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| <b>Decision Maker:</b>  | <b>Assistant director environment and place</b>                          |
| <b>Decision Date:</b>   | <b>26 July 2018</b>  |
| <b>Title of Report:</b> | <b>Hereford City Centre (St Peter's Square U80010) Order Amdt 1 2018</b> |
| <b>Report by:</b>       | <b>Head of infrastructure delivery</b>                                   |

## Classification

Open

## Decision Type

This is not a key decision

## Wards Affected

Central

## Purpose and Summary

To decide upon objections and consider other responses to the consultation on Council proposals to remove the goods vehicle stipulation from the loading bay on the north-west side of St Peter's Square near the junction with Offa's Street. Also to extend the taxi rank and loading bay facilities outside St Peter's Church, with changes to the hours of operation.

To authorise the making and implementation of the Hereford City Centre (St Peter's Square U80010) Order Amdt 1 2018, as per the below recommendations.

## Recommendations (see Appendix 3)

- (a) **The removal of the Goods Vehicle stipulation from the loading bay on the south-west side of St Peter's Square is implemented, with a reduced 1 hour no return period.**
- (b) **The proposal to move and extend the loading bay outside St Peter's Church, operating 8am to 6pm, on all days, on the north side of St Peter's Square is implemented, as advertised.**
- (c) **The proposal to extend the taxi rank on the north side of St Peter's Square north-eastwards is implemented, as advertised.**
- (d) **The proposal to extend the taxi rank on the north side of St Peter's Square south-westwards is withdrawn.**
- (e) **The proposals are modified to include an exemption for a wedding or funeral vehicle waiting that's connected with St Peter's Church.**

## Alternative options

1. To not proceed with the removing the goods vehicle stipulation from the loading bay on the south-west side of St Peter's Square, with a revised 1 hour time no return period. Not implementing this change would conflict with the business and customer needs represented by HBID.
2. To not relocate and extend the loading bay north-eastwards. Withdrawing this proposal would not make best use of the available kerbside or assist the work of St Peter's Church and other service providers.
3. To proceed with extending the taxi rank westwards. Proceeding with this restriction would prevent earlier loading and unloading by Hereford Open Door, and remove the facility for Blue Badge parking (up to 3 hours) in the immediate vicinity of the church.
4. To not proceed with extending the taxi rank north-eastwards. Not implementing this extension would remove an additional ranking space, which is supported by HBID.

## Key considerations

5. 75% of respondents to the High Town consultation in 2015/16 highlighted a preference to remove Goods Vehicle (GV) only stipulations from loading bays in the city centre to allow wider and increased utilisation of these bays. There has also been a business request to specifically remove the GV stipulation specifically from the loading bay on the north-west side of St Peter's Square to assist customers loading and unloading heavier goods.
6. As part of the On-Street Parking consultation St Peter's Church highlighted issues with the existing loading bay on the north side of St Peter's Square only operating Monday to Saturday, when there was also high demand for this facility on a Sunday.

## Background

7. On 22 March 2018 the assistant director environment and place authorised the proposing of a Traffic Order to remove the goods vehicle stipulation from the loading bay on the north-west side of St Peter's Square near the junction with Offa Street and to extend the taxi rank and loading bay facilities outside St Peter's Church, with changes to the hours of operation (see map of proposals in appendix 2).
8. On the 5 April 2018 the Notice of Proposal was published in the local press and on the council's website, giving 28 days for comments and objections to be made. Further copies of the Notice were displayed in the affected streets and copies of all the relevant documents were deposited in the council offices at Plough Lane.

## Consultation Responses

9. A total of 6 responses were received to the consultation of which 4 were recorded as objections.
10. Each response is summarised and considered below, full copies of all the responses are available in appendix 4.

## Yeomans Travel Bus Operator

### Summary

11. Yeomans Travel have highlighted a concern that it is common practice for Yeoman's buses to park up prior to the entrance to the bus shelters, therefore there should be no parking in the diagonal area marked on the restriction plan, or this could restrict their

ability to drive onto stand 3.

### **Response**

12. There is no planned change to the existing no waiting at any time and no loading restrictions that apply where the hatching is shown (see Appendix 2 and 3). The marking is intended to help guide southbound vehicles around the loading area.

