



SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 14 December 2016
Time: 10.00 am
Place: Lesser Hall - Dukinfield Town Hall

Item No.	AGENDA	Page No
4.	OBJECTIONS TO PROPOSED REMOVAL OF LEECH STREET/BACK MELBOURNE STREET, STALYBRIDGE FROM THE OFF STREET PARKING PLACES ORDER 2009 Report of the Assistant Executive Director, Environmental Services attached Supplementary information.	1 - 14

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Agenda Item 4

Report To:	SPEAKERS PANEL (PLANNING)
Date:	14 December 2016
Reporting Officer:	Ian Saxon – Assistant Executive Director, Environmental Services
Subject:	OBJECTIONS TO PROPOSED REMOVAL OF LEECH STREET / BACK MELBOURNE STREET STALYBRIDGE FROM THE OFF STREET PARKING PLACES ORDER 2009
Report Summary:	The report outlines the objection received to the proposed changes to the Off Street Parking Places Order, resulting in the closure of the Leech Street car park in Stalybridge as a Council Pay and Display car park.
Recommendations:	It is proposed that Leech Street Car Park be removed from the Off Street Parking Places Order.
Links to Community Strategy:	The original proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Prosperous, Healthy and Supportive Environment through the provision of parking in our Town Centres and elsewhere.
Policy Implications:	None arising from the report.
Financial Implications: (Authorised by the Section 151 officer)	<p>A capital receipt will be generated from the proposed sale of land currently used as a pay and display car park.</p> <p>Any associated costs arising from the closure of the car park will be recovered via the capital receipt received from the sale.</p> <p>The loss in income to Parking Services of £22.8k needs to be reflected in a corresponding reduction in income target for Parking Services when the sale has been completed.</p>
Legal Implications: (Authorised by the Borough Solicitor)	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 .
Risk Management:	If the original proposals were to be implemented, objectors would have a limited right to challenge the Orders in the High Court.
Access to the documents:	<p>Appendix B – Drawing No. 001: Proposed restrictions</p> <p>All documentation can be viewed by contacting Jody Hawkins, Traffic Operations by:</p> <p> Telephone: 0161 342 2932</p> <p> e-mail: jody.hawkins@tameside.gov.uk</p>

1. BACKGROUND

- 1.1 Following discussions with the Council and the shopping store Aldi, a contract has been discussed to sell the car park known as Leech Street / Back Melbourne Street in Stalybridge.
- 1.2 The car park is currently pay and display with a charging regime of 50p for ½ hour, £1 for up to three hours and £2 for all day.
- 1.3 The draft contract allow for the free use of the car park for up to 1½ hours including time spent in Aldi. This allows shoppers to visit other businesses in Stalybridge whilst parking without charge.
- 1.4 Approval was granted to advertise the removal of the car park from the 'Off Street Parking Places Order' that governs all the Borough's pay and display car parks.
- 1.5 Objections to the advert were received and are discussed below.

2. OBJECTIONS

- 2.1 There have been 3 written objections and a petition received to the proposals. Of those, one was from the Stalybridge Business Forum, which was submitted with the petition from local shop keepers. A shop keeper and a resident from Mottram were the remaining two letter writers. In addition to these, a letter from the Stalybridge Town Team was received requesting a deferment of decision to allow the terms of the agreement to be reconsidered and to be involved with the negotiations. The reasons for objection are listed below:
 - Lack of alternative parking, especially all day parking.
 - The sale of the car park is not required by Aldi as their car park is only busy on Friday and Saturday.
 - The period of 1½ hours stay, which includes shopping at Aldi is insufficient time to complete all shopping in the area or appointments.
 - It would discourage shoppers from high street shops.
 - Lack of support in Stalybridge which leads to a decline in the town.
 - The town is just beginning to recover and this will set it back again.
 - Some businesses have annual parking permits. Where would they park if the car park is sold?
 - Alternative car parks that have been provided in the town are not built to the same standard as Leech Street car park and one has planning permission to be changed to housing.
 - Disputes the term 'causing no detriment to the availability of parking facilities and/or congestion in Stalybridge town centre' that was written in the Statement of Reasons.
 - The proposals are contrary to the Unitary Development Plan for Tameside.
 - Petition states objecting to the sale of the land but does not state on what grounds the objection is made.

