AGENDA ITEM 23
REPORT NO 790/11

ANGUS COUNCIL

INFRASTRUCTURE SERVICES COMMITTEE - 22 NOVEMBER 2011

‘RESIDENTS ONLY’ PARKING AT LITTLECAUSEWAY FORFAR

REPORT BY THE DIRECTOR OF INFRASTRUCTURE SERVICES

ABSTRACT
This report discusses the ‘residents-only’ car parking areas in Littlecauseway Forfar.

1 RECOMMENDATIONS

1.1 The committee is asked to:

(i) note the difficulties currently being experienced by abuse of the residents’ parking permit scheme at Littlecauseway, Forfar;

(ii) note the options available to the council; and

(iii) instruct the Head of Roads to consult with the affected residents on the available options to resolve the current situation and further report the outcomes of that consultation to a future meeting of the committee.

2 BACKGROUND

2.1 Littlecauseway is located in a conservation area just off West High Street in Forfar Town Centre and is the only remaining street in the town which retains its original cobbled surface.

2.2 In the mid 1970s Forfar Town Council decided to pedestrianise the main area with parking areas at each end for residents.

2.3 In anticipation of these proposed works they promoted the (Littlecauseway Forfar) (Prohibition of Vehicles) Order 1975 prohibiting vehicles from the main area of the street and the (Littlecauseway Forfar) (Residents Parking Places) Order 1975 restricting the use of the proposed parking areas to residents only on the basis of a residents’ permit system. This is the only residents’ permit system in Angus.

2.4 An Order, under the Planning Act, was promoted in 1978 by Angus District Council converting the entire cobbled length of Littlecauseway to footpath which had the effect of revoking the 1975 Prohibition of Driving Order as mentioned above.

2.5 The parking areas were formed and bollards erected to restrict access to residents only who were issued with keys for the bollards. However over the years the permit system lapsed and the bollards were damaged such that abuses of the parking restrictions by non residents began. When complaints by residents were received it became clear that the 1978 Order was poorly drafted and as a result the Police considered the restrictions on the parking areas to be unenforceable.

2.6 In 1987 Angus District Council promoted a variation Order to the 1978 Order reaffirming the situation which restricted users of the parking areas to residents only, on display of a permit.

2.7 That situation continued satisfactorily for many years although as previously over the years the permit system gradually lapsed. In 2003 complaints from residents began to arise in relation to increased non-resident abuse of these parking areas and as a result a report (No 531/04) was considered by the Infrastructure Services Committee on 29 April 2004 which agreed to convert the two parking areas of Littlecauseway to carriageway.
2.8 A further report (No.1020/04) was considered by the Infrastructure Services Committee on 2 September 2004 which agreed to the making of a Traffic Regulation Order to introduce a Residents Parking Permit Scheme at the two parking areas of Littlecauseway.

2.9 The Angus Council (Littlecauseway Forfar) (Residents Only Parking Permits) Order 2004 was made in September 2004 which revoked the (Littlecauseway Forfar) (Residents Parking Places) Order 1975. The intention of this Order was to make parking in these areas similar to other on street kerbside parking with enforcement carried out by Tayside Police with fixed penalty notices.

2.10 The permit scheme came into operation on 1 April 2005 with parking permits being issued to residents on application at an annual fee of £25 to cover the administration costs of running the scheme.

2.11 Appropriate unobtrusive signage was erected at the car parking entrances in 2005, however due to the nature of the surface of the parking areas and their location within a Conservation Area it was not felt appropriate at that time to consider the provision of road markings.

3. CURRENT POSITION

3.1 Whilst the signing alone had the desired effect for some time, in recent times parking by non-permit holders has become a problem with residents unable to park at times and occasionally being blocked in.

3.2 Tayside Police have stated that they are unwilling to enforce the current Order without the necessary signs and road markings in compliance with the Traffic Signs Regulations and General Directions 2002.

3.3 The formal marking out of individual bays would allow 11 parking spaces (ie seven spaces in west car park and four spaces in east car park) to be provided. The current informal manner of the parked vehicles allows significantly more.

3.4 It would not be possible to provide the necessary road markings on the existing uneven road surface and as such this would require the uplifting of the current surface and replacement with a suitable bound surface, block paving or similar.

3.5 Notwithstanding the above, the affected length of Littlecauseway is located within a Conservation Area and the majority of the adjacent buildings are listed. Angus Council has a statutory duty to have regard to the desirability of preserving the setting of listed buildings and preserving or enhancing the character or appearance of the Conservation Area.

3.6 Angus Council Planning Policy ER12: Development Affecting Conservation Areas makes specific reference to ground surfaces as particular features which should be retained.

3.7 It is the view of the Head of Planning that the existing ground surface at this section of Littlecauseway contributes positively to the character of the Conservation Area and the setting of the listed buildings and its removal or replacement would not be favoured. Similarly the introduction of road markings generally would also detract from the character and appearance of the area.

3.8 In terms of formal signing of the car parks the Head of Planning has indicated that any proposed additional or alternative signing may be permissible but would prefer such signs not to be overly obtrusive.

3.9 A plan of the affected areas of Littlecauseway is provided in Appendix 1.

4 OPTIONS

4.1 The existing situation is not operating satisfactorily and there is an increasing level of concern that the ‘permit’ scheme will continue to be abused and will fall further into disrepute without
the necessary enforcement. Residents are reluctant to pay the associated fee while this uncertain and unsatisfactory situation endures.

4.2 Consideration was given to converting these car parks into council long stay car parks for use by the general public however as this would require the provision of road markings this option was discounted.

