

Report subject	Traffic Order Proposals, Canford Paddock Development Waiting Restriction Proposals P38 2023
Meeting date	25 October 2023
Status	Public Report
Executive summary	<p>On 27 July 2017 the Council's Planning Committee approved the development of 324 dwellings on the Canford Paddock site, this was later increased by an additional 45 dwellings to 369 at Planning Committee on 8 March 2022.</p> <p>As part of the planning approval the Council secured funding via a Section 106 Agreement (S106 Agreement) to implement Traffic Regulation Orders (TROs) throughout the development, for the Highway Authority (The Council) to implement if required.</p> <p>This report presents the outputs of the statutory TRO consultation and recommends approval of the TROs to implement the changes on the ground in line with the Planning Decision.</p>
Recommendations	<p>It is RECOMMENDED:</p> <p>To make and seal the Traffic Orders as advertised and implement the restrictions which are outlined in Appendix 1 of this report.</p>
Reason for recommendations	<p>The Planning Approval was granted for this development on the basis that the advertised TROs would be implemented if parking problems arose and this was built into the S106 agreement.</p> <p>There have been more objections than support for the TROs - the main reason for this being that residents advised that they and their visitors would be unable to park.</p> <p>However, due to the narrow road widths (4.8m) vehicles parking on the carriageway creates an increased threat to life for residents in their homes due to lack of clear access for emergency services. This would also cause accessibility issues for refuse vehicles leading to missed collections.</p> <p>This has resulted in vehicles parking across the footway as shown in Appendix 4, causing accessibility and safety concerns for pedestrians, particularly the disabled, elderly and parents using a</p>

	<p>pushchair/pram. It is therefore recommended to make and seal the TROs as advertised.</p> <p>In taking this decision regard has been had to the Council's duty under section 122 of the Road Traffic Regulation Act 1984.</p>
Portfolio Holder(s):	<p>Councillor Vikki Slade - Leader of the Council and Portfolio Holder for Dynamic Places</p> <p>Councillor Millie Earl - Deputy Leader of the Council and the Portfolio Holder for Connected Communities</p> <p>Councillor Andy Hadley - Portfolio Holder for Climate Response, Environment and Energy</p>
Corporate Director	Jess Gibbons – Chief Operations Officer
Report Authors	<p>Andy Brown – Traffic Team Leader</p> <p>Robert Walter – Senior Traffic Technician</p>
Wards	Bearwood & Merley;
Classification	For decision

Background

1. In December 2016 the Council received a planning application (reference APP/17/00008/F) on land south of Magna Road for the development 324 residential dwellings and associated roads, footways and public open space (the development subsequently known as Canford Paddock). The land had previously been allocated for residential development in the former Poole Council Core Strategy. The development was later increased to 369 residential dwellings (reference APP/21/00620/F).
2. As part of the planning application considerations the Local Planning Authority (LPA) consulted the Local Highway Authority (LHA) as a statutory consultee on such proposals. The LHA in its considerations assessed the proposed highway layouts of the proposed new residential estate. Subsequently the LHA in its formal comments to the LPA raised concerns on the narrow road widths proposed as part of the development layout. The LHA's report (dated 12 July 2017) on the planning application file states:
3. *"The relatively narrow road widths of the roads immediately off the main road, at only around 4.8m width, and resultant lack of well-designed visitor parking opportunities are likely to result in drivers parking half on/off the footways as they attempt to park as close/conveniently as possible to the property they are visiting."*

4. The LHA report goes on to state that due to the lack of parking:
"It is likely that streets will have cars parked on the road. This would restrict the movement of large vehicles such as the refuse vehicle and fire service vehicle. There is likely to be pressure in the future to place Traffic Regulation Orders on the streets, especially around junctions, to remove parked vehicles to assist these vehicles. Drivers are also likely to park half on/off the footways to avoid blocking routes".
5. Given the above concerns the LHA formally recommended to the LPA that the planning application be refused for the following reasons:
6. *"The proposed parking provision, lack of well designed general visitor parking provision and the narrow road widths within the proposal will result in inconsiderate and unsafe parking on surrounding streets and an unattractive, unsafe street environment for highway users including pedestrians. The proposal does not provide a satisfactory highway layout that would be considered to be to an adoptable highway standard. The proposal is therefore contrary to PSSA DMP DPD Policies DM1, DM7 and DM8 and Poole Core Strategy Policies PCS 15 and PCS 26"*
7. As a statutory consultee the LHA only make a recommendation to the LPA. The LPA considered the LHA's report and recommended refusal reason. It was considered by the LPA planning application case officer that issues of on-street parking could be resolved by securing appropriate financial mitigation from the applicant to fund the introduction of Traffic Regulation Orders on roads within the residential development. Planning guidance states that it is appropriate to secure mitigation to overcome a potential planning refusal reasons if that mitigation is appropriate and reasonable to resolve the negative impact of the proposed development. The planning application was subsequently presented by the LPA to Poole Council Planning Committee on 27 July 2017. The planning case officers report recommended approval of the development subject to planning conditions and appropriate contributions being secured via S106 Legal Agreement including contributions towards Traffic Regulation Orders. The Planning Committee resolved to approve the proposals subject to those conditions and securing of the S106 Legal Agreement contributions.
8. Following lengthy negotiations on the S106 agreement, a S106 was agreed and signed on 28 June 2018 and the planning approval decision notice was then issued on the same day.
9. The recommendation is to approve the making and sealing of the Orders. The proposed restrictions are for no waiting at any time restrictions on the following roads (plans shown within the Deposit Document):
 - Provence Drive
 - Becket Crescent
 - Philippa Court
 - Geoffrey Close
 - Blanche Place
 - Isabella Street