3. RESPONSES

- 3.1 The numbered responses below address each objection by correlating number:
- 3.2 There are currently six council pay and display car parks in Stalybridge, giving a total of 376 bays. Leech Street car park holds 61 bays. With the exception of Rassbottom Street which limits waiting to 4 hours, all the car parks are long stay. Charges are in place for parking, which would be removed under the proposals. The current proposals allow for a maximum of 90 minutes free parking but must include a visit to the Aldi store. There are no proposals

to change any parking restrictions as part of this scheme so on street parking will not be reduced or time shortened.

- 3.3 Aldi have agreed to maintain the free parking facility for a minimum of ten years. The proposals will encourage more shoppers to enter their premises. The current car park will not allow for more shoppers to visit in vehicles without impacting on the neighbouring streets or car park, especially at weekends. The purchase of the land will allow that increase to be managed effectively with no impact on the neighbouring streets.
- 3.4 90 minutes parking is the proposed maximum allowed on the car park. There are 315 other Council owned pay and display spaces within Stalybridge that allow either four hours or all day parking. It is also recognised that parking does occur on other non-Council owned car parks within the borough.
- 3.5 Price reductions have been applied to all Council car parks in the recent past to encourage shoppers in to town centres. This has been met with positive reactions from traders and shoppers alike. As the proposals are now to provide free parking this should be contrary to the claim that it would discourage shoppers from the high street.
- 3.6 The Council has been working hard over the recent years to support the businesses and residents of Stalybridge and have had successes such as Longlands Mill Development, the demolition of the Casablanca site, the introduction of the craft market on Sundays and the master plan for the town centre to name but a few.
- 3.7 It is unclear from the objection how the 'recovery of Stalybridge' will be set back as providing free parking has been requested by traders for many years as it seen as a way of encouraging shoppers to the town. When the Council reduced the costs of pay and display parking it did not result in a significant loss on revenue as more parking took place. If the Council were in a financial position to provide free parking throughout its Borough it is probable that the towns would benefit from even more visitors. However the Council is not in such a position but Aldi have made the commitment to provide free parking.
- 3.8 Annual permit holders would be able to park on any other Council owned pay and display car park in Stalybridge with the exception of Rassbottom Street.
- 3.9 The two car parks recently provided in Stalybridge are not finished to the same standard as Leech Street car park as the cost involved to do so made their creation not viable. However, not all car parks in Tameside are surfaced and the Council are under no obligation to do so. The planning consent that was in place for the Castle Street car park has lapsed and been superseded by the planning application to change it to a car park, therefore, any changes from a car park would have to be subject to a further planning application. There are no other car parks in Stalybridge that have planning consent for anything other than a car park.
- 3.10 The Council owned off street parking provision in Stalybridge is, overall, over provided, with many spaces available throughout the day. Also there is no intention to withdraw the availability of the car park on Leech Street.
- 3.11 The objection stated two areas where, in their opinion, the proposals conflicted with the Unitary Development Plan (UDP). One was that reducing parking goes against the UDP, the second, is concerned with the granting of planning permission for building on a car park, which has already been discussed in item 3.9. The UDP encourages parking provision to be tailored to cater for the needs of the user and, in town centres, the need for short stay parking to encourage a higher turnover of customers and trading opportunities. The proposed loss of the ownership of the car park does not reduce its provision. In addition to this, the two recently introduced car parks, Harrop St and Castle St, provide 45 and 20 spaces respectively. This totals 65 spaces and Leech Street has 61 spaces.

3.12 There is no response possible as the grounds for objection were not stated.

4. CONCLUSION

4.1 It is understandable that changes to the current ownership of Council land will bring uncertainty to a town but it is in the interest of the Council to protect its residents and businesses in the best way possible.

4.2 The generation of capital receipt for the Council, whilst securing its parking provision for a minimum of ten years is, the Council believes, the best way of providing that protection.

4.3 The reduction in maintenance liabilities for the car park in terms of surfacing, pay and display machine, enforcement, water and business rates etc. will further reduce the financial burden to the Council.

