

For general release

<b>REPORT TO:</b>	<b>TRAFFIC MANAGEMENT ADVISORY COMMITTEE</b> <b>18 December 2019</b>
<b>SUBJECT:</b>	<b>BYNES ROAD AREA – OBJECTIONS TO THE PROPOSED EXTENSION OF BYNES ROAD CPZ</b>
<b>LEAD OFFICER:</b>	<b>Shifa Mustafa, Executive Director of Place</b>
<b>CABINET MEMBER:</b>	<b>Councillor Paul Scott, Acting Cabinet Member for Environment, Transport and Regeneration (Job Share)</b>
<b>WARDS:</b>	<b>South Croydon</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>  This report is in line with objectives to improve the safety and reduce obstructive parking on the Borough's roads as detailed in: <ul style="list-style-type: none"><li>• Croydon Local Plan Feb 2018</li><li>• The Local Implementation Plan; 3.6 Croydon Transport policies</li><li>• Croydon's Community Strategy; Priority Areas 1, 3, 4 and 6</li><li>• The Croydon Plan 2<sup>nd</sup> Deposit; T4, T7, T35, T36, T42 and T43.</li><li>• Croydon Corporate Plan 2015 – 18</li><li>• <a href="http://www.croydonobservatory.org/strategies/">www.croydonobservatory.org/strategies/</a></li></ul>	
<b>FINANCIAL IMPACT:</b>  These proposals can be contained within available budget.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> Not a Key Decision	
<b>1. RECOMMENDATIONS</b> That the Traffic Management Advisory Committee recommend to the Acting Cabinet Member for Environment, Transport and Regeneration (job share) that they: <ol style="list-style-type: none"><li>1.1 Consider the responses received to the formal consultation to extending the existing Bynes Road Controlled Parking Zone to the currently uncontrolled section of Bynes Road with a combination of Shared-Use Permit/Pay via Ring-Go (8 hours maximum stay) and single yellow lines operating 9am to 5pm, Monday to Saturday.</li><li>1.2 Agree for the reasons detailed in this report <b>not</b> to extend the Bynes Road Controlled Parking Zone throughout the whole length of the road as shown on drawing number PD 403.</li><li>1.3 Inform the objectors and supporters of the above decision.</li></ol>	

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to consider objections received from the public following the formal consultation process on a proposal to extend the existing Bynes Road Controlled Parking Zone to the currently uncontrolled section of Bynes Road with a combination of Shared-Use Permit/Pay via Ring-Go (8 hours maximum stay) and single yellow lines operating from 9am to 5pm, Monday to Saturday.
- 2.2 The outcome of the informal consultation was reported to this Committee at its meeting on 24 July 2019, where it was agreed to proceed to a formal consultation on the making of Traffic Management Orders to introduce the proposed scheme.
- 2.3 On 20 November 2019 and pursuant to the delegation from the Leader dated 6 June 2016, the Executive Director Place, following consultation with the Cabinet Member for Environment, Transport and Regeneration (job share) determined that it was appropriate to refer consideration of the matters detailed paragraph 2.1 above to the Traffic Management Advisory Committee for onward recommendation and determination to the Cabinet Member for Environment, Transport and Regeneration (job share)

## **3. BACKGROUND**

- 3.1 Following petitions from Bynes Road and Churchill Road in 2017 residents were consulted on possibly extending existing Controlled Parking Zones into Sunny Nook Gardens, Selsdon Road, Selsdon Avenue, Sussex Road, Haling Road, Helder Street, Jarvis Road, Newark Road, Mansfield Road, Chelsham Road, Crunden Road, Brighton Road, Churchill Road, Wyche Grove, Purley Road, Sanderstead Road, Rolleston Road, and the uncontrolled section of Bynes Road.
- 3.2 On 24 July 2019 the Committee agreed to formally consult on extending (minute A5/19 refers) the Bynes Road CPZ into the remaining uncontrolled section of Bynes Road and to extend the Croydon (West Permit Area) CPZ into Sunny Nook Gardens and Sussex Road following a positive response from a majority of respondents in these streets.
- 3.3 Following detailed design, occupiers in the Bynes Road Area were formally consulted (public notice stage) on a proposal with 9am to 5pm, Monday to Saturday parking controls, illustrated on drawing number PD 403. Residents/businesses within this area were written to on 11 September 2019 with a copy of the relevant drawings and the public notice, and invited to submit objections to/comments on the scheme before Friday 11 October 2019.

## **4. OBJECTIONS AND RESPONSES**

- 4.1 A total of 10 objections have been received to the proposal. In addition, 4 pro forma type petitions against the proposal have been received.

