

Delegated decision report

DECISION UNDER DELEGATED POWERS

DECISION CANNOT BE TAKEN BEFORE 6 AUGUST 2018

Title	THE ISLE OF WIGHT COUNCIL (VARIOUS STREETS, RYDE) (TRAFFIC REGULATION) ORDER NO 3. 2017 – HOPE ROAD, RYDE
Report of	THE CABINET MEMBER FOR INFRASTRUCTURE AND TRANSPORT

EXECUTIVE SUMMARY

1. The proposed introduction of the parking restrictions has come about as a result of a condition set during the Isle of Wight Council's planning process for a residential development of 80 dwellings with associated access roads.

The condition states that no development shall commence until a Traffic Regulation Order (TRO) relating to parking restrictions within Hope Road has been secured and implemented, so that the provision is made for a vehicle passing area between the junctions of Hope Road with Carter Road and Marlborough Road.

The proposals depict this requirement and the proposed restrictions to the west are actually across two driveways to minimise the loss of available on-street parking.

The outcome of the recommendation would be to agree to confirm the TRO which would allow the developer, subject to the discharge of any other pre-commencement conditions, to implement a planning consent which will deliver housing including the level of affordable homes required by the councils adopted local plan..

BACKGROUND

2. The Statutory Authority for Traffic Regulation Orders is contained within the Road Traffic Regulation Act 1984. Orders are progressed in accordance with the Local Authorities' Traffic Regulation Order (Procedure) (England and Wales) Regulations 1996. The Statutory Authority for signs and road markings are by virtue of the Traffic Signs Regulations and General Directions 2002.

An authority can implement a TRO under s1 of the Road Traffic Regulation Act for the following reasons:

- (a) For avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or;
- (b) For preventing damage to the road or to any building on or near the road, or;
- (c) Facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or;
- (d) For preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or;
- (e) (Without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or;
- (f) For preserving or improving the amenities of the area through which the road runs, or;
- (g) For any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).

Thorough consideration has been given to the factors set out in Section 122 of the Road Traffic Regulation Act 1984 in proposing these Traffic Orders. Section 122 requires the Local Authority to secure the expeditious, convenient and safe movement of traffic (including pedestrians) and the provision of adequate parking facilities. In carrying out this exercise the Council must have regard to the:

- a) Desirability of securing and maintaining reasonable access to premises.
- b) The effect on the amenities of any locality effected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads of heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the road(s) run.
- c) Any strategy prepared under Section 80 of the Environment Act 1995 (the 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.
- e) Any other matters appearing to the Local Authority to be relevant.

The scheme in its entirety has been considered in relation to Department for Transport (DfT) guidance notes.

The 1996 Regulations also set out the procedure to be adopted following publication of the proposed TROs and the approach the Council should adopt in considering the Orders.

Regulation 13 of the 1996 Regulations confirms that before making an order, the Traffic Authority shall consider all objections duly made to the TROs.

This report considers representations received with regard to the proposed no waiting at any time parking restrictions along Hope Road, Ryde, Isle of Wight.

The plan in Appendix 3 depicts the exact lengths.

To determine whether to confirm and introduce the proposed introduction of double yellow line parking restriction along Hope Road, Ryde – The Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No 3. 2017.

STRATEGIC CONTEXT

3. The proposal has arisen as an outcome of determining a planning application for residential development. A condition of the permission requires the measures to be implemented prior to any development starting on site. However there is the legal process involved in introducing the changes on the highway which requires this report to consider duly made objections. Assuming the report recommendation is approved it will allow the council to deliver new housing which is one of the strategic objectives of the Corporate Plan.

As such the decision would help support the following corporate priorities:

- Supporting growth in the economy, making the island a better place and keeping it safe

CONSULTATION

4. A public notice outlining the draft proposals, and inviting public comment, was published in the Isle of Wight County Press on 24th November 2017 and notices were displayed on-street for a period of 28 days. The closing date for representations was 22nd December 2017.

The restrictions proposed by these orders should be reasonable and should not go further than necessary to deal with the highway matters identified. The Local Authority is required to undertake a balancing exercise between the need to provide suitable parking facilities against the harm that may occur in highway safety terms or not making the orders.