5. RECOMMENDATION

5.1 It is proposed that Leech Street Car Park be removed from the Off Street Parking Places Order.

APPENDIX 'A'

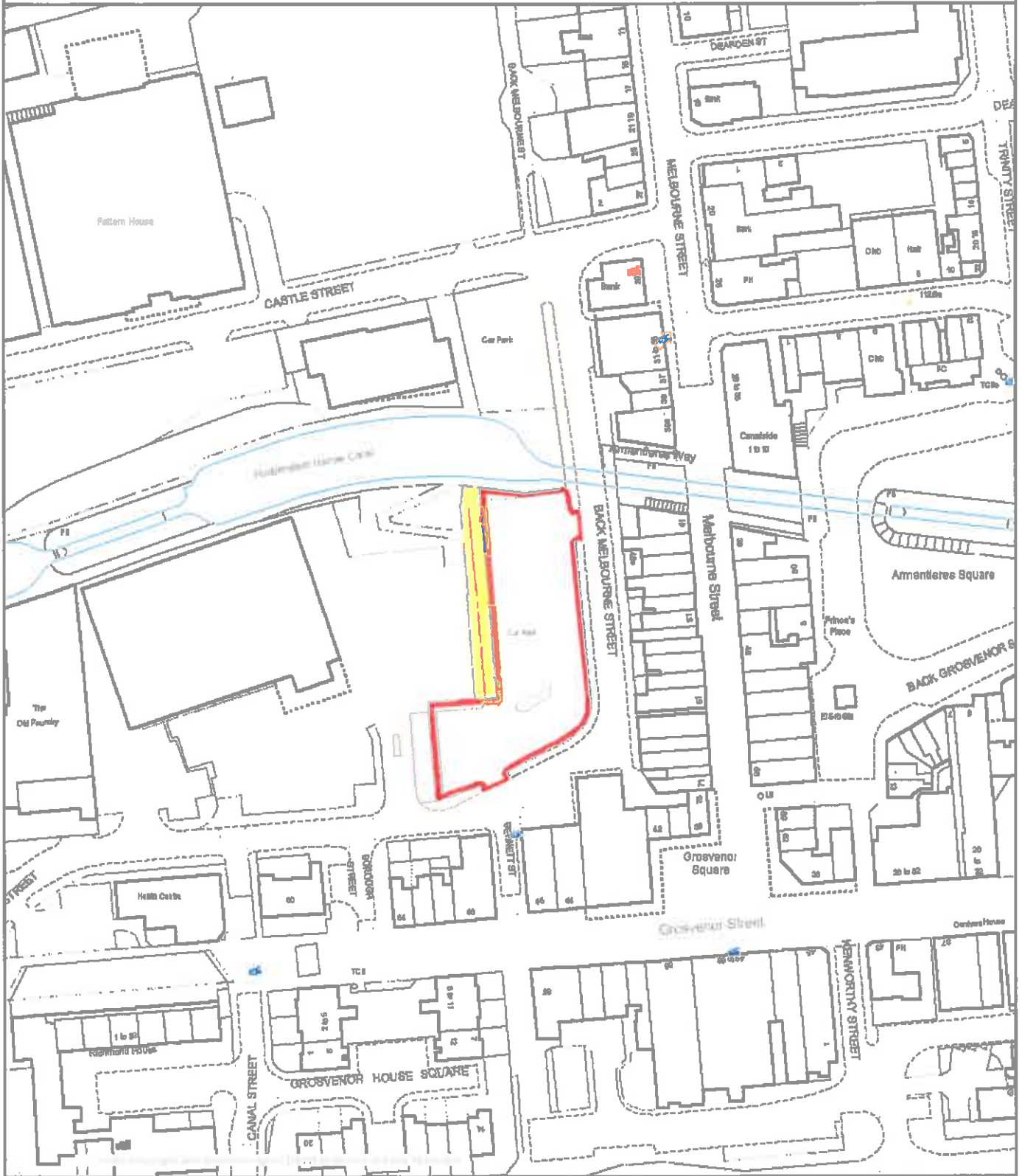
Section 122 Road Traffic Regulation Act 1984

- (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.

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Car Park at Melbourne Street, Stalybridge



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

Date: 14 December 2016

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

Subject: **OBJECTIONS TO PROPOSED REMOVAL OF LEECH STREET / BACK MELBOURNE STREET STALYBRIDGE FROM THE OFF STREET PARKING PLACES ORDER 2009**

Report Summary: The report outlines the objection received to the proposed changes to the Off Street Parking Places Order, relating to the closure of the Leech Street car park in Stalybridge as a Council Pay and Display car park.
This report contains supplementary information to the existing report on the agenda.

