

Cabinet Member for City Services

14th November 2016

Name of Cabinet Member:

Cabinet Member for City Services – Councillor Innes

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

Upper Stoke

Title:

Report – Objection to Waiting Restriction, Forknell Avenue/Lutterworth Avenue

Is this a key decision?

No

Executive Summary:

Waiting restrictions within Coventry are reviewed on a regular basis.

On 30th June 2016 a Traffic Regulation Order (TRO) relating to proposed new waiting restrictions and amendments to existing waiting restrictions was advertised. Objections were received and these were considered at the Cabinet Member for City Services meeting on 15th August 2016.

Unfortunately one of the objections, which had been received within the formal objection period, was not included in this process. The objection related to proposed double yellow lines at the Forknell Avenue/ Lutterworth Avenue junction.

In accordance with the City Council's procedure for dealing with objections to TROs they are reported to the Cabinet Member for City Services for a decision as to how to proceed. Therefore the objection is to be considered at this meeting.

The cost of introducing the proposed TROs, if approved, will be funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan.

Recommendations:

Cabinet Member for City Services is recommended to:

1. Consider the objection to the proposed waiting restriction;
2. Subject to recommendation 1, approve the restrictions as advertised at the junction of Forknell Avenue/Lutterworth Avenue.

List of Appendices included:

Appendix A – Summary of restriction, objection and response

Background Papers

None

Other useful documents:

Cabinet Member for City Services meeting 15 August 2016, Report – Objections to Proposed Waiting Restrictions

Copies of reports available at modern.gov.coventry.gov.uk

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:**Report - Objection to Waiting Restriction, Forknell Avenue/Lutterworth Avenue****1. Context (or background)**

- 1.1 On 30th June 2016 Traffic Regulation Orders (TROs) relating to proposed new waiting restrictions and amendments to existing waiting restrictions were advertised. Objections to these proposals were considered at the Cabinet Member for City Services meeting on 15th August 2016.
- 1.2 Unfortunately one of the objections, which had been received within the formal objection period, was not included in this process. The objection related to proposed double yellow lines at the Forknell Avenue/ Lutterworth Avenue junction.
- 1.3 The request for double yellow lines at the Forknell Avenue/ Lutterworth Avenue junction had been received from the Upper Stoke Ward Forum. The residents attending the meeting had raised road safety concerns, advising that they considered the level of traffic in the area had increased and that there was a danger posed by cars parked too close to the junction, limiting visibility.
- 1.5 As part of the statutory procedure the Traffic Regulation Order was advertised in the local press and notices were posted on lamp columns in the area of the proposed restrictions on 30th June 2016, advising that any formal objections should be made in writing by 21st July 2016. In addition letters were also sent to residents who would be directly affected, due to waiting restrictions being installed on the public highway, outside their property.

2. Options considered and recommended proposal

- 2.1 Unfortunately, although the objection to the proposals at Forknell Avenue / Lutterworth Avenue had been received within the formal objection period, due to an administration error it was not considered with the other objections at the Cabinet Member for City Services meeting of 15th August 2016. The objection, response to the objection and origin of the proposed waiting restrictions is summarised in Appendix A.
- 2.2 In considering the objection, the options are to:
 - i) make the order for the proposal as advertised;
 - ii) make amendments to the proposals, which may require the revised proposal to be advertised;
 - iii) not to make the order relating to the proposal.
- 2.3 The recommend proposal, as detailed in Appendix A, is to retain the double yellow lines at this junction.

3. Results of consultation undertaken

- 3.1 The proposed TROs for the waiting restrictions were advertised in the Coventry Telegraph on 30th June 2016, notices were also placed on street in the vicinity of the proposals. In addition letters were sent to properties which would be directly affected. Letters were also sent to other various consultees. The responses received were:

1 letter from West Midlands Fire Service advising they had no objection to the proposals 38 objections, of which 2 (1 for Buckingham Rise and 1 for Falkland Close) were subsequently withdrawn, 1 request for an extension to double yellow lines (on Station Avenue) and 4 letters of support. One objection related to the proposal at Forknell Avenue/ Lutterworth Avenue.

- 3.2 Appendix A details the objection to the Forknell Avenue/ Lutterworth Avenue proposal and a response to the issues raised.

4. Timetable for implementing this decision

- 4.1 If the recommendation is approved, no further action will be undertaken. If it is approved that amendments are made to the waiting restrictions this will be undertaken at the next available waiting restriction review, before the end of March 2017.

5. Comments from Executive Director of Resources

5.1 Financial implications

The cost of introducing the proposed TRO, was funded from the Highways Maintenance and Investment Capital Programme budget through the Local Transport Plan

5.2 Legal implications

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Order on various grounds e.g. improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order.

In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a traffic order the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving or preserving local amenity, air quality and/or public transport provision.

There is an obligation under the Road Traffic Regulation Act 1984 to advertise our intention to make Traffic Orders and to inform various stakeholders, including the Police and the public. The Authority is obliged to consider any representations received. If representations are received these are considered by the Cabinet Member for City Services. Regulations allow for an advertised order to be modified (in response to objections or otherwise) before a final version of the order is made.

The 1984 Act provides that once a Traffic Order has been made it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act for some reason).