### **Objection 1**

4.2 The first objection (from the currently controlled section of Bynes Road) was raised on the grounds that

- There are no businesses permit holders currently in the Bynes Road CPZ. The new proposal would allow businesses to purchase permits, allowing them to occupy spaces.
- Bus drivers and employees of other businesses will pay to park every day and continue to park as they do at the moment where the street is uncontrolled.
- The cost to pay per day is the same as at Sanderstead Car Park, the objector believes that there is no benefit in paying for a resident permit.
- The new controlled section will squeeze vehicles onto the already controlled section. Residents will have to park on neighbouring streets.
- The objector believes that the proposal is driven by potential revenue generated.

#### **4.2.1 Response**

Businesses in the current Bynes Road CPZ are allowed to purchase business permits even if they have not chosen to do so. Extending the zone would not change the regulations on business permits in this zone. Commuters working locally may choose to pay daily for parking. However, anecdotal evidence suggests that most commuters are put off by the cost. The cost of a residents permit work out much cheaper than the cost of paying each day via Ring-Go. If the scheme were to proceed there is no reason to believe that the old section of the CPZ would be more densely parked than the 'new' section. The initial consultation was driven by the receipt of petitions from two streets in South Croydon. The formal consultation, to which this resident is objecting was driven by a majority of respondents from Bynes Road voting in favour of the proposals.

### **Objection 2**

4.3 The second objection (from a resident in the current Bynes Road CPZ) was raised on the grounds that

- The objector thinks that the Council is changing the maximum stay in the existing CPZ, believing that it would encourage more commuters to park.
- Their section of Bynes Road have not received any correspondence from the Council about the proposal. They only found out about it because of a public notice on a lamp column.

#### **4.3.1 Response**

There are currently no plans to change the maximum stay in the uncontrolled section of the Bynes Road CPZ. Usually only directly affected residents in the new extension area are written to. This would not include residents in the existing part of the CPZ.

### **Objection 3**

4.4 The third objection (from a residents of Rolleston Road) was raised on the grounds that

- They have not been consulted even though they believe the scheme directly

affects them.

- The proposal will make the parking situation on their street worse.
- They believe that the Council is employing a 'divide and conquer' policy.
- They believe that in the future the residents of Rolleston Road will be forced into having to request parking controls.
- They believe that by reducing the size of the area under consultation, the Council is invalidating the proposal.
- Their preference is to leave the parking as it is, acknowledging that sometimes it is difficult to find a parking space.
- Non-domestic vehicles should be banned from the street.
- The overnight lorry ban is not currently enforced.
- They believe that a CPZ should only be proposed if it were to cover the entire zone.
- Individual bays should not be marked.
- Permit price increases should be limited.
- They believe that the current proposal pitches neighbour against neighbour, and street against street.
- The current proposal will shift the problem elsewhere.

#### 4.4.1 **Response**

The potential effect of the proposed scheme on Rolleston Road would be considered to be indirect rather than direct. The Council normally only sends formal consultation documents to directly affected residents. There is always a strong likelihood that introducing parking controls will transfer parking problems to adjacent roads. The only way to completely avoid this would be to have no controlled parking zones at all.

The initial consultation documents clearly stated that depending on the consultation results a decision could be made to introduce parking controls in a smaller area or an individual road. If in the future residents of Rolleston Road felt that they wanted parking controls they would be free to petition the Council for this. A majority of respondents from Rolleston Road voted against the proposals therefore the Council did not proceed with a detailed design in that street. It is not possible to ban non-domestic vehicles. However, the overnight lorry ban can be enforced by Parking Services. There was no proposal to mark individual bays, the detailed design clearly shows that the proposed parking bays were not to be subdivided. The cost of permits is not controlled by Highways and is not linked to the introduction of a parking scheme.

#### **Objection 4**

4.5 The fourth objection (from a resident of Bynes Road) has been raised on the grounds that

- Car emissions are not related to parking spaces.
- The proposed operational hours are not the busiest hours on the street.
- The Council are trying to tax residents.

- The proposal will be of no benefit to the objector non to the community.

#### 4.5.1 **Response**

The cost of residents parking permits (regardless of how the cost is calculated) is the same across the Borough. Exceptions are not made for particular areas. In extending the existing zone it makes sense to match existing restrictions rather than having them varying street by street. A majority of respondents from Bynes Road initially voted in favour of the scheme with 9am to 5pm hours of operation. It can be assumed that those who voted in favour of the scheme felt that it would benefit them.

#### **Objection 5**

4.6 The fifth objection (from a resident of Bynes Road) has been raised on the grounds that

- It is not appropriate to break the consultation area down into individual roads as it may increase parking pressure on neighbouring roads.
- The documents distributed did not include any details of the layout of the CPZ. Residents cannot be expected to make a decision without this information.
- They feel that this is a commercial exercise.
- They do not have any problems parking between 9am and 5pm.
- There is no guarantee than permit prices will not increase.
- There would be no way to remove the scheme if it didn't work.