Recommendations: It is recommended that Leech Street Car Park be removed from the Council’s Off Street Parking Places Order.

Links to Community Strategy: The original proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Prosperous Society, Healthy and Supportive Environment through the provision of parking in our Town Centres and elsewhere.

Policy Implications: None arising from the report.


Financial Implications: A capital receipt will be generated from the proposed sale of land currently used as a pay and display car park.
(Authorised by the Borough Treasurer) Any associated costs arising from the closure of the car park will be recovered via the capital receipt received from the sale.
The loss in income to Parking Services of £22.8k needs to be reflected in a corresponding reduction in income target for Parking Services when the sale has been completed.


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: If the original proposals were to be implemented, objectors would have a limited right to challenge the Orders in the High Court.

Access to the documents: **Appendix C** – Objections and responses

All documentation can be viewed by contacting Jody Hawkins, Traffic Operations by:

 Telephone: 0161 342 2932

 e-mail: jody.hawkins@tameside.gov.uk

1. CURRENT PARKING PROVISION

- 1.1 With the recent addition of Harrop Street and Castle St No.2 car parks, there are currently six Council owned, pay and display car parks in Stalybridge, giving a total of 376 bays. Leech Street car park holds 61 bays, with the exception of Rassbottom Street which limits waiting to 4 hours, all the car parks are long stay.
- 1.2 There are several other, non-Council owned, car parks within Stalybridge town centre that are available to shoppers to use, such as Tesco, that contribute to the total parking spaces count.
- 1.3 In addition, there are approximately 143 on-street parking spaces available for short stay limited waiting.
- 1.4 Charges are in place for parking on Leech Street car park, which would see the parking spaces remain, but remove the current charges under the proposals. These proposals allow for a maximum of 90 minutes free parking, including time spent visiting the Aldi store. There are no proposals to change any parking restrictions as part of this scheme so on street parking will not be reduced or time shortened.
- 1.5 Current usage, based on annual income levels indicate that given an even distribution of car parking for an average of three hours and ½ hour durations the average occupancy level is number of cars on the car park at any one point is a maximum of 23% as shown in Table 1 Below

1.6 **Table 1 – Occupancy Levels**

Bays	Income	Income per Bay	Income per Day	Daily Income	Minimum 3 Hour Slots (8am - 6pm)	Average Occupancy (3 Hour parking)	Maximum 1 Hour slots	Average Occupancy (1 Hour Parking)	Average Occupancy (Mixed Parking)
61	£22,810.00	£ 373.93	£ 1.19	£72.88	183	40%	610	6%	23%

2. FINANCIAL IMPLICATIONS

Income

- 2.1 Table 2, below, identifies the current available spaces and income from pay and display ticket sales, car park passes and excess fee notice income for the year 2015/16.

Table 2 – Current Income

Car Park - Leech Street / Melbourne Street, Stalybridge	Spaces	Income 2015/16
Car Park Passes	-	£1,050
Pay & Display	61	£22,810
Excess Fee Notice Income	-	£1,705
Total Income		£25,565

- 2.3 Income generated from the proposed sale of land currently used as a pay and display car park will be recovered via capital receipt received from the sale.

Expenditure

- 2.4 Expenditure on the car park currently includes water and business rates, inspection and maintenance of the car park surface, pay and display machines and boards and a percentage of time spent by Civil Enforcement Officers. This is currently circa £17,000 per annum.
- 2.5 The Executive Decision taken to undertake the necessary processes to remove the car park from the 'Off Street Parking Places Order' identified that any associated costs arising from the process will be recovered via the capital receipt received from the sale.
- 2.6 The capital receipt received from the sale may be used to fund any improvements to nearby car parks that are appropriate to ensure the continued usage of the car parks.

3. OBJECTIONS

- 3.1 There have been three written objections and a petition received to the proposals. Of those, one was from the Stalybridge Business Forum, which was submitted with the petition from local shop keepers. A shop keeper and a resident from Mottram were the remaining two letter writers.
- 3.2 In addition to these, a letter from the Stalybridge Town Team was received requesting a deferment of decision to allow the terms of the agreement to be reconsidered and to be involved with the negotiations.
- 3.3 The reasons for objection and their responses are listed in **Appendix C** to the report.

