



Title: **Churchway, Torquay – Application for Off-street Parking**

Public Agenda Item: **Yes**

Reason for Report to be Exempt:

Wards Affected: **St Marychurch**

To: **Transport Working Party**

On: **13th September 2012**

Key Decision: **No**

How soon does the decision need to be implemented **October 2012**

Change to Budget: **No**

Change to Policy Framework: **No**

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1. What we are trying to achieve and the impact on our customers

1.1 To gain the Working Parties recommendation on highways officers' decision to refuse a vehicular crossing to a residential property in a section of Churchway, Torquay.

2. Recommendation(s) for decision

2.1 Members are recommended to support the refusal of vehicular crossings to provide off-street parking to the section of Churchway, Torquay between No's 4-11(wide section) in order that no precedent is set and that on street parking capacity is not reduced.

3. Key points and reasons for recommendations

3.1 A section of Churchway is currently used as an informal parking bay and accommodates approximately 14 90 degree spaces.

3.2 Requests for vehicular crossings in this area have been refused by highways officers due to the net loss of parking provision this would cause and the precedent that would be set for any further requests.

3.3 The most recent applicant has disputed the refusal and has, as was recommended by officers, carried out a consultation of the local community to gauge levels of support for his request.

For more detailed information on this proposal please refer to the supporting information attached.

Patrick Carney
Service Manager – Group Services Manager, Streetscene & Place

Supporting information

A1. Introduction and history

- A1.1 Applications for vehicular crossings on residential streets are considered where appropriate. Highway authorities have discretion under the Highways Act 1980 to permit crossings and factors such as highway safety, suitability of the property and the affect to parking provision in the area are all considerations which should be taken into account prior to granting a crossing licence.
- A1.2 Unless the application is within a classified road or is for a commercial property, no planning consent is required for the implementation of vehicular crossings to off street parking and approval is therefore delegated to highways officers in these situations. In this case Churchway is a non classified residential street.
- A1.3 In areas where there is a high demand for on street parking provision officers will also look at the net effect of allowing dropped crossings. In normal circumstances a single dropped crossing removes less than one on street parking space and can therefore be of benefit to parking provision. Officers should however be mindful that where no such crossings exist in a particular street that approval of one application will set a precedent to allow any other similar application and this can ultimately result in a future net reduction in parking provision where there are insufficient gaps between dropped crossings.
- A1.4 It should also be borne in mind that the provision of dropped crossings should only be approved where they are intended to provide access to off street parking areas and are not for the purpose of reserving a parking space upon the highway.
- A1.5 The application in question relates to No 10 Churchway, which officers have refused. The grounds for refusal are due to the fact that as vehicles tend to park at 90 degrees to the kerb, that a dropped crossing would result in the loss of more than one parking space, thus resulting in a net reduction to on street parking provision. Officers also considered that approval would set a precedent for other similar applications in adjacent properties and could result in the facility being lost to the community in its entirety if all properties followed suit. This is the second application that the highways group have received in recent years for this section of Churchway. The area in question is indicated in **Appendix 3**.
- A1.6 The applicant has challenged the refusal through the Council's Corporate Complaints Procedure. There is no specific right of appeal for such applications however Officers, in consultation with Ward Councillors, have suggested that the applicant could carry out a consultation process with the local community and if significant support was shown that the application may be reconsidered following a recommendation from the Working Party.
- A1.7 Highways officers have given some guidance to the applicant on the area that should be covered by the consultation and the wording of the form. It was however pointed out that the results would be for guidance and would not be taken as a vote on the proposal.
- A1.8 The applicant has now completed the consultation exercise and the results are attached in **Appendix 1**. The results show general support for the proposals.

A1.9 In addition a number of residents chose to send objections directly to the highways group. These addresses were checked against the applicant's results to ensure no double counting and the revised results are attached in **Appendix 2**. In order to achieve consistency the revised results relate to responses by property only.

A1.10 Whilst the adjusted results still indicate support for the proposals, members should note that the majority of the most affected properties in Churchway itself do not support for the proposals and these results have been shown separately in **Appendix 2**.

A2. Risk assessment of preferred option

A2.1 Outline of significant key risks

A2.1. If the application is permitted then this would set a precedent for further applications in the immediate area. This may also lead to applications in other areas which either have or would normally be refused on the basis of a net reduction of on street parking being challenged by applicants in the same manner.

A2.2 Remaining risks

A2.2.1 The usage of the available parking may change in the future leading to a change of opinion by the affected residents.

A3. Other Options

A3.1 That members recommend that the application for a dropped crossing be permitted.

A4. Summary of resource implications

A4.1 Vehicle crossing licences are administered by officers in Streetscene and Place, however all costs in connection with the construction of a crossing are borne by the applicant.

A5. What impact will there be on equalities, environmental sustainability and crime and disorder?

A5.1 None

A6. Consultation and Customer Focus

A6.1 No further consultation will be required.

A7. Are there any implications for other Business Units?

A7.1 None.

Appendices

Appendix 1 – Results of consultation submitted by applicant.

Appendix 2 - Amended results of consultation with responses sent to Highways.

Appendix 3 – Indicative plan of Churchway.

Documents available in members' rooms

None

Background Papers:

None.