

EASTLEIGH LOCAL AREA COMMITTEE

Tuesday, 8 June 2021

TRAFFIC REGULATION ORDER,

VARIOUS ROADS, EASTLEIGH

Report of the Traffic and Engineering Team

Recommendations

It is recommended that

- (1) Waiting and parking restrictions are introduced as advertised on the following roads:

Allbrook Hill, Stoneham Lane, Grantham Road, Arnold Road, Mansbridge Road;**
- (2) A decision on introducing restrictions on Crestwood View is deferred until further engagement with residents and the Waste and Recycling Service has taken place;**
- (3) An amendment is made to the provisions of the Borough of Eastleigh (Eastleigh Town Centre) Order 2013 (as amended) such that up to six Disabled Person's Parking bays can be introduced as required in the following roads: Albert Road, Barrington Close, Beaulieu Road, Blenheim Road, Browsholme Close, Chestnut Avenue, Consort Road, Cox Row, Curlew Square, Devon Drive, Drum Road, Essex Green, Falcon Square, Falkland Road, Great Farm Road, Greenfinch Close, Haddon Drive, High Street, Kent Road, Launceston Drive, Leigh Road, Lewes Close, Linnet Square, Magpie Lane, Market Street, Maypole Villas, Mottisfont Road, Nightingale Avenue, Oxburgh Close, St John's Road, Selborne Drive, Somerset Crescent, Sparrow Square, Surrey Road, Sussex Road, Swift Close, The Quadrangle, Twyford Road, Victoria Road, Wells Place, Westfield Crescent, Westfield Road, Whyteways, Wiltshire Road, Woodpecker Way;**
- (4) An amendment is made to the provisions of the Borough of Eastleigh (Eastleigh Town Centre) Order 2013 (as amended) such that up to twelve Disabled Person's Parking bays can be introduced as required in the following roads: Belmont Road, Cornwall Road;**
- (5) An amendment is made to the Borough of Eastleigh (Arnold Road area) (Residents parking places and Prohibition and Restriction of Waiting) (Disabled Persons Parking places) (Fourth zone) (controlled zone) Order 2004 (as amended) to update the descriptions of waiting and parking restrictions on Cheriton Road to reflect the current property numbers (no physical**

restrictions will be amended)

- (6) The proposals to introduce time-limited parking places on Nursery Gardens and Chestnut Close, and “no waiting” restrictions on Chestnut Close are withdrawn;
- (7) The proposals to revoke “prohibition of motor vehicles except for access” restrictions on Chestnut Close, Red Lodge, Nursery Gardens, the Croft and The Oaklands are deferred, pending further monitoring by the Traffic and Engineering Team.

Summary

A proposal to introduce waiting and parking restrictions in various roads in Eastleigh was advertised on 12 February 2021. Representations were received both in support of and objection to the restrictions. This report summarises the comments received and recommends how to proceed.

Statutory Powers

Road Traffic Regulation Act 1984; Traffic Management Act 2004.

Legal Agreements

Agency Agreement between Hampshire County Council and Eastleigh Borough Council dated 10 September 2019

Strategic Implications

1. Creating an Excellent Environment for All by managing roadspace and removing obstructive and inconsiderate parking

Introduction

2. Various roads in the Local Area have been investigated in response to reported problems such as obstructive or inconsiderate parking. Site investigations were undertaken to assess the issues being experienced by road users, and to decide on appropriate measures to mitigate the issues.
3. This report details the comments received during the public consultation period. The Committee is asked to consider the comments received, before making a decision to introduce, amend (within legal tolerance) or withdraw the Traffic Regulation Order.

Detail

4. Consultation was undertaken by means of a Public Notice on the Eastleigh Borough Council (EBC) website, published in the Hampshire Independent newspaper, and posted on street furniture in the vicinity of the proposed restrictions. The Public Notice was also posted to properties directly affected by the proposals. Plans showing the proposed restrictions are shown in Appendix 1, along with amendments recommended in the light of comments or objections received.
5. 44 representations were received. Eighteen of these representations were objections relating to the proposal to introduce up to six Disabled Person's Parking Bays (twelve in Cornwall Road and Belmont Road) as required in various roads within the Local Area.
6. The objections for each site are summarised below, along with the Engineer's response. The full (redacted) text of the representations can be found in Appendix 2
7. **Allbrook Hill**