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.

APPENDIX C

Reason for Objection	Response
1. Lack of alternative parking, especially all day parking	There are currently six Council pay and display car parks in Stalybridge, giving a total of 376 bays. Leech Street car park holds 61 bays. With the exception of Rassbottom Street which limits waiting to 4 hours, all the car parks are long stay. Charges are in place for parking, which would be removed under the proposals. The current proposals allow for a maximum of 90 minutes free parking but must include a visit to the Aldi store. There are no proposals to change any parking restrictions as part of this scheme so on street parking will not be reduced or time shortened.
2. The sale of the car park is not required by Aldi as their car park is only busy on Friday and Saturday	Aldi have agreed to maintain the free parking facility for a minimum of ten years. The proposals will encourage more shoppers to enter their premises. The current car park will not allow for more shoppers to visit in vehicles without impacting on the neighbouring streets or car park, especially at weekends. The purchase of the land will allow that increase to be managed effectively with no impact on the neighbouring streets.
3. The period of 1½ hours stay, which includes shopping at Aldi is insufficient time to complete all shopping in the area or appointments	90 minutes parking is the proposed maximum allowed on the car park. There are 315 other Council owned pay and display spaces within Stalybridge that allow either four hours or all day parking. It is also recognised that parking does occur on other non-Council owned car parks within the borough.
4. It would discourage shoppers from high street shops	Price reductions have been applied to all Council car parks in the recent past to encourage shoppers in to town centres. This has been met with positive reactions from traders and shoppers alike. As the proposals are now to provide free parking this should be contrary to the claim that it would discourage shoppers from the high street.
5. Lack of support in Stalybridge which leads to a decline in the town	The Council has been working hard over the recent years to support the businesses and residents of Stalybridge and have had successes such as Longlands Mill Development, the demolition of the Casablanca site, the introduction of the craft market on Sundays and the master plan for the town centre to name but a few.
6. The town is just beginning to recover and this will set it back again.	It is unclear from the objection how the 'recovery of Stalybridge' will be set back as providing free parking has been requested by traders for many years as it seen as a way of encouraging shoppers to the town. When the Council reduced the costs of pay and display parking it did not result in a significant loss on revenue as more parking took place. If the Council were in a financial position to provide free parking throughout its Borough it is probable that the towns would benefit from even more visitors. However, the Council is not in such a position but Aldi have made the commitment to provide free parking.

7. Some businesses have annual parking permits. Where would they park if the car park is sold?	Annual permit holders would be able to park on any other Council owned pay and display car park in Stalybridge with the exception of Rassbottom Street.
8. Alternative car parks that have been provided in the town are not built to the same standard as Leech Street car park and one has planning permission to be changed to housing.	The two car parks recently provided in Stalybridge are not finished to the same standard as Leech Street car park as the cost involved to do so made their creation not viable. However, not all car parks in Tameside are surfaced and the Council are under no obligation to do so. The planning consent that was in place for the Castle Street car park has lapsed and been superseded by the planning application to change it to a car park, therefore, any changes from a car park would have to be subject to a further planning application. There are no other car parks in Stalybridge that have planning consent for anything other than a car park.
9. Disputes the term 'causing no detriment to the availability of parking facilities and/or congestion in Stalybridge town centre' that was written in the Statement of Reasons.	The Council owned off street parking provision in Stalybridge is, overall, over provided, with many spaces available throughout the day. Also there is no intention to withdraw the availability of the car park on Leech Street.
10. The proposals are contrary to the Unitary Development Plan for Tameside.	The objection stated two areas where, in their opinion, the proposals conflicted with the Unitary Development Plan (UDP). One was that reducing parking goes against the UDP, the second, is concerned with the granting of planning permission for building on a car park, which has already been discussed in item 3.9. The UDP encourages parking provision to be tailored to cater for the needs of the user and, in town centres, the need for short stay parking to encourage a higher turnover of customers and trading opportunities. The proposed loss of the ownership of the car park does not reduce its provision. In addition to this, the two recently introduced car parks, Harrop St and Castle St, which provide 45 and 20 spaces respectively. This totals 65 spaces and Leech Street has 61 spaces.
11. The petition states objecting to the sale of the land but does not state on what grounds the objection is made.	There is no response possible as the grounds for objection were not stated.