#### 4.6.1 **Response**

It was clearly stated in the informal consultation documents that depending on the consultation results, a decision could be made to proceed with the scheme in a smaller area or even in an individual road. Controlled parking zones will always cause some increase in pressure on neighbouring roads. The alternative would be to have no CPZs at all. The documents distributed contained a drawing clearly showing the location of the proposed parking bays and single yellow lines. This consultation process was started because of a petition from Bynes Road and Churchill Road requesting controlled parking. Without those petitions this proposal would not exist. Permit prices are set centrally for the Borough, they do not vary between different CPZs. Residents of the Bynes Road CPZ pay the same as everyone else. It is possible to remove a scheme after implementation. If residents felt that a scheme needed to be removed or changed they could petition the Council to request this.

#### **Objection 6**

4.7 The sixth objection (from residents of Bynes Road) has been raised on the grounds that:

- They were initially in favour of the proposal but now feel that they were not fully informed of all the consequences of implementing a scheme like this.
- The number of parking spaces would be severely reduced.
- The proposal wouldn't be operational after 5pm.
- They would not benefit from the proposed scheme.

#### 4.7.1 **Response**

It is not possible in front of driveways or in turning areas. This may result in slightly less space compared with how cars park on an unrestricted street.

#### **Objection 7**

4.8 The seventh objection (from residents of Bynes Road) has been raised on the grounds that

- The scheme would not benefit their family.
- The parking situation is at its worst when they return from work in the evening.
- Parking problems occur during evenings and overnight, therefore scheme will not help
- The cost of permits is too high.
- A maximum of two permits is not enough.

#### 4.8.1 **Response**

A majority of respondents from Bynes Road have voted in favour of introducing a 9am to 5pm scheme, which is why this formal consultation was carried out. Residents permit costs are set centrally and do not vary between CPZs. Permits are limited to two per household as a way of managing supply and demand

#### **Objection 8**

4.9 The eighth objection (from a directly affected resident) has been raised on the grounds that

- They do not want to have to pay for visitors to have to pay for visiting their house.

#### 4.9.1 **Response**

No permits (of any kind) are provided free of charge.

#### **Objection 9**

4.10 The ninth objection (from residents of Bynes Road) has been raised on the grounds that

- While the objectors are in theory in favour of a CPZ, they are not happy that there are less bays proposed for the cul-de-sac end of Bynes Road.
- The current plan would make it more difficult to access their property from their car.

#### 4.10.1 **Response**

The reason for the lack of spaces in the cul-de-sac end of Bynes Road is a combination of needing to allow space for vehicles to turn and the long length of dropped kerb on the western side of the road. Bays are not cased where they cause obstructions. Motorists may load and unload on single yellow lines, providing that there are not specific loading restrictions which prevent this.

#### **Objection 10**

4.11 The tenth objection (from a resident of Bynes Road) has been raised on the grounds that

- They believe that many residents who own older cars do not realise the significance of the increased permit charges.
- Residents are penalised for having older cars.
- They need their car for assisting with elderly relatives as well as grandchildren.
- They will be classed as a pensioner from next year and cannot afford to upgrade their car.

#### 4.11.1 **Response**

Information on the new permit costs were included with both the formal and the informal consultation documents. A public consultation on the new parking charges was conducted, members of the public had an opportunity to object. Residents permits costs are set centrally and are the same for all of the Borough's CPZs.

#### 4.12 **Petition 1**

This pro forma style petition originated from a local business owner. Individual pages were completed by each respondent filling in their name and house number. All of the 13 responses were from Bynes Road. Respondents were invited to tick one of three options. The first stating that they had originally voted for the scheme but now wanted to register their objection. The second stating that they had not voted one way or another but would not like to register their objection. The third option stated that they would like the scheme to go ahead. 2 respondents chose the first option, 9 chose the second, 1 chose the third, and 1 of the respondents did not select an option.

#### 4.13 **Petition 2**

This pro forma style petition originated from the same business owner. Individual pages were completed by each respondent filling in their name and house number. 24 responses were completed, 22 from Bynes Road, 1 from Rolleston Road, and 1 from Sanderstead Road. Respondents were asked to tick one of two options. The first stated that they were against the scheme going ahead. The second stated that they were in favour of the scheme going ahead. 21 respondents chose the first option, 1 chose the second option, and one respondent did not select an option.

#### 4.14 **Petition 3**

This pro forma style petition's origin is not known. Individual pages contained an introductory paragraph, followed by fields for the respondents name and address. The introductory paragraph stated "I would like to register my strong objection to the above scheme. As you can see, I live in a road bordering the above proposal and we as a road voted against the scheme. We did so in the belief that if this was not voted in as a whole, it would be thrown out in its entirety. Having one road with parking meters will obviously put a massive strain on the bordering roads. It feels like a clear divide and conquer tactic". 30 responses were received from 29 addresses. 14 from Sanderstead Road, 6 from Purley Road, 6 from Rolleston Road, and 4 from Wyche Grove.

