

Cabinet Member for City Services

2nd December 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 – Brown's Lane

Is this a key decision?

No

Executive Summary:

Waiting restrictions within Coventry are reviewed on a regular basis.

On 13th 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 12th August 2019.

All objectors were invited to attend and speak at the meeting on 12th 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 was to be considered at the next available meeting. However, whilst detailed on subsequent agendas it has been deferred in response to the requests of the objector.

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 legal process is undertaken to install the restrictions as originally advertised at Brown's Lane.

List of Appendices included:

Appendix A – Summary of proposed restriction, objection and response

Background Papers

Cabinet Member for City Services report - Objections to Proposed Waiting Restrictions (Variation 8) – 12th August 2019.

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 13th 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 12th 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 to the next available meeting. The consideration of the objection was part of the agenda for the September meeting, but was deferred again.
- 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.
- 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 13th June 2019, advising that any formal objections should be made in writing by 4th 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.
- 1.6 Due to the delay in hearing the objection to the Browns Lane proposal, it was removed from the original TRO, which was sealed. If any proposal relating to the introduction of double yellow lines is approved, the legal process including the statutory objection period will be undertaken.

2. Options considered and recommended proposal

- 2.1 The proposed TRO, which included the Brown’s Lane proposal, was advertised on 13th 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 12th August.
- 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. 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) Propose (advertise) the order again, with the length of double yellow lines as originally advertised;
- ii) Propose (advertise) the order for a shorter extension of double yellow lines (3 metres);
- iii) Propose (advertise) other amendments;
- iv) Not to install the double yellow lines, therefore no further action is necessary.

2.4 The recommended proposal is to undertake the legal process to install the restrictions as originally advertised at Brown's Lane (subject to the consideration of any objections).

3. Results of consultation undertaken

3.1 The proposed TRO for the waiting restrictions was advertised in the Coventry Telegraph on 13th 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 of which the Brown's Lane proposal was part has been sealed; without the Brown's Lane restriction. Therefore, following the consideration of the objection to the double yellow lines on Browns Lane, any decision for the installation of restrictions will require the proposal to be advertised again. Any new proposal will be incorporated in to the legal procedure for the next citywide waiting restriction review, which is to be undertaken before the end of March 2020.

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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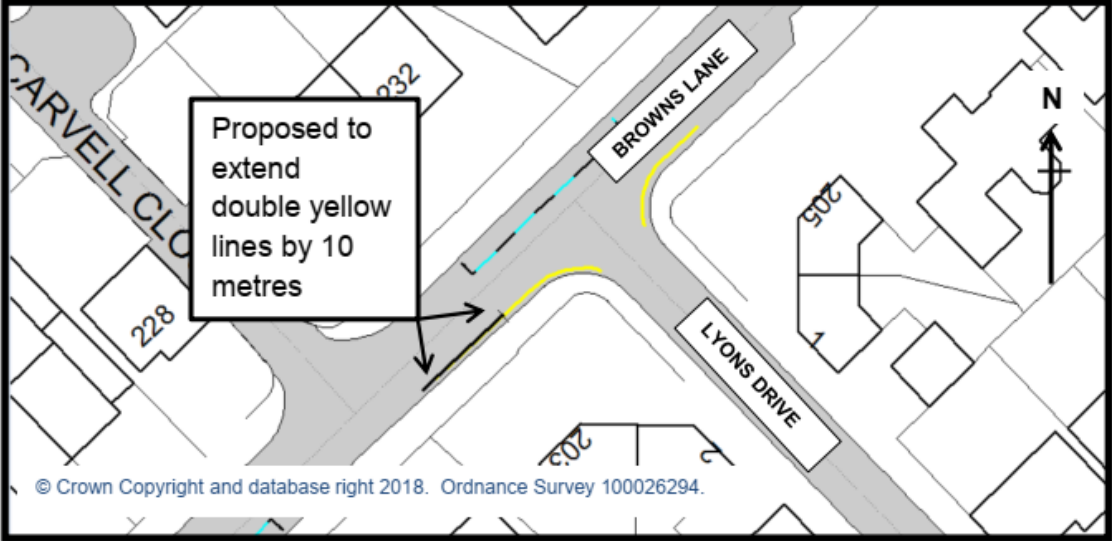
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Enquiries should be directed to the above person.

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Councillor P Hetherton	Cabinet Member for City Services	-	21.11.2019	21.11.2019

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Appendix A – Summary of proposed restriction, objection and response

<p>Location (Ward)</p>	<p>Brown’s Lane (Bablake)</p>
<p>Original Request</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>Proposal</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>Objection</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>Additional information provided by the objector</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>Response to objection</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>Recommendation –Undertake the legal process to install the restrictions as originally advertised at Brown's Lane (subject to the consideration of any objections).</p>