

Cabinet Member for City Services

9<sup>th</sup> September 2019

**Name of Cabinet Member:**

Cabinet Member for City Services – Councillor P Hetherton

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

Bablake

**Title:**

Objection to Proposed Waiting Restriction – Browns Lane

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**Is this a key decision?**

No

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**Executive Summary:**

Waiting restrictions within Coventry are reviewed on a regular basis.

On 13<sup>th</sup> June 2019, 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 12<sup>th</sup> August 2019.

All objectors were invited to attend and speak at the meeting on 12<sup>th</sup> August. However, the objector to the proposal for Brown's Lane advised they were not able to attend the meeting and requested that the consideration of this item was deferred. The Cabinet Member agreed.

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. As the Brown's Lane proposal was not considered at the August meeting, it 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 implementation of the restrictions as advertised at Brown's Lane and that the proposed Traffic Regulation Order is made operational.

**List of Appendices included:**

Appendix A – Summary of proposed restriction, objection and response

**Background Papers**

Cabinet Member for City Services 12<sup>th</sup> August 2019 - Objections to Proposed Waiting Restrictions (Variation 8) Report

**Other useful documents:**

None

**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 Restriction – Brown’s Lane

**1. Context (or background)**

- 1.1 On 13<sup>th</sup> June 2019, 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 12<sup>th</sup> August 2019.
- 1.2 However, the objector to the proposed double yellow lines (no waiting at any time) restriction for Brown’s Lane requested a decision on that restriction was deferred, as they were unable to attend the meeting. The Cabinet Member agreed to defer the decision for this location.
- 1.3 The request for the extension of the existing double yellow lines on Brown’s Lane at its junction with Lyons Drive had been made by a resident who advised of safety concerns when turning right out of Lyons Drive due to reduced visibility caused by parked vehicles on Browns Lane. The proposal in response, as advertised, is shown in Appendix A to the report.
- 1.4 Generally, 10 metres of double yellow lines are provided for junction protection, this is in accordance with the advice from the Highway Code regarding 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. 10 metres was the length of double yellow lines originally installed at the junction, therefore the request to extend the double yellow lines further was carefully considered; as whilst it is not a duty of the City Council to provide on street parking we are aware of the impact introducing double yellow lines can have on residents and their visitors who park on street. A photo taken by an Officer investigating the request shows the impact of parking on visibility at the Lyons Drive junction.
- 1.5 As part of the statutory procedure, the TRO was advertised in the local press and notices were posted on lamp columns in the area of the proposed restrictions on 13<sup>th</sup> June 2019, advising that any formal objections should be made in writing by 4<sup>th</sup> July 2019. 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. One objection was received to the Brown’s Lane proposal. This is detailed in Appendix A to the report.

**2. Options considered and recommended proposal**

- 2.1 The proposed TRO, which included the Brown’s Lane proposal, was advertised on 13<sup>th</sup> June 2019, 40 objections were received (39 individual objections, and 1 petition). In addition, 8 responses in support of proposals and 4 comments were also received. Apart from the objection to the Brown’s Lane proposal, these were all considered at the Cabinet Member meeting of 12<sup>th</sup> August 2019.
- 2.2 The original objection to the Brown’s Lane proposal, additional comments received from the objector, response to the objection and origin of the proposed waiting restriction are summarised in the table in Appendix A to the report. Where the objection refers to personal details, these have not been detailed in this report, however the objection has been forwarded in full to the Cabinet Member for City Services.
- 2.3 In considering the objection received, the options are to:
  - i) make the order for the proposal as advertised;
  - ii) make the order for a shorter extension of double yellow lines (3 metres);
  - iii) make other amendments to the proposal, which may require the revised proposal to be advertised;
  - iv) not to make the order relating to the proposal.

- 2.4 The recommended proposal is to install the double yellow lines (no waiting at any time) on Brown's Lane as advertised.

### **3. Results of consultation undertaken**

- 3.1 The proposed TRO for the waiting restrictions was advertised in the Coventry Telegraph on 13<sup>th</sup> June 2019; 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, 40 objections (39 individual objections and 1 petition), 8 responses in support of proposals and 4 comments. One objection related to the proposals for Brown's Lane.

### **4. Timetable for implementing this decision**

- 4.1 The original TRO which the Brown's Lane proposal is part of has not yet been sealed. Therefore, following the consideration of the objection to Browns Lane, any decision which does not require the proposal to be advertised again will be incorporated into the TRO and the restriction installed as approved by the end of September 2019.
- 4.2 If any approved proposal requires the proposal to be advertised, this will be incorporated in to the legal procedure for the next citywide waiting restriction review, which is to be undertaken in October 2019.

