

Bath & North East Somerset Council

DECISION MAKER:	Cllr Roger Symonds, Cabinet Member for Transport		
DECISION DATE:	On or after 14 th July 2012	EXECUTIVE FORWARD PLAN REFERENCE:	
		E	2377
TITLE:	Piccadilly Place Traffic Regulation Order		
WARD:	Walcot		
AN OPEN PUBLIC ITEM			
List of attachments to this report: Appendix 1 containing comments received during Public Consultation. Appendix 2 containing the map schedule of the proposed scheme for implementation as recommended.			

1 THE ISSUE

1.1 To consider the points raised during the public consultation of Traffic Regulation Order "(Piccadilly Place, Bath) (Prohibition of Waiting Order 201x" and decide whether to proceed with the proposed scheme.

2 RECOMMENDATION

The Cabinet member is asked to agree that:

2.1 The Cabinet Member is asked to agree that in regard to the proposals that the restrictions are implemented as advertised. Any potential funding requirements identified in this report for 2013/2014 and beyond will be subject to the Medium Term Service and Resource Planning process including consideration and approval as part of the Annual Budget by the full Council in February 2013

3 FINANCIAL IMPLICATIONS

- 3.1 Funding for the proposed scheme has been secured from the developer of 5-9 Piccadilly Place, Walcot, Bath. The full costs of processing and implementing the order have been or will be re-charged to the developer. Estimated costs for this scheme are £2-2.5k.
- 3.2 The consultation process included Highways and no concerns were raised regarding on-going maintenance costs and these works can be incorporated within the existing revenue budget. The lines have a life expectancy of between 7-10 years and estimated costs for refreshing lining when required is £150 based on current rates if planned as a separate job, costs may be lower if included in other lining works. It is noted that the highways maintenance budget is prioritised for road safety issues in the first instance, however it is recognised that parking restrictions do need to be maintained to ensure enforcement can be undertaken.

4 CORPORATE OBJECTIVES

- Building communities where people feel safe and secure
 - Improving transport and the public realm
- 4.1 Comment on the Proposed Changes to Parking Restrictions (see Appendix 1), take into account the matters referred to above.

5 THE REPORT

- 5.1 The proposals were made as the result of the planning application submitted by the developer for the land known as 5-9 Piccadilly Place, Walcot, Bath and a formal consultation undertaken as required to promote a Traffic Regulation Order.
- 5.2 The development was promoted on the basis of a car free residential scheme. The proposed development was accepted on the basis that occupiers would not have cars, but in order to ensure the road is kept free for servicing and emergency access, together with maintaining a clear turning area, it was required that the Developers fund a TRO to restrict parking on the road, which is an obligation within the Section 106 Agreement.
- 5.3 Consideration was then given to the responses received in regard to the public consultation about the proposed scheme which are largely based on the impact on other nearby streets if the occupiers of the new development do own a vehicle or vehicles. The individual points raised in relation to the proposed scheme are set out in the attached Appendix 1 with officer comments where appropriate.
- 5.4 Common Law states the highway is for the passage and re-passage of persons and goods, and consequently any parking on the highway is an obstruction of that right of passage. There are no rights to park on the highway but parking is condoned where the right of passage along the highway is not impeded. The consideration of the objections to the introduction of controls has to be considered in this context. There is also no legal right to park on the highway either outside a property or even within a specific street.

5.5 Furthermore, it is the duty of every local authority to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities as set out in section 122 Road Traffic Regulation Act 1984 (RTRA) .

5.6 Piccadilly Place itself is narrow and as such opportunity to allow any parking, if desired, is severely restricted as access must be ensured for both service and emergency vehicles. After consideration of the vehicle swept path analysis it is considered that no parking can be allowed. Therefore the proposal should be implemented as advertised despite the objections received.

6 RISK MANAGEMENT

6.1 The report author and Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 An EqIA has been completed. No adverse or other significant issues were found.

8 RATIONALE

8.1 The recommended restrictions are proposed so as to avoid danger to persons or other traffic using the road or to prevent the likelihood of any such danger arising and to facilitate the passage on the road or any other road of any class or traffic.

8.2 Under Section 1 of the Road Traffic Regulation Act 1984 a Traffic Authority may make an Order as specified below:

8.3 The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a "traffic regulation order") in respect of the road] where it appears to the authority making the order that it is expedient to make it—

(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) for 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).

9 OTHER OPTIONS CONSIDERED

- 9.1 To implement a modified scheme. This option was rejected based on the vehicle swept path analysis of the location for service vehicles.
- 9.2 To not implement any of the scheme. This option was rejected as the proposal is required as part of the planning consent process.

10 CONSULTATION

- 10.1 Ward Councillors; Other B&NES Services; Local Residents; Stakeholders/Partners; Other Public Sector Bodies
- 10.2 The proposals were advertised by erecting notices along the affected lengths of road for a 21 day period ending on 1st March 2012, inviting written comments to the proposal. At the same time a copy of the notice was placed in the Public Notice section of the local newspaper. Responses made are set out in the Appendix to this report.

11 ISSUES TO CONSIDER IN REACHING THE DECISION

- 11.1 *Customer Focus; Health & Safety; Other Legal Considerations*

12 ADVICE SOUGHT

- 12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	<i>Chris Major 01225 394231</i>
Background papers	<i>None</i>
Please contact the report author if you need to access this report in an alternative format	