The Local Authority must consider any objection that has not been withdrawn taking into account relevant representations, as above, when making the decision.

It is recognised that restrictions on road users may represent an interference with an individual's human rights under Article 8 (Right to respect for private and family life) and Article 1 of the first protocol (Peaceful enjoyment of property) of the European Convention on Human Rights. Any such interference is considered necessary and proportionate due to positive enhancement of such road safety for other users of the area.

48 (forty-eight) letters of representation have been received regarding the proposals. The consultation representations received are listed in Appendix 1 of this report. Appropriate personal information has been redacted.

The full analysis of the consultation responses received is attached as Appendix 2 of this report.

The proposed Traffic Order plan for the proposed parking restrictions is attached as Appendix 3 of this report.

FINANCIAL / BUDGET IMPLICATIONS

5. Should the decision be taken to confirm the TRO there will be costs associated with installing the Double Yellow Lines on site. These costs are being met by the developer of the residential development

LEGAL IMPLICATIONS

6. This report properly identifies that the relevant legislation applicable to the decision as to whether to make a Traffic Regulation Order is contained in section 1 of the Road Traffic Regulation Act 1984, accompanied by the procedure for doing so which is contained in the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996 (SI 1996/2489).
7. The procedure provides that notice of the Council's intention to make the TRO must be placed in a local newspaper at least 21 days before making the proposed TRO.
8. By virtue of regulation 16 of the 1996 Regulations the proposed TRO must be made within a period that commences on the day 21 days after publication of the proposals in the local newspaper and the date two years after the publication.
9. In exercising the functions under the Act the Council must have regard to its duty contained within section 122 of the Act.
10. Where the full impacts of a proposed development have been properly considered at the planning permission stage; there has been no change in material circumstances since the grant of the planning permission; and the proposals meet the Council's duty within Section 122 of the Act there is no reason to prevent the Council from determining to make the proposed TRO.
11. In order to determine whether or not to proceed with making the proposed TRO the Council will need to have regard to any objections that have been submitted relating to the TRO.

EQUALITY AND DIVERSITY

12. In the exercise of its functions, the Council must have due regard to the need to: -
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equalities Act 2010;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

13. The implications of all proposed TROs on diversity are taken into consideration when preparing the draft TRO. This particular TRO introduces very limited areas of parking restrictions in order to provide a safe route for vehicular users.

OPTIONS

14. Option 1: Not to approve the proposed restrictions that are subject to this report in relation to the Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No 3 2017.

Option 2: To approve the proposed restrictions that are subject to this report in relation to the Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No 3 2017.

Option 3: To approve the proposed restrictions that are subject to this report in relation to the Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No 3 2017, with amendment.

RISK MANAGEMENT

15. This proposed TRO relates to a valid planning permission that has been issued for a new residential development on adjoining land. A condition on the planning permission notice requires the completion of a TRO on part of Hope Road that is subject to this report. Should Option 1 be taken not to approve the order it would prevent the implementation of the development.

EVALUATION

16. This report recommends Option 2 which is to approve the proposed TRO without any changes. This option would ensure that there is no highway impediment to the implementation of the planning permission which would therefore be able to deliver 80 residential units including 35 % which would be affordable homes

Option 1 – which is not to approve the TRO would prevent the delivery of housing in this location.

Option 3 – is not considered to be appropriate as the extent of parking restrictions has been kept to an absolute minimum in order to have least impact upon residents in the locality.

RECOMMENDATION

- 17 Option 2: To approve the proposed restrictions that are subject to this report in relation to the Isle of Wight Council (Various Streets, Ryde) (Traffic Regulation) Order No 3 2017.

APPENDICES ATTACHED

[Appendix 1](#) – Summary of Consultation Responses

[Appendix 2](#) – Assessment of the Consultation Responses

[Appendix 3](#) – Proposed Content of Parking Restrictions

BACKGROUND PAPERS

[Minutes from Planning Committee dated 30 May 2017 which relate to Planning Application P/00760/16.](#)

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MRS WENDY PERERA
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COUNCILLOR IAN WARD
Cabinet Member for Infrastructure and Transport

Decision

Signed

Date
