

Cabinet Member for City Services

12th March 2018

Name of Cabinet Member:

Cabinet Member for City Services – Councillor J Innes

Director Approving Submission of the report:

Deputy Chief Executive (Place)

Ward(s) affected:

Cheylesmore

Title:

Objection to Proposed Waiting Restrictions – Hill Fray Drive / Ashington Grove

Is this a key decision?

No

Executive Summary:

Waiting restrictions within Coventry are reviewed on a regular basis.

On 17th August 2017, 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 18th September 2017

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 Hill Fray Drive / Ashington Grove 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 TRO, 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 Hill Fray Drive / Ashington Grove.

List of Appendices included:

Appendix A – Summary of proposed restriction, objection and response

Background Papers

None

Other useful documents:

Cabinet Member for City Services 18 September 2017 - Objections to Proposed Waiting Restrictions Report

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: Objection to Proposed Waiting Restrictions – Hill Fray Drive / Ashington Grove

1. Context (or background)

- 1.1 On 17th August 2017, a Traffic Regulation Order (TRO) relating to proposed new waiting restrictions and amendments to existing waiting restrictions was advertised. Objections to these proposals were considered at the Cabinet Member for City Services meeting on 18th September 2017.
- 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 Hill Fray Drive / Ashington Grove junction.
- 1.3 The request for the double yellow lines at the Hill Fray Drive / Ashington Grove junction had been received from local residents concerned about parking at the junction.
- 1.4 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 17th August 2017, advising that any formal objections should be made in writing by 7th September 2017. 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 Hill Fray Drive / Ashington Grove 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 18th September 2017. 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 recommended 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 TRO for the waiting restrictions was advertised in the Coventry Telegraph on 17th August 2017; 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 27 objections (26 individual objections and 1 petition) and 1 letter of support. Two objections were received in regard to the Hill Fray Drive / Ashington Grove junction proposals, one of which was subsequently removed by the objector.
- 3.2 Appendix A details the objection to Hill Fray Drive / Ashington Grove proposal, which was not considered on 18th September 2017, and a response to the issue raised.

4. Timetable for implementing this decision

- 4.1 If the recommendation is approved, the painting of the double yellow lines will be completed by the end of March 2018.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

The cost of introducing the proposed TRO, if approved, will be 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)**Name and job title:**

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Place

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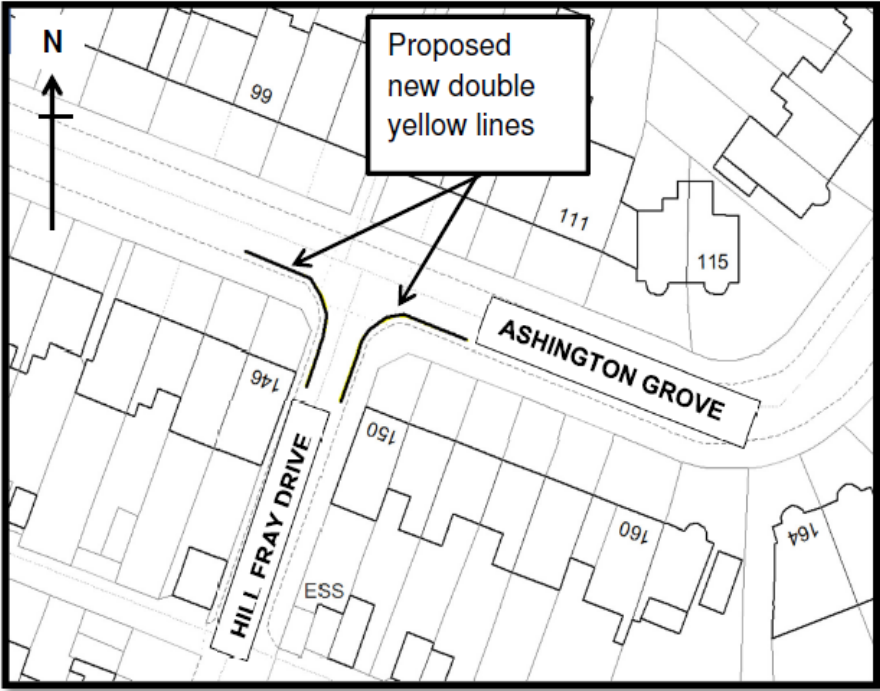
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Enquiries should be directed to the above person.

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Rob Parkes	Commercial Lawyer	Place	28.02.2018	01.03.2018
Councillor J Innes	Cabinet Member for City Services	-	28.02.2018	28.02.2018

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Appendix A – Summary of proposed restriction, objection and response

Location (Ward)	Hill Fray Drive / Ashington Grove (Cheylesmore)
Original Request	Residents requested double yellow lines due to concerns about parking at the junction
<p>Proposal</p>	<p>Installation of double yellow lines for junction protection</p>  <p>© Crown Copyright and database right 2017. Ordnance Survey 100026294.</p>
<p>Objection</p>	<p>I am contacting you as per the request on a recent notification regards proposed waiting restrictions for the corners of Hill Fray and Ashington Grove.</p> <p>I am the home owner for XX Ashington Grove and am submitting my objection and registering myself as a stakeholder in this works.</p> <p>The grounds I am registering in this email are that we have a dropped kerb which is approved and installed by the Coventry Council; with this in mind we feel there should be no yellow lines painted in front of this dropped kerb. Our dropped kerb already provides parking restrictions in front of our property and therefore yellow lines have no further affect other than to potentially restrict access to our property / driveway which is already approved and installed by the Coventry Council and is of actual benefit to reducing on road parking.</p> <p>The issues causing this proposal, that being bin collections to the residents on Hill Fray are real and we feel that; we personally have our bins at the front of our property as we too have been affected by bins not being collected from the back of the property but, in no way whatsoever is parking outside of our property ever a cause to this and so please consider our above objections.</p> <p>With this in mind, please can I be contacted, a personal visit would be great so we can resolve.</p>

	<p>Additional information provided by objector, subsequent to the original objection.</p> <p>I would still like my representation to be heard and to be honest the last I had officially heard from my local councillor was that my representation would be heard regardless and that the proper legal process hadn't been followed by my representation not being heard originally.</p> <p>I still hold concerns about the lines being painted here, they look to me like a tick box exercise to appease a few residents. If there were real concerns regards the issues leading to these lines then firstly the drivers of the bin trucks would be approached and assessed; I [] have seen on many occasions when there are two bin collections on the same day (green and blue for example) then one bin truck will come down the street and turn into Hill Fray without batting an eyelid and then later, with no change to the parked cars the other bin truck will arrive, stop, look and drive off. Same type of trucks, same parked cars just different drivers.</p> <p>Secondly, there are tight bends at the top of Ashington Grove and at the bottom of Ashington Grove which seem to not be in scope when they should be if the issues were really real.</p> <p>Thirdly, parking opposite the junction has not been put into the same scope when it should be if the issues were real.</p> <p>I just do not buy into the need for these lines and believe a small number of residents have been a pain and a tick box exercise has been actioned to appease them</p>
<p>Response to objection</p>	<p>The double yellow lines are proposed in accordance with the advice from the Highway Code in regard to parking at a junction. 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'. This is to provide visibility at a junction.</p> <p>The no waiting at any time (double yellow lines) restriction does not restrict vehicular access to a driveway. However, it would prevent a vehicle being able to park across a driveway</p> <p>Recommendation – Install restrictions as advertised.</p>