

Cabinet Member for City Services

2<sup>nd</sup> 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:**

Earlsdon.

**Title:**

Objections to Proposed Waiting Restrictions - Burnsall Road

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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 1<sup>st</sup> August 2019, a Traffic Regulation Order (TRO) relating to proposed new waiting restrictions on Burnsall Road was advertised. The proposed waiting restrictions were 'No Waiting, Monday to Friday, 8am – 5pm' on both sides of a section of Burnsall Road. The restrictions were proposed in response to issues raised relating to parked cars obstructing access for heavy good vehicles into adjacent businesses. Two objections were received. 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.

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 objections to the proposed waiting restrictions.
2. Subject to recommendation 1, approve a shorter length of 'No Waiting, Monday to Friday, 8am – 5pm' is installed on Burnsall Road than that originally advertised. Only installing the proposed restriction on the southern side of the road and not the northern side.
3. Subject to recommendations 1 and 2, approve that the proposed Traffic Regulation Order is made operational.

**List of Appendices included:**

Appendix A – Summary of proposed restriction, objections and response

**Background Papers**

None

**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:** Objections to Proposed Waiting Restrictions - Burnshall Road

### **1. Context (or background)**

- 1.1 On 1<sup>st</sup> August 2019, a Traffic Regulation Order (TRO) relating to proposed new waiting restrictions on Burnshall Road was advertised. The proposed waiting restrictions were 'No Waiting, Monday to Friday, 8am – 5pm' on both sides of a section of Burnshall Road. The restrictions were proposed in response to issues raised relating to parked cars obstructing access for heavy good vehicles into adjacent businesses. Two objections were received.
- 1.2 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 1<sup>st</sup> August 2019, advising that any formal objections should be made in writing by 22<sup>nd</sup> August 2019. In addition to the statutory procedure, on 16<sup>th</sup> August letters were also sent to residents/businesses who may be affected due to the proposed changes; the objection period was also extended to 29<sup>th</sup> August 2019.

### **2. Options considered and recommended proposal**

- 2.1 Two objections were received. The objections to the proposal and responses to the objections are summarised in the table in Appendix A. Where the objection refers to personal details, these have not been detailed in this report.
- 2.2 In considering the objections received, 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 in response to the objections received is to reduce the extent of the proposed restriction. Thereby installing the restriction on the southern side of Burnshall Road and not the northern side. This should still address the issues of cars parking in a manner which prevents large vehicles being able to turn into the premises on the northern side of the road, as it is the road space required for the turning manoeuvre which has been highlighted as causing access problems. Objector 1 has confirmed that this change would address their concerns. It is also recommended that, if approved, once the restriction is installed the situation continues to be monitored.

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

- 3.1 The proposed TRO for the waiting restrictions was advertised in the Coventry Telegraph on 1<sup>st</sup> August 2019; notices were also placed on street in the vicinity of the proposals. In addition, to the statutory procedure, letters were also sent to residents/businesses who may be affected due to the proposed changes; the objection period was also extended to 29<sup>th</sup> August 2019. Letters were also sent to other various consultees. Two objections were received.
- 3.2 Appendix A details a summary of each of the objections. Copies of the content of the objections can be made available on request

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

- 4.1 If the recommendation is approved, it proposed to make the amended TRO and install the restrictions by the end of December 2019.

## **5 Comments from Director of Finance and Corporate Services**

### **5.1 Financial implications**

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.

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

None

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

None

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

Caron Archer  
Team Leader (Traffic Management)