Comment	Engineer's response
<p>One objection was received from a resident of Allbrook Hill who would like to have permission to wait outside her property on the occasions she has to unload shopping or other items from her small car. She is elderly as are her neighbours, who may have the same problem.</p> <p>Stagecoach Bus company supports the proposal, saying as a bus company serving this road we are in favour of any additional no parking zones which will make progress of buses through this area easier for our drivers.</p>	<p>There is an exemption for loading and unloading on "no waiting" restrictions, which should satisfy the residents' requirements. Apart from this occasional use, the part of the road in question should be kept clear of parked vehicles to allow pedestrian access to properties higher up the bank, and for eastbound vehicles to queue in advance of the "Give Way" at the traffic island at this location. It is recommended therefore that this restriction is implemented as advertised.</p>

8. **Crestwood View**

Comment	Engineer's response
<p>Fourteen objections were received, along with one comment in support of the proposal. The objections are mainly from residents who own more vehicles than they can accommodate in the off-street parking provided with</p>	<p>EBC has received complaints over the years about vehicles, particularly larger vehicles such as Refuse Collection Vehicles (RCVs) and delivery trucks, being unable to gain access due to obstructive parking.</p>

<p>the property. Two of the comments were from addresses outside the borough.</p> <p>Residents who rely on being able to park on the road state that they will have nowhere else to park if these restrictions are introduced, and that the parking that occurs at the moment does not obstruct the passage of vehicles.</p> <p>Some residents feel that Eastleigh Borough Council (EBC) should take some responsibility for permitting a such a poorly designed development.</p> <p>One resident has asked if EBC will build a parking area nearby, another has asked for a permit scheme.</p> <p>Other residents have requested that restrictions are introduced during the daytime only, which would allow residents to park more vehicles on street overnight when there is greater demand.</p> <p>One resident, whilst not objecting to the proposal, is concerned that the restrictions would encourage residents to park inconsiderately in the private parking courts and cause conflicts between residents. She is not confident that the management company would be able to resolve such matters.</p> <p>There is one comment in support of the proposals, saying that this is a well thought out plan, being a compromise on the number of much needed parking spots and access to the under arch car parks.</p>	<p>The majority of properties on Crestwood View are provided with one parking place per property (the larger properties are provided with two - a garage and driveway), There is also a small number of off-street visitor parking bays, which are usually occupied by residents' vehicles. This parking provision reflects planning guidance at the time the development was built; a maximum number of parking places was permitted, in order to encourage more sustainable ways of travel than the private car. Many of the residents own two or more vehicles; the additional vehicles are parked on both sides of the road, partially or wholly on the footways.</p> <p>Residents should be aware that the primary purpose of the highway is for the passing and repassing of traffic, and should consider their parking requirements before they purchase the property. Whilst parking at the kerbside is generally permitted provided that this allows the unobstructed passage of traffic, the highway must remain available for its primary purpose.</p> <p>Permit parking schemes are intended to protect kerbside parking for residents (where the majority have no access to off-street parking places) in areas where this would otherwise be taken up by non-residents. The on-street parking that takes place in Crestwood View is by residents' cars, and the estate is designed in such a way that there are very few parts of the highway which are suitable for parking without causing obstruction. Furthermore, a Permit Parking scheme would be unviable under the highway authority's criteria for a single street.</p> <p>A daytime restriction would resolve the problems experienced by the</p>
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	<p>RCVs; however, deliveries by courier often take place late into the evening and emergency vehicles may need access at any time.</p> <p>Given the level of objections, it is recommended the restriction is not implemented at this time, and that EBC further engages with residents and the Waste and Recycling service to ascertain if more acceptable measures can be identified.</p>
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9. **Chestnut Close, Nursery Gardens/Red Lodge/The Croft/The Oaklands**