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

The proposed changes to the waiting restrictions, as recommended will contribute to the City Council's aims of ensuring that citizens, especially children and young people, are safe and the objective of working for better pavements, streets and roads.

6.2 How is risk being managed?

None

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

The introduction of waiting restrictions will reduce obstruction of the carriageway, therefore increasing safety for all road users

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

Report author(s)

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Place

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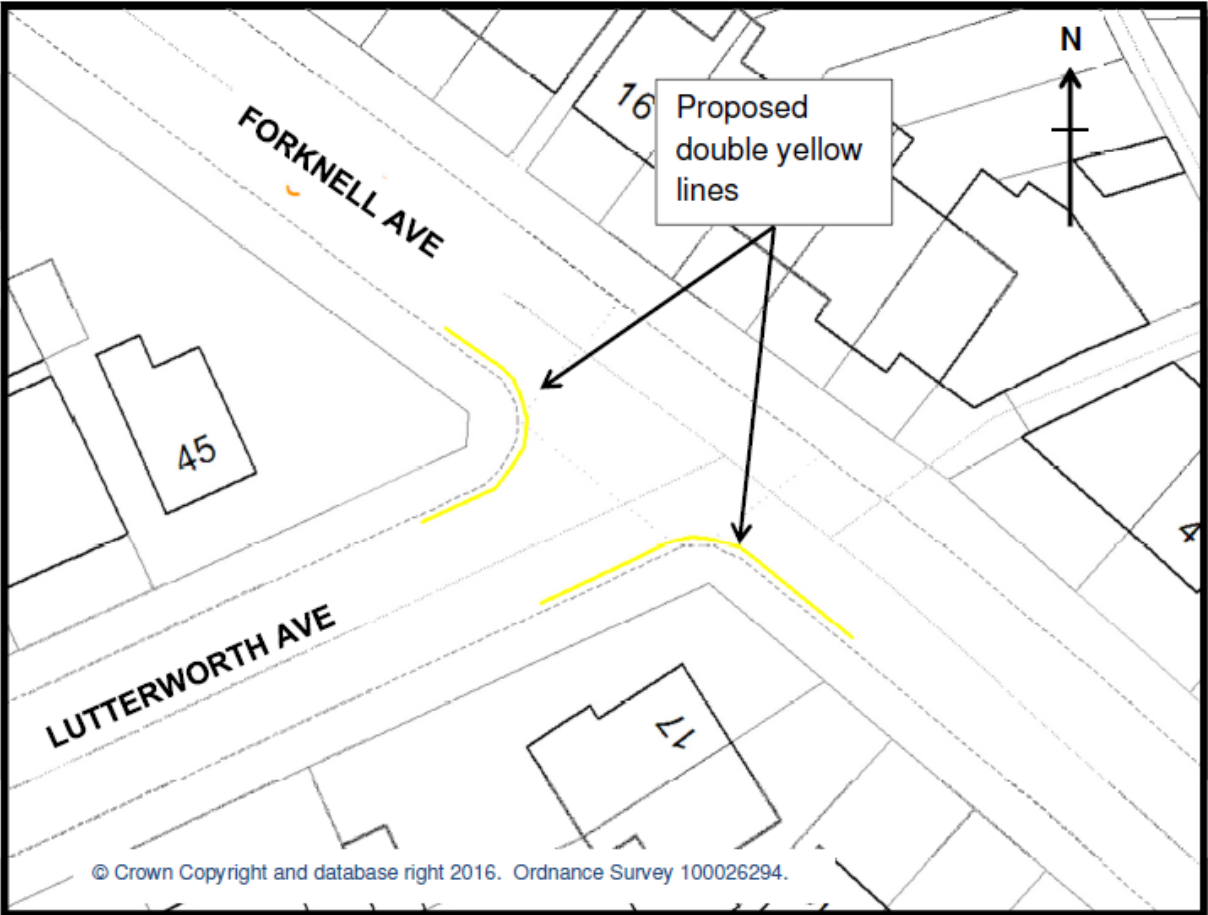
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Enquiries should be directed to the above person.

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Appendix A – Summary of restriction, objection, and response

Location (Ward)	Forknell Avenue/ Lutterworth Avenue (Upper Stoke)
Original Request	Request received from the Upper Stoke Ward Forum for double yellow lines at the junction due to residents' concerns that a danger is posed due to cars parked too close to the junction.
Proposal	<p>Installation of double yellow lines for junction protection at Forknell Avenue/Lutterworth Avenue</p> 
Objection 1	<p>Regarding the proposal, I think this is a joke and I strongly like to oppose this because I and my [] park here and I have X grandchildren, who we have daily, who need to get out of the car in front of the house because of safety reasons. What do you want me to do, park yards away and walk with them, always a struggle to park near the house because every house has 2-3 cars. If you allow this to go ahead you will take away a parking space which we have had for 20 years and put my grandkids at risk.</p>
Response to objection	<p>Concerns have been raised in regard to parking at the junction, particularly in regard to visibility, therefore double yellow lines have been proposed.</p> <p>It is not a duty of the City Council to provide on street parking. The Highway Code (243) states 'Do not stop or park opposite or within 10 metres (32 feet) of a junction, except in an authorised parking space'. The proposals are the minimal length (10 metres) in accordance with the highway code.</p> <p>Recommendation – Maintain restriction as advertised.</p>