

Report To: **SPEAKERS PANEL (PLANNING)**

Date: 6 September 2017

Reporting Officer: Ian Saxon – Assistant Executive Director, Environmental Services

Subject: **OBJECTIONS TO PROPOSED OFF STREET PARKING PLACES AMENDMENT (No 1) ORDER 2017 ASHTON UNDER LYNE. AREA OF LAND REFERRED TO LOCATED ON THE EAST SIDE OF SWAN STREET, 23M SOUTH OF FLETCHER STREET**

Report Summary: The report outlines an objection received to the advertised proposed amendment to incorporate the above parcel of land into the Old Cross Street Car Park, Ashton-Under-Lyne.

Recommendation: It is recommended that authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to seal The Tameside Metropolitan Borough (Off Street Parking Places Amendment (No 1) Order 2017



Links to Community Strategy: The proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Safe Environment through the provision of safer roads in our Town Centres and elsewhere.

Policy Implications: None arising from the report.

Financial Implications: To be funded from Parking Services Revenue
(Authorised by the Section 151 officer)

Legal Implications: Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in **Appendix A**
(Authorised by the Borough Solicitor)

Risk Management: Objectors have a limited right to challenge the Orders in the High Court.

Access to the documents: **Appendix B** – Drawing No.001:
All documentation can be viewed by contacting Andy Marsh, Traffic Operations by:
 Telephone:0161 342 3929
 e-mail: andrew.marsh@tameside.gov.uk

1. BACKGROUND

- 1.1 The Council has received a request to incorporate within the car park order an informal small parcel of Council owned land, currently used for unrestricted parking which is located adjacent to the Old Cross Street car park. The parcel of land measures 12m x 7m and is positioned 23m south of Fletcher Street on the east side of Swan Street, Ashton-Under-Lyne.
- 1.2 Following the closing date of the advertised order, 2 objections were received, however, 1 has subsequently been withdrawn.

2. OBJECTION (Outstanding)

No	Objection	Officer Response
1	<p>That the proposal would remove the availability of convenient, free parking and leave no other viable alternative. The removal of the spaces would result in undue hardship having to park outside an alternative address not covered by parking restrictions or financially by paying for a parking permit in the adjacent car park. The objector has suggested that previously available unrestricted parking on Swan Street (now an overspill taxi rank) is hardly used and therefore this new proposal is unfair.</p> <p>Should the proposal go ahead, the objector suggests that the residents affected should be given a free pass to park in Old Cross Street; it was intimated that neighbouring Local Authorities were identified as Councils who already provide a free facility in similar circumstances.</p>	<p>This location is perhaps unique in that it is extremely unusual that unrestricted free parking is available so close to a town centre. It is understood that the overspill taxi rank was requested to avoid congestion building up on Swan Street and that it is still required for that purpose.</p> <p>Although free passes would not be considered for this location, monthly payments for a permit would be looked on favourably in this location.</p>

3. FUNDING

- 3.1 These proposals are being funded by Parking Services budget.

4. PROPOSALS

- 4.1 Having considered the objection, it would seem appropriate that the order should be confirmed and incorporated into the Tameside Metropolitan Borough (Off Street Parking Places Amendment (No 1) Order 2017. Taking into account the comments received by the objector, arrangements can be put in place to offer a flexible monthly car park permit.

5. RECOMMENDATION

- 5.1 It is recommended that the proposal described in 4.1 above (shown in **Appendix B** Drawing No.001) be implemented as determined by the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984.

APPENDIX 'A'

Section 122 Road Traffic Regulation Act 1984

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) 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.
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
 - (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) 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;
 - (c) The strategy prepared under Section 80 of the Environment Act 1995 (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; and
 - (e) Any other matters appearing to the local authority to be relevant.