Comment	Engineer's response
<p>Nine objections were received from residents of Chestnut Close, along with a petition signed by 45 residents of Nursery Gardens/The Croft/The Oaklands. Their objections are that the current "prohibition of motor vehicles except for access" (POD) restriction is in place to protect the on-street parking space for residents and their visitors, and it is illegal for cars not visiting a property to park in the road.</p> <p>The objectors feel that the proposed time-limited parking place will not help them, and that commuters will continue to park in their roads.</p> <p>Some objectors have asked for a waiting restriction for one or two hours during the working day (e.g. Monday – Friday 10-11am) to be introduced.</p> <p>Some of the objectors have stated that many of the residents are elderly and rely on visits from carers.</p> <p>Other objectors have requested that a permit parking scheme be introduced.</p> <p>One resident of Nursery Gardens</p>	<p>The reason for the proposed time limited parking bay was to address comments from residents that their visitors were often unable to park in Chestnut Close during the working day. The proposed parking bay would provide short stay parking for residents' visitors (including carers) during the working day.</p> <p>The objections received indicate that residents are unhappy about non-residents parking in their road, but the level of non-resident parking is not so great that they or their visitors are unable to find kerbside parking space during the working day. Measures to reduce parking by commuters could be considered as part of a more comprehensive review of travel to work in the southern part of Eastleigh and Chandlers Ford. However, introducing restrictions aimed at removing commuter parking from residential roads in a piecemeal fashion simply displaces the cars to other nearby roads and eventually this parking is concentrated into a few roads, where it may cause a genuine problem for residents who rely on being able to park at the kerbside.</p>

objects to the location of the proposed parking bay because it would obstruct two-way traffic and obscure visibility at the junction of The Oaklands and Nursery Gardens; he suggests that a parking bay could be located further into Nursery Gardens.

One resident of Nursery Gardens is in support of the proposals.

Introduction of a waiting restriction for one or two hours during the working day would require a new TRO to be proposed; this is outside the scope of this report. However, it is worth noting that the restriction would apply equally to residents as other vehicles, and may impact on essential visits by carers.

Permit parking schemes are intended to protect kerbside parking for residents (where the majority have no access to off-street parking places) in areas where this would otherwise be taken up by non-residents. The majority of properties within Chestnut Close/Nursery Gardens/The Croft/The Oaklands have at least one off-street parking place. Any permit scheme would therefore largely benefit residents' visitors rather than the residents themselves. The current policy around funding is that Permit Parking schemes should be self-funding, and it is unlikely that a scheme would be viable for these roads.

Given the level of objection, the recommendation is to not introduce proposed parking bays and waiting restrictions in Nursery Gardens and Chestnut Close at this time.

Proposals for alternative waiting or parking restrictions are outside the scope of this report.

The current "prohibition of motor vehicles except for access" (POD) restriction permits vehicles requiring access to premises to proceed along Chestnut Close. That Article could be interpreted that vehicles may drive into or out of premises on the roads in question, but not park on those roads. Others may interpret the Article differently, and this would need to be tested in court. However, if this interpretation does hold true,

	<p>introducing any parking place would be a contradiction to the POD Order, hence one of the reasons for proposing its revocation.</p> <p>Furthermore, some of the objectors have asserted that they or their visitors wish to park at the kerbside from time to time.</p> <p>Recent advice from the Roads Policing Unit is that a “Prohibition of Driving” TRO is not an appropriate way of preventing non-resident parking. A driver who contravenes a prohibition of driving order commits a moving traffic offence. Police enforcement of moving traffic offences can only be made via a Constable in Uniform. Enforcement of POD Orders best evidence requires the Constable to see a vehicle drive through the regulatory signs, stop the vehicle at the time and speak to the driver to establish the driver has not entered the area covered lawfully. A Constable should not issue a fixed penalty unless those evidential requirements are proved.</p> <p>Demands for Police enforcement of road traffic regulations continues to be extremely high along with many other competing demands for all areas of Police activity. Consequently, Police are required to prioritise their limited resources to meet the those demands. Directed Police enforcement of road traffic laws primarily focuses upon efforts to reduce road casualties and protect the community. Enforcement of some moving traffic offences such as PODs will only occur via general patrol activities of uniformed Constables. Nowadays the Police will object to POD Orders which are proposed to deter non-resident parking. Parking concerns are best addressed via decriminalised local</p>
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	<p>traffic regulations which can be enforced by Civil Enforcement Officers (CEOs). Enforcement of those orders does not require a CEO to witness a vehicle park in contravention of the restrictions or speak to the driver.</p> <p>Advice in the Department for Transport Traffic Signs Manual Chapter 3 (Regulatory signs) clearly indicates that the purpose of a POD restriction is to remove unwanted <u>traffic</u> (i.e. moving vehicles) from a street, for example for environmental or traffic management reasons, not to prevent parking. Clearly in a cul-de-sac, there can be no through traffic, hence a POD restriction is inappropriate for this situation.</p> <p>It is recommended, given the objections from residents, that the POD restriction is not revoked at this time. However, Members should be mindful that the continued presence of the POD restriction raises unrealistic expectations that enforcement will take place, and risks bringing this type of restriction into disrepute through inappropriate use.</p>
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10. **Stoneham Lane**

