 4. The Committee are under a duty to give consideration to that analysis when considering this report and making a decision

## **10.0 Staffing & other implications**

No significant implications

### **Summary**

The proposals have generated a number of objections. Although only 42 objections were received, the number and size of petitions received indicates a wider interest and resistance to the proposals.

Within this report the content of the objections has been identified in summary in Appendix 2 and the petitions have been summarised at Appendix 3.

Within the report particular consideration has been given to the recurring themes although every issue has been captured within the report.

In deciding whether to implement the proposals proper consideration must be given to the representations, both in summary and in detail, to the original objectives behind the proposals, to the financial and legal implications and to the Equalities analysis.

Having given that proper consideration the Committee are recommended to approve implementation of the proposals at both locations.

The responses to the consultation have identified that an opportunity exists to encourage use of the Preston Road car park, in a way that is not contrary to the Council's wider strategy on sustainable use, so as to address a number of concerns in relation to the vitality and viability of Preston Road as a local centre. It is recommended that officers work with representatives of the local community on measures to increase awareness and use of the car park and to explore opportunities to adopt a pilot charging regime in the car park that could further support activity in Preston Road and could be considered for introduction in all town centre car parks.

### **Background papers**

- Report to Highways Committee 22<sup>nd</sup> March 2006 – Preston Road Area Parking
- Report to Highways Committee (July 2009) – CPZ work programme (Bridge Road)
- Report to Executive Committee 14<sup>th</sup> December 2010 – fees & charges report
- Report to Highways Committee 23<sup>rd</sup> March 2011 – Standardisation of arrangements for short term controlled on street parking.
- Brent Council Local Implementation Plan (2006-11)
- Brent Council Parking Enforcement Plan (2006-11)

### **Appendices**

Appendix 1: Consultation materials (letter and area of implementation)

Appendix 2: List of objections received

Appendix 3: details of petitions received

Appendix 4: Equalities Analysis

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