

**Proposed Decision to be taken by the
Portfolio Holder for Transport and Planning
on or after 25th July 2014**

**The Warwickshire County Council
(Temple Way And Station Road, Coleshill)
(Prohibition And Restriction Of Waiting) Order 2014**

Recommendation

That the Portfolio Holder for Transport and Planning approves that the Warwickshire County Council (Temple Way and Station Road, Coleshill) (Prohibition and Restriction of Waiting) Order 2014 is made as advertised.

1.0 Key Issues

- 1.1 Temple Way is mainly a residential road between Station Road and Roman Way, Coleshill, with parking on both sides of the road. Temple Way from its junction with Station Road has Industrial Premises with limited off street parking places, for approximately 100 yards. Vehicles associated with the industrial/commercial units are parking on Temple Way, restricting access for Emergency Vehicles and compromising safety for vehicles accessing / egressing from Temple Way.
- 1.2 Through discussions with businesses directly affected by these proposals, residents, and with the support of the Local County Councillor, a scheme was put forward to introduce Prohibition and Restriction of Waiting (Double Yellow Lines) parking restrictions on Temple Way as detailed below:

Temple Way, Coleshill

- (i) North side, from its junction with Station Road, westwards for a distance of 96 metres.
- (ii) South side, from its junction with Station Road, westwards for a distance of 63 metres.

Station Road, Coleshill

- (i) West side, from its junction with Temple Way, northwards for 10 metres.
- (ii) West side, from its junction with Temple Way, southwards for 10 metres.

- 1.3 Proposals for changes to introduce a Prohibition and Restriction of Waiting in Temple Way and Station Road, Coleshill were advertised in the Tamworth Herald on 3rd April 2014.

- 1.4 In the Statutory Consultation, over 300 letters were hand delivered to residents, and businesses in Temple Way/Station Road. No objections have been received. The Local County Councillor, Cllr Peter Fowler, visited all the businesses on Temple Way to explain the proposed waiting restrictions; they were unanimous in their support. Coleshill Town Council was also consulted and they have not raised any objections to the proposals.
- 1.5 One objection from Warwickshire Police has been received. This report considers the objection and recommends how it should be dealt with.
- 1.6 The statutory criteria for decisions on making Traffic Regulation Orders / Parking orders are included as **Appendix A**.

2.0 Objection

2.1 Warwickshire Police:

“If waiting restrictions were introduced, there is the potential that in the absence of on-street parking on the approach to the junction, traffic speeds there may increase. There would also be the potential for the industrial parking demand, which would not be diminished by the introduction of waiting restrictions, to migrate further into the residential area, which could create other safety concerns. The lack of adequate parking capacity in the industrial area is a planning and development issue.

The civil parking enforcement of parking restrictions now operates successfully in the remainder of the County, with North Warwickshire Borough Council being the exception. Warwickshire Police do not employ parking wardens and there is no police resource provided specifically for parking enforcement. The enforcement of parking restrictions is not a policing priority.

Therefore, unless there is a compelling road safety case, or legitimate requirement, Warwickshire Police have no alternative but to formally object to any new parking restrictions as these would rely on police enforcement and there is no prospect of any effective enforcement taking place”.

Response

Warwickshire Police is responsible for enforcement of parking restrictions in the North Warwickshire area, as it is currently exempt from Civil Parking Enforcement.

Coleshill Local Police Officers have responded to concerns from residents about parking at this location causing obstructions and compromising visibility at the junction.

It is not considered to be a more onerous burden on Police Resources, as it is expected that the parking restrictions will be self-regulating.

2.2 Recommendation

That the Portfolio Holder for Transport and Planning approves the making of The Warwickshire County Council (Temple Way and Station Road, Coleshill) (Prohibition and Restriction of Waiting) Order 2014 as advertised. These recommendations can be implemented from within 2014/15 budget provisions.

3.0 Associated Timescales

- 3.1 The aim will be for the Prohibition and Restriction of Waiting proposals for Temple Way to be implemented within 10-12 weeks of the decision.

4.0 Background Papers

- 4.1 One letter of objection.

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**Proposed Decision to be taken by the
Portfolio Holder for Transport and Highways**

On or after 25th July 2014.

**Various Roads, Warwick District -
Proposed Waiting Restrictions, On-Street Parking Places
and Residents' Parking Permits**

**Statutory Criteria for Decisions on Making Traffic
Regulation Orders and Parking Orders**

1. The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-
 - (i) avoiding danger to persons or traffic;
 - (ii) preventing damage to the road or to buildings nearby;
 - (iii) facilitating the passage of traffic;
 - (iv) preventing use by unsuitable traffic;
 - (v) preserving the character of a road especially suitable for walking and horse riding;
 - (vi) preserving or improving amenities of the area through which the road runs;
 - (vii) for any of the purposes specified in Section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.
2. TROs are designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. Permanent TROs remain in force until superseded or revoked.
3. TROs must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.
4. The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge, for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic, and those of the owners/occupiers of adjoining property and in particular:-
 - (i) The need for maintaining the free movement of traffic;
 - (ii) The need for maintaining reasonable access to premises; and

- (iii) The extent to which off-street parking is available in the neighbourhood.
5. In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians), and the provision of suitable and adequate parking facilities on and off the highway.
6. The matters to which the Council must have regard are:-
- (i) The desirability of securing and maintaining reasonable access to premises;
 - (ii) The effect on the amenities of any locality affected, and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
 - (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
 - (iv) 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;
 - (v) Any other matters appearing to the Council to be relevant
7. Therefore, whilst the overall objective of the Council must be to secure the expeditious, convenient and safe movement of vehicular traffic, this will sometimes need to give way to the objectives in Section 122(2), and a balance has to be achieved between the overall objective and the matters set out in Section 122(2).