- Bohemia Gardens
- Neville Gardens
- Edmund Crescent
- Beaumaris Road
- Arthur Gardens
- Mortimer Place
- Poitiers Drive
- Magna Road (No loading at any time on the approach to junction with Provence Drive (eastern approach))

10. Due to the narrow road widths within the development (4.8m) the Council secured developer funding as part of the Section 106 agreement to implement TROs. This was agreed via the Planning Committee on 27 July 2017. The Council's Refuse Team have subsequently confirmed that with parked vehicles on the carriageway this would have a significant impact on service delivery.
11. Vehicles parking on the carriageway create difficulties for larger vehicles, especially emergency services, and Council refuse vehicles to manoeuvre, which has resulted in vehicles parking over the footway, creating difficulties for pedestrians, especially the elderly, disabled and parents with a pram/pushchair. In its capacity as a Statutory Consultee the Local Highway Authority referred to the likelihood of vehicles parking half on the footway in its objection as part of the planning process. The images in Appendix 4 show this to be the case. Site visits have also been carried out on two further occasions. On the first occasion there were 26 vehicles parked either on the pavement or on the carriageway. On the second occasion there were 33 vehicles parked either on the pavement or on the carriageway.
12. It is considered that the Traffic Order proposals will help secure the the safe movement of all vehicles including emergency services and Council's refuse vehicles throughout the development. The restrictions will also ensure convenient and safe movement of pedestrian and cyclists throughout the development. Further Beryl Bays are also to be implemented within the Canford Paddock, to help encourage more sustainable travel to and from the development.
13. As outlined in Appendix 1 the development has the following parking provisions:
 - 60 flats with 90 allocated off-street parking spaces
 - 309 houses
 - 42 houses with 3 off-street parking spaces
 - 261 houses with 2 off-street parking spaces
 - 6 houses with 1 off-street parking space
14. The proposed restrictions on Magna Road aim to improve manoeuvrability and safety, for motorists and cyclists on the approaches to the junction by extending the no loading at any time restrictions.
15. In taking this decision regard has been had to the Council's duty under section 122 of the Road Traffic Regulation Act 1984. Objections have been received, which are outlined in Appendix 1.

Options Appraisal

16. There are 3 Options:

- Make the Orders and implement the provisions as advertised (this is the preferred option and proposed decision, as set out in Appendix 1).
- Amend and make the Orders and implement only some of the advertised provisions/vary some of the advertised provisions to be less restrictive than advertised.
- Not to make the Orders.

Summary of financial implications

17. The costs associated with consultation and the implementation of the Orders are funded by the developer as per the Section 106 Agreement.

Summary of legal implications

18. The Road Traffic Regulation Act 1984, as amended (RTRA) provides local authorities the power to make Traffic Orders. Consultation and notice provisions as identified in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 have been carried out as detailed above. In reaching a decision regard has been had to all relevant statutory provisions. They include, as appropriate, relevant requirements and duties as set out in s1 and s122 of the RTRA 1984 and s16 of the Traffic Management Act 2004.

Summary of human resources implications

19. There are no known human resource implications.

Summary of sustainability impact

20. The traffic restrictions will complement the council's wider Transforming Travel programme and declared climate and ecological emergency. It will also support the council's ambitions for improving local travel and creating an environment where the use of public transport, cycling and walking become more attractive travel choices.

Summary of public health implications

21. The traffic restrictions will complete a highway improvement scheme that should help to promote sustainable/active travel, which should reduce harmful emissions, provide healthy choices, provide better connected communities, thereby improving health and wellbeing. The scheme should also improve road safety, thereby creating a safer environment for all road users.

Summary of equality implications

22. EIA conversation/screening document has been completed and checked by the EIA panel. The impact assessment summary taken from the screening document is shown below:

In conclusion the restrictions will prevent parking within the Canford Paddock development, except within marked visitor bays, disabled motorists are however able to park for up to 3 hours on the double yellow line restriction.

Currently vehicles are parking all over the footway and shared use paths cycle/footways, therefore restrictions will improve access for pedestrians and cyclists, by preventing parking in such areas. This will be of particular benefit to the elderly, disabled and pedestrians using pushchairs as it will ensure they can safely use the pavement. Currently there is a safety issues as such users are having to use the road. The area is also on a bus route and clearing footway parking will also improve cycling and walking facilities helping to encourage more sustainable travel.

Due to the narrow road widths the waiting restrictions have been designed to discourage parking and aims to improve access by enabling the flow of traffic for vehicles, particularly the emergency services and refuse vehicles.

The full EIA Screening document is set out in Appendix 3.

Summary of risk assessment

23. There are no known risk implications.

Background papers

24. Minutes of Meeting - Poole Council Planning Committee on 27 July 2017

Appendices

Appendix 1 - Consultation Outcome and Recommendations – Canford Paddock P38 2023

Appendix 2 – Canford Paddock Development Waiting Restriction Proposals P38 2023 TRO Deposit Document

Appendix 3 - Equality Impact Assessment Screening Document

Appendix 4 – Images of current parking

Appendix 5 – Section 106 Agreement

Appendix 6 – Planning Approval Decision Notice