Comment	Engineer's response
<p>The Rector of St Nicolas Church is largely in support of the proposed "no waiting at any time" restriction on Stoneham Lane, but objects to the blanket restriction which would impact on the Lych Gate being used for weddings and funerals, as is traditional.</p> <p>BlueStar bus company supports the proposed restriction, as it will greatly improve journey time reliability because buses will not have to</p>	<p>There is a general exemption from waiting restrictions for loading and unloading. Additionally, cars being used in connection with weddings and funerals are generally exempted from waiting restrictions; this exemption will be included in the TRO when it is made. The Rector has been made aware of this and has withdrawn her objection.</p>

negotiate parked vehicles on this section of highway and will also go towards general journey time savings as part of the transforming cities project for this route.	
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11. **Disabled bays (various roads)**

Comment	Engineer's response
Nineteen comments were received objecting to the imposition of up to six Disabled Persons' Parking bays on their roads (or up to twelve Disabled Persons' Parking Bays on Belmont Road and Cornwall Road)	There are no current proposals within this scheme to install any new Disabled Persons' Parking Bays (DPBs). The proposal in question is to amend the existing TRO in such a way so as to enable the Council to install up to six DPBs (twelve in Belmont Road and Cornwall Road) in a road, as required for disabled residents, subject to their application meeting strict criteria, without having to go through a TRO process each time. This would make the process of installing and removing DPBs much quicker and more flexible. Residents directly affected by proposed DPBs would still be consulted as they have been in the past. It is recommended that the committee approves this proposal as advertised.

12. No representations were received in respect of proposed restrictions in Grantham Road and Arnold Road/Mansbridge Road. Therefore it is recommended that the committee approves these proposals.

Financial Implications

13. The costs of the TRO and associated road markings are funded from the core TRO Programme budget as part of the "Various roads" allocations, at a cost of approximately £4,000.

Risk Assessment

14. If the proposals in Allbrook Hill, Arnold Road, Grantham Road and Stoneham Lane are not implemented, it is likely that the issues associated with obstructive parking would continue. This also applies to Crestwood View, but it is recommended that EBC further engages with residents before a final decision on the proposals is made.

Equality and Diversity Implications

15. The Equality Act is relevant to the decision and an Equality Impact Assessment (EqIA) has been carried out and attached as Appendix 3 to the report. In summary the EqIA shows that:
- (a) There is a positive impact to disabled road users by increasing the speed and flexibility with which Disabled Persons' Parking Bays can be implemented or removed;
 - (b) There are positive impacts to road users by prohibiting waiting at junctions, which improves visibility between road users (including pedestrians) at potential conflict points;
 - (c) There are minor positive impacts for pedestrians, particularly wheelchair and pushchair users by prohibiting waiting at the kerbside, thereby discouraging drivers from obstructing footways, driveways and other accesses;
 - (d) There are minor negative impacts on residents who may now have to park further away from their homes.

16. Climate Change and Environmental Implications

The proposals should not increase Greenhouse Gas/CO₂, or damage ecology or the environment. There should be minor positive impacts by facilitating access for dustcarts, thereby reducing the need for repeat visits to roads where obstructive parking had occurred.

Conclusion

17. The proposals have due regard to the requirement of S122 of the Road Traffic Regulation Act, by securing the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on the highway. The proposed waiting restrictions attracted objections, comments and expressions of support. This report takes into consideration all the representations received and recommends that the committee approves the introduction of the restrictions as advertised, with the exception of the proposed waiting restriction and parking places and removal of the "prohibition of driving" in Chestnut Close and Nursery Gardens, and the proposed waiting restriction in Crestwood View, on which it is recommended the decision is deferred.

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Appendices Attached: 3

LOCAL GOVERNMENT ACT 1972 - SECTION 100D

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None