4.3 The following viable options may therefore to be considered in an attempt to resolve the situation.

4.4 **Option 1 - Revoke the Residents’ Parking Permit Scheme and Make The Parking Areas Free For Use By All**

4.4.1 The existing Traffic Regulation Order would require to be revoked.

4.4.2 This option would remove parking enforcement issues although the parking areas would remain part of the public road which would permit Tayside Police to enforce any other traffic offences occurring in these areas such as obstruction, untaxed vehicles, etc.

4.4.3 By removing the ‘residents only’ element of these car parks there is likely to be high demand for these spaces by non residents of Littlecauseway due to the close proximity of commercial properties and the limited availability of residents’ parking in surrounding streets.

4.4.4 The residents’ permit holders of Littlecauseway will incur a loss of their current parking privileges which they have enjoyed for a number of years albeit with some non resident parking in recent times.

4.4.5 There would be no restriction on the length of stay or type of vehicles which would be permitted to park in these areas.

4.5 **Option 2 - Reinstate the Car Parking Areas as Footpath and Remove All Parking In These Areas**

4.5.1 A Traffic Regulation Order would require to be promoted to revoke the current permit scheme and alter the status of the parking areas.

4.5.2 This option would enhance the Conservation Area by removing vehicles, signs, etc from these parking areas.

4.5.3 As with Option 1 the residents permit holders of Littlecauseway will incur a loss of their current parking privileges which they have enjoyed for a number of years albeit with some non resident parking in recent times.

4.5.4 Whilst generally vehicle access to these areas would be prohibited some vehicle access may require to be retained to allow maintenance, etc. and as such it may be difficult to physically prevent vehicles accessing the affected areas, with any abuse being difficult to enforce by Tayside Police.

4.6 **Option 3 - Convert To Council ‘Residents Only’ Car Park**

4.6.1 The affected areas would require to be removed from the List of Public Roads and Traffic Regulation Orders promoted to revoke the current permit scheme and alter the status of the parking areas.

4.6.2 This option would have the advantage of retaining the car parks for use by residents of Littlecauseway only. As this arrangement would be the subject of a Traffic Regulation Order specific to this location then it is considered that formal road markings need not necessarily be provided although appropriate signing of the car parks would require to be more prominent than existing in order to fully display the terms and conditions of use of the car park.
4.6.3 The enforcement of the car parks would require to be carried out by council staff which would be in a similar manner to that provided at other council public car parks (ie intermittently daily, Monday – Saturday).

4.6.4 It should therefore be understood by affected residents that the high level of enforcement to prevent abuse which would be required to meet the expectations of the residents in the face of high demand particularly late evening and Sundays, could not be provided by council staff.

4.6.5 As at present, resident’s permits would require to be issued and the costs related with administering the permit scheme would require to be met by the residents in the form of a permit fee (currently £25).

4.6.6 It can be anticipated that some confusion may arise due to the one-off nature of these car parks with other drivers mistaking them for general council public car parks.

4.7 An option summary table is shown in Appendix 2.

5 RISK

5.1 Angus Council has fallen heir to the ‘residents only’ parking arrangement at Littlecauseway and has over the years tried to honour the commitment of previous authorities to retain that unique historical facility for the residents of Littlecauseway.

5.2 Angus Council has however consistently resisted the introduction of other residents only parking schemes in Angus due mainly to the difficulties of enforcement as well as the potential costs to the council, and the residents, in association with such schemes.

5.3 As can be seen from the Background section of this report there has been ‘residents only’ parking arrangements at Littlecauseway for many years and the history also highlights the difficulties arising from such schemes, due in part to the conflicting needs to maintain the appearance of the area and the need for signing and lining to allow enforcement of the parking.

5.4 The risk to Angus Council in pursuing Option 3 as a solution to the current difficulties arising from a publicly maintained ‘Residents Only’ parking area is that if successful then other ‘residents only’ parking areas may be requested across Angus which would be unsustainable within the current resources.

6 FINANCIAL IMPLICATIONS

6.1 The costs associated with the three options set out in section 4 are outlined below.

6.2 Option 1 – The costs of removing existing related signs would be £150 which could be contained within the 2011/2012 Revenue Budget.

6.3 Option 2 – The cost of removing existing signs is estimated at £150 which could be contained within the 2011/2012 Revenue Budget for Traffic. Other minor works may also be required to discourage parking.

6.4 Option 3 – The costs associated with this option include erection of suitable signing estimated at £2,500 which could be contained within the 2011/2012 Revenue Budget. Further costs will include administration of the permit scheme and which will require to be met by the residents by means of a permit fee.

6.5 The final cost implication cannot be determined until such time as the outcome of the consultation with local residents is known. This will be detailed in a future report to this committee along with associated financial implications of the preferred option.
7 HUMAN RIGHTS IMPLICATIONS
7.1 There are no Human Rights implications arising from the proposals in this report.

8 EQUALITIES IMPLICATIONS
8.1 The issues dealt with in this report have been the subject of consideration from an equalities perspective. An equalities impact assessment is not required.

9 CONCLUSION
9.1 Due to complaints by residents of abuse of the ‘residents-only’ parking areas at Littlecauseway by non-residents a solution is required to resolve the current unsatisfactory situation. The Conservation Area status of Littlecauseway and the resulting restrictions imposed thereon leaves limited available options.

10 CONSULTATION
10.1 The Chief Executive, Director of Corporate Services, Director of Neighbourhood Services, Director of Education, Head of Finance, and the Head of Law and Administration and the Chief Constable were consulted in the preparation of this report.

ERIC S LOWSON
DIRECTOR OF INFRASTRUCTURE SERVICES

NOTE
The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:- (list papers concerned).

**LITTLECAUSEWAY FORFAR**

**Option Summary**

<table>
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<th>Option</th>
<th>Road Markings Required</th>
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*comprehensive enforcement levels including evenings and weekends would be required to prevent parking abuse.

**current fee level but may be subject to review.