#### 4.15 **Petition 4**

This pro forma style petition originated from a resident of Bynes Road. Individual

pages referenced the original informal consultation letter of 2 May 2019. Similarly it invited respondents to tick a yes or no box indicating whether they were in favour of a scheme. A total of 32 responses were received from 31 addresses. 19 were from Bynes Road, 6 were from Rolleston Road, and 7 were from Sanderstead Road. 1 respondent ticked yes and 31 respondents ticked no.

### **Responses**

- 4.16 While it would be preferable for residents to respond with their views to the initial informal consultation, it is clear that many residents of Bynes Road are unhappy with the proposal. In particular residents have signed petitions who initially chose not to reply to the Council's questionnaire.
- 4.17 Most of the pro forma petitions do not state a reason for their 'objection'. Petition 4, from residents of surrounding roads stated that residents believed that if the entire consultation area did not provide a majority in favour of a scheme, that the proposal would be abandoned. This is inaccurate as the informal consultation documents clearly stated that depending on the results of the consultation, the Council may choose to proceed in a smaller area or even in an individual road. They also stated that the proposal for Bynes Road would put a strain on surrounding roads. This would quite likely be the case, though it is impossible to avoid completely with Controlled Parking Zones.
- 4.18 Due to the clear lack of support for the scheme from residents who would be directly affected by the scheme (i.e. those residing in Bynes Road) it is recommended not to proceed with this scheme at this time.

## **5 CONSULTATION**

- 5.1 The purpose of this report is to consider comments and objections from the public following the giving of public notice of the proposals. Once the notices were published, the public had up to 21 days to respond.
- 5.2 The legal process requires that formal consultation takes place in the form of Public Notices published in the London Gazette and a local paper (Croydon Guardian). Although it is not a legal requirement, this Council also fixes notices to lamp columns in the vicinity of the proposed schemes to inform as many people as possible of the proposals.
- 5.3 Organisations such as the Fire Brigade, the Cycling Council for Great Britain, The Pedestrian Association, Age UK and bus operators are consulted separately at the same time as the public notice. Other organisations are also consulted, depending on the relevance of the proposal. No comments were received from any of these organisations.

## **6. FINANCIAL CONSIDERATIONS**

- 6.1 There are no financial considerations arising from this report as the recommendations are not to proceed with the proposed extension of the zone.
- 6.2 Approved by: F Wright, Head of Finance (Place)



## **7 COMMENTS OF COUNCIL SOLICITOR AND MONITORING OFFICER**

7.1 Sections 6, 45, 46, 47, 49, 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (RTRA) provides the Council with the power to implement the changes proposed in this report. This legislation gives a local authority the power to make Traffic Management Orders (TMO) to control parking by designating on-street parking places, charging for their use and imposing waiting and loading restrictions on vehicles of all or certain classes at all times or otherwise.

7.2 In making such Orders, the Council must follow the procedures set out at Schedule 9, Part III of the Road Traffic Regulation Act 1984 and detailed in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The said Regulations, prescribe inter alia, specific publication, consultation and notification requirements that must be strictly observed. It is incumbent on the Council to take account of any representations made during the consultation stage and any material objections received to the making of the Order, must be reported back to the decision maker before the Order is made.

7.3 By virtue of section 122 of the RTRA, the Council must exercise its powers under that Act so as 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. These powers must be exercised so far as practicable having regard to the following matters:-

- the desirability of securing and maintaining reasonable access to premises.
- the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- the national air quality strategy.
- 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.
- any other matters appearing to the Council to be relevant.

7.4 Recent High Court judgment confirms that the Council must have proper regard to the matters set out at s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

7.5 Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance & Deputy Monitoring Officer

## **8. HUMAN RESOURCES IMPACT**

8.1 There are no human resource impacts arising from this report.

8.2 Approved by: Jennifer Sankar, Head of Human Resources.

## **9. EQUALITIES IMPACT**

9.1 An initial Equalities Impact Assessment (EqIA) has been carried out and it is considered that a Full EqIA is not required.

## **10. ENVIRONMENTAL IMPACT**

10.1 There are no environmental impacts arising from this report.

## **11. CRIME AND DISORDER REDUCTION IMPACT**

11.1 There are no crime and disorder reduction impacts from this report.

## **12. REASONS FOR RECOMMENDATIONS**

12.1 The recommendation is not to proceed with the proposed scheme as there isn't widespread support for the scheme among residents of Bynes Road.

## **13. OPTIONS CONSIDERED AND REJECTED**

13.1 An alternative option is to introduce the parking controls. Residents broadly do not support the proposal, clearly they are happy with the current availability of parking spaces.

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### **BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**