## **Owner of the Venue, the Kerry, the Commercial and the Wellington**

### **Summary**

13. The Owner of the Venue, the Kerry, the Commercial and the Wellington highlighted the frustration of cars not being permitted to use the loading bays (in Union Street) and suggests each business be allocated 1 permit to allow a car use the loading bay.
14. Issues were also highlighted with unplanned repair or service work, which requires access to the premises. Whilst the dispensation service is currently used, it requires completion of an on-line form and collection from the Town Hall, which is a significant overhead in terms of time. Again it is suggested that this could be managed in the form for a permit for each business, at cost.

### **Response**

15. Whilst changing the loading restrictions in Union Street and provision of new permits for loading/unloading are outside the scope of these proposals, the operation of the loading bays in the city centre will be monitored and considered as part of any future proposals.

## **Tanners Wines**

### **Summary**

16. The business expressed their support for the proposed change to Loading bay restriction changes in St Peters Square. However they also expressed a strong customer view that there should be a short period of free parking (15 minutes was viewed as reasonable). They felt that this would be most beneficial to businesses such as the estate agents or cobblers where a quick collection or drop off is common place. Tanners have customers that often place their order to collect later and would only need to be parked for a few minutes to do this, but are now deterred by the parking charge.

### **Response**

17. It is not recommended that provision for a 15 minute parking period is provided as an additional facility within the loading bay which is the subject of these proposals. Using the available loading bay for general parking could lead to delivery vehicles double parking to load/unload, with possible safety issues. The addition of a new free parking period in the pay and display bays is outside the scope of this consultation.
18. A "Click and Collect" or pick-up / drop-off facility, is already provided on by the existing no waiting restrictions which allow for vehicles to wait for the purpose of loading and unloading providing it is continuous, timely and undertaken in the vicinity of the premises. There are also general use loading bays provided in King Street, West Street and as part of this scheme, in St Peter's Square which can be used for this purpose.

## **St Peter's Church**

### **Summary**

19. St Peter's Church highlighted a number of requirements that would need to be

addressed to enable them to continue to undertake their community work, as well as their public role as the civic church and providing weddings and funerals. If these were met they would have no objection to the proposals.

20. If the taxi rank is extended westwards the church would like to be able to place bollards within the taxi rank to allow wedding/funeral vehicles to park, for the small number of services that take place.
21. The Church has people attend with very limited mobility, so there is a need to park close to the entrance. As the taxi rank is being extended and there is a less demand for taxis on a Sunday, they have asked whether the two loading bays outside the church be designated for church use only on a Sunday to provide parking for Blue Badge holders.

### ***Response***

22. Only West Mercia Police and the Council can place no waiting cones on the highway. However, to allow a more flexible use of the available kerbside space it is recommended that the proposed westward extension of the taxi rank is withdrawn, to retain a small length of no waiting at any time restriction.
23. This combined with a non-substantial modification of the proposals to include an exemption for wedding and funeral vehicles connected with St Peter's Church would allow the church to continue to carry out its civic functions while also allowing Blue Badge holders to be able to park for up to 3 hours where necessary.
24. Otherwise there are existing disabled parking bays in Offa Street and St Peter's Square, together with a provision to park in pay & display bays without restriction or charge for Blue Badge holders.

## **Hereford Open Door Charity**

### ***Summary***

25. A volunteer for the Hereford Open Door Charity asked whether the proposed loading bay restriction could operate from 7.45am to 6pm, as they sometimes need to unload food items before 8am. The charity provides breakfasts and other services to homeless people in Hereford from 8am. They operate from St Peter's Church House on Mondays, Thursdays and Fridays but use the loading bay on other days to bring in food, tents, sleeping bags, etc.
26. They also asked for confirmation that the loading bay would operate all seven days of the week between the hours of 8am and 6pm.

### ***Response***

27. If as recommended above the proposal to extend the taxi rank westwards is withdrawn, the short length of no waiting at any time restriction retained could be used for loading outside of the loading bay hours of operation.
28. The loading restrictions within the combined taxi/loading bay would apply 7 days a week.

## **Hereford BID**

### ***Summary***

29. Overall HBID are pleased at the overall changes proposed and feel this will help local businesses with additional custom.
30. Specifically, they highlighted that the taxi rank extension to allow 2 extra taxis by St Peter's Church will benefit both the night and day time economy and that the change

from Goods Vehicle loading to any vehicle loading outside Tanners will make a huge difference to this business and the others around it.

31. HBID did however question the *no return period* of 2 hours for the loading bay outside Tanners and raised concerns this might have an impact when those businesses in St Owen Street who pick up deliveries to go out and need to return sooner. They have therefore asked whether a *no return period* of one hour would be possible.