### **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 Regulation 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 restriction 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) Climate Change and the Environment**

None

### **6.6 Implications for partner organisations?**

None

**Report author(s)****Name and job title:**

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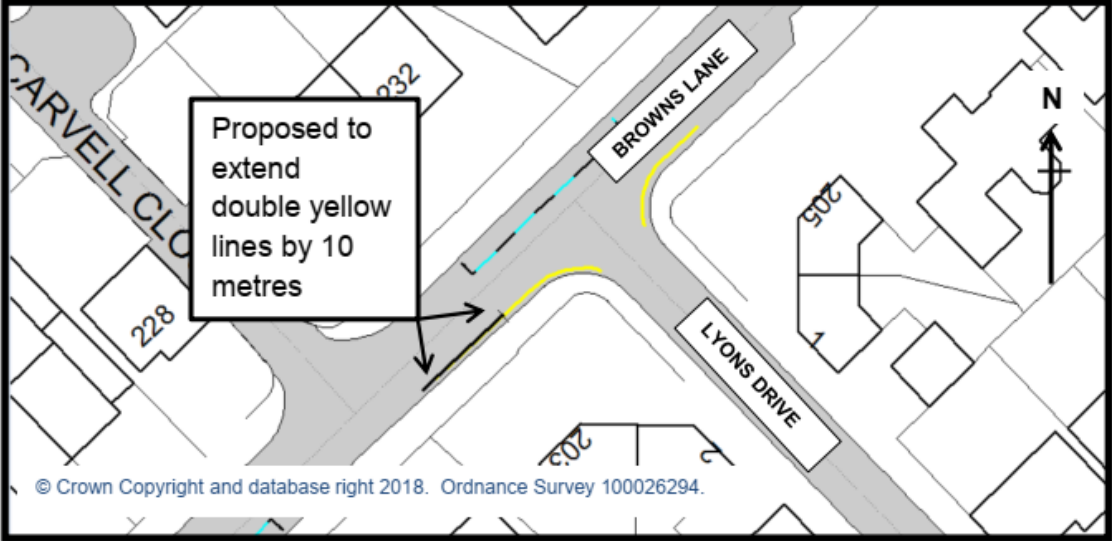
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Councillor P Hetherton	Cabinet Member for City Services	-	28.08.2019	29.08.2019

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**Appendix A – Summary of proposed restriction, objection and response**

<p><b>Location (Ward)</b></p>	<p><b>Brown’s Lane (Bablake)</b></p>
<p><b>Original Request</b></p>	<p>Request to extend existing double yellow lines at the junction with Lyons Drive due to parked cars creating visibility issues for drivers trying to exit Lyons Drive.</p>
<p><b>Proposal</b></p>	<p>Proposed to extend the existing double yellow lines on the western side of the junction with Lyons Drive by approximately 10 metres.</p>  <p>© Crown Copyright and database right 2018. Ordnance Survey 100026294.</p>
<p><b>Objection</b></p>	<p>I object to the proposal to extend the double yellow lines at the above location. The proposal would cause both myself and my neighbours inconvenience.</p> <p>I park in this location because I do not have parking directly outside of my own home. This is because of the yellow lined bus stop that traverses both 230 and 232 Browns Lane. There is no parking place between these houses and Carvell Close to the South West. Parking to the North East of these house would impact the speed reduction pinch point installed by the City Council in the recent past.</p> <p>The established junction of Browns Lane/Lyons Drive already has yellow lines that are sufficient to meet regulations and do not cause a dangerous impediment to the line of sight for traffic emerging from this junction.</p> <p>Purchasers of these recently built houses fronting Browns Lane knew full well that they were purchasing on a road junction before their purchase. They should not seek to impose an inconvenience on longer established residents. Furthermore, there is no direct access to the footpath from their own frontages because of landscaping conditions imposed as a condition of planning permission for the whole Lyons Drive Estate.</p> <p>I fail to see what benefit the proposal to extend the existing yellow lines would bring, other than the visual benefit of not seeing parked cars from their windows. In my view the proposal has no merit and I urge you to reject the request.</p>
<p><b>Additional information provided by the objector</b></p>	<p>As stated in your earlier email this week, would you kindly ask the Cabinet Member for a deferral to another date. If they are unwilling to do that then please place the following before them.</p> <p>The proposal for the Browns Lane/Lyons Drive junction arises from concerns about safely</p>

	<p>exiting this junction onto Browns Lane. The source of the concern is unknown to me. Over the last four years- in fact since the junction was built - there have been no accidents or near misses illustrating that the existing precautions are adequate. I am well placed to know this as [personal details]. [Reference to property location] my CCTV cameras also show the junction beyond my drive in full. The Technical Officer does not mention the speed reduction "pinch point" or the bus stop that when a bus is parked there, congests the junction.</p> <p>The perceived threat to road safety is misplaced. In fact there is a greater threat to safety from opening up the lines of sight. Only IF cars are parked there, there may be a need to "Creep and Peep", a technique highlighted in the Highway Code. This is far safer because it forces oncoming traffic to reduce speed.</p> <p>I would ask you not to extend the double yellow lines any further that they are at present, but if you are not persuaded, then to limit their extension to 3 metres.</p>
<p><b>Response to objection</b></p>	<p>The double yellow lines were proposed in response to concerns raised regarding visibility when drivers were exiting Lyons Drive on to Brown's Lane. An Officer visited the site to observe the situation and to undertake this manoeuvre as part of the investigation to determine whether to propose to increase the double yellow lines and the extent of any increase. The presence of the existing traffic calming features on Browns Lane was taken into consideration as part of the review. A vehicle was parked at this location during the site visit and impacted on visibility, making it difficult when exiting, therefore it was proposed to extend the existing double yellow lines provided for junction protection for safety reasons.</p>  <p>It is not a duty of the City Council to provide on street parking.</p> <p><b>Recommendation</b> – Install the restriction as advertised,</p>