### **Response**

32. With the recommended revision to the proposed taxi rank extension there would now only be space for one additional vehicle during the day time, however this still represents an improvement on the current facility.
33. The intention of the 2 hour return period is to encourage a turnover of vehicles and assist in maintaining the availability of the bay when needed. However to ensure the kerbside the fully utilised and that the Council is responding to the business community, it is recommended that this relaxation of the proposed restriction to a 1 hour no return period is approved as non-substantial modification to the proposals.

### **Community impact**

34. The scheme would assist the business and wider community, by providing extended loading facilities, which would be available for all users, as well as providing some additional taxi ranking capacity to promote safe and sustainable travel. Supporting city centre business economy is consistent with the Councils cooperate plan. The delivery of appropriate parking arrangements in the city centre should encourage appropriate off street parking and walking / cycling into the city centre.

### **Equality duty**

35. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
36. The impact of these proposals is considered to be of low impact as stated in the Equality Impacts and Needs Assessment at Appendix 1 of this report.

### **Resource implications**

37. The costs of the design and implementation of the amended order is £14,000. This comprises design/legal costs of £12,000 and construction associated costs of £2,000. These costs will be funded from the project budget within the annual public realm programmes.

### **Legal implications**

38. The council as the local highway authority has the powers to make Traffic Regulation Orders under the Road Traffic Regulation Act 1984 and to regulate taxi ranks under the

Sections 63 and 64 of the Local Government (Miscellaneous Provisions) Act 1976, where appropriate.

39. The procedure for making such orders is set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 as amended (“the Regulations”). This includes the requirements for consultation and how any objections are to be dealt with. Under the Regulations the Council is required to consider any objections received from the formal statutory consultation.
40. Following the consultation the council has discretion (under Regulation 14 of the Regulations) to amend its original proposals, if felt desirable, whether or not in the light of any objections or comments received, as a result of such statutory consultation. If any objections received are accepted, in part or whole, and/or a decision is made to modify the original proposals, if the council considers those amendments to be substantial, then steps must be taken for those affected by the proposed modifications to be further consulted and any responses must be considered.
41. The recommended modifications to the proposals are not considered to be substantial and as such additional consultation is not required.

## **Risk management**

42. The risk of vehicle doors impacting on the brick planter has been considered. A 3m width bay will allow wider horizontal clearance for smaller vehicles and HGV’s should have vertical clearance. The extended bay is also designed to assist rear loading/unloading which can be accessed from a dropped kerb at the end of the bay. If there are any issues, an area of hatching could also be applied to the kerbside. Otherwise most urban environments include features that may limit motor vehicle door opening.
43. In order to assess any potential conflict with southbound traffic movements from Union Street, swept path analysis was undertaken to confirm adequate horizontal clearance. Otherwise hatching has been included within the design to help guide vehicles. The length is considered appropriate for a one-way street, where vehicles will tend to a follow a more near side or central path.

## **Consultation**

44. Within the Hereford City Centre Order 2016 the council advertised proposals to remove the Goods Vehicle stipulation, where it applied, to all loading bays in the city centre. This had been supported by around 75% of respondents to the High Town consultation in 2015/16. HBID highlighted concerns that users may misinterpret the conditions of use and risk contravening the restrictions.
45. After due consideration the council proposals were then withdrawn from the order. With the OSP now becoming established, this is less likely to be an issue and there has been a business request to open the loading bay on the north-west of St Peter’s Square to all users. As part of the OSP consultation St Peter’s Church also requested access to a 7 day loading facility to assist people loading and unloading on Sundays.
46. As part of the regulation process a formal public consultation was carried out from 5 April to 3 May 2018. Local stakeholders were informed, together with Local Members, The Chief Constable of West Mercia Police, Hereford City Council, Freight Transport Association, Road Haulage Association, Hereford & Worcester Ambulance Service, Hereford & Worcester Combined Fire Authority, and The Royal National College for the

Blind will be asked to provide their views. The local ward member is supportive of the proposals relating to St Peters Square.

47. A Notice of Proposal was published in the local press and on the council's website, giving 28 days for comments and objections to be made. The proposals was also displayed on site notices in the affected streets and deposited in the council offices at Plough Lane.

## **Appendices**

Appendix 1 – Equality Impacts and Needs Assessment

Appendix 2 – Advertised TRO Plan

Appendix 3 – Revised TRO Plan

Appendix 4 – Consultation Responses

## **Background Papers**

Not applicable