**Directorate:**

Place

**Tel and email contact:**

Tel: 024 75270950

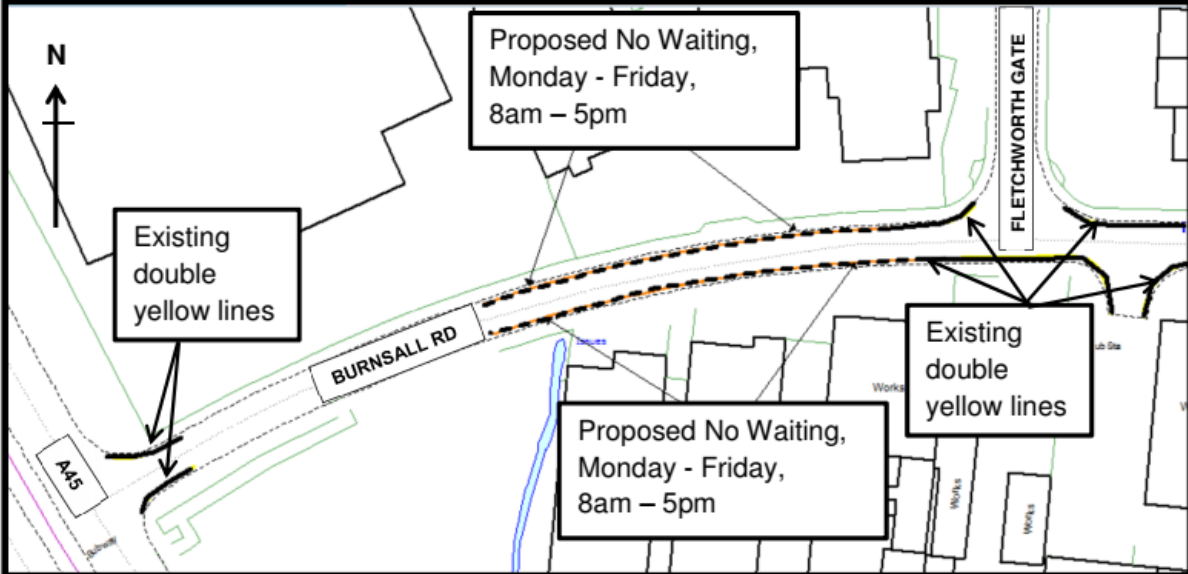
Email: [caron.archer@coventry.gov.uk](mailto:caron.archer@coventry.gov.uk)

Enquiries should be directed to the above person.

<b>Contributor/approver name</b>	<b>Title</b>	<b>Directorate or organisation</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Karen Seager	Strategic Lead, Transport and Highways Operations	Place	05.11.2019	05.11.19
Rachel Goodyer	Traffic and Road Safety Manager	Place	05.11.2019	21.11.2019
Liz Knight	Governance Services Officer	Place	05.11.2019	05.11.2019
<b>Names of approvers: (officers and members)</b>				
Graham Clark	Lead Accountant, Finance	Place	05.11.2019	05.11.2019
Rob Parkes	Team Leader, Legal Services	Place	05.11.2019	08.11.2019
Councillor P Hetherton	Cabinet Member for City Services	-	05.11.2019	05.11.2019

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

<p><b>Location (Ward)</b></p>	<p><b>Burnsall Road (Earlsdon)</b></p>
<p><b>Original Request</b></p>	<p>Local businesses on Burnsall Road advised of problems relating to parked cars obstructing access for heavy good vehicles into adjacent business premises.</p>
<p><b>Proposal</b></p>	<p>No Waiting, Monday to Friday, 8am – 5pm' (single yellow line) on both sides of a section of Burnsall Road.</p>  <p>© Crown Copyright and database right 2019. Ordnance Survey 100026294.</p>
<p><b>Objection 1</b></p>	<p>We object to this proposal on the grounds that it will be damaging to our business as it will no longer mean customers can stop outside our showroom/warehouse to collect their goods. Therefore it will have a negative impact to our business as it will make it harder for customers to visit and shop.</p> <p>I would be happy to meet you on site to show you first hand our concerns and hopefully we can work together to achieve a solution that works for everyone.</p>
<p><b>Objection 2</b></p>	<p>I live [nearby] and object to the proposed prohibition of waiting Monday-Friday, 8.00 am - 5.00 pm on the northern and southern sides of Burnsall Road, specifically, from the Business Unit "Multicare" along by the Nature Reserve to the corner of the A45 and on the other side of the road from the "Whitefurze" factory entrance to the junction of the A45.</p> <p>Having seen damaged vehicles parked in this part of Burnsall Road, which have been in an accident on the A45 and have been pushed or driven around the corner onto this Road, because they are causing an obstruction, creating a traffic jam or large queues building up on the busy A45, this part of Burnsall Road needs to have no parking restrictions at all for accidents and emergencies. It would also assist the Police and other Emergency services at the scene.</p>
<p><b>Response to objection</b></p>	<p>The restrictions were proposed in response to the issues raised by businesses on Burnsall Road, advising of problems relating to parked cars obstructing access for heavy good vehicles into adjacent business premises.</p> <p>The proposals, as shown on the plan above, did not include any new restrictions on the section of Burnsall Road from the end of the existing double yellow lines at its junction with the A45 (which are provided for junction protection) to approximately one car length before</p>

the gateway in to Whitefurze.

The proposed restrictions do not prevent loading and unloading.

In considering the objections a more phased approach could be considered to monitor the effect of any restrictions as they are introduced. It is recommended that the 'No waiting, Monday to Friday, 8am-5pm' restriction is installed, but only on one side of the road. On the southern side of Burnsall Road and not the northern side. This should still assist to address the issues of cars parking in a manner which prevents large vehicles being able to turn into the premises on the northern side of the road, as it is the road space required for the turning manoeuvre which has been highlighted as causing access problems. Objector 1 has confirmed that this change would address their concerns

**Recommendation** – Install a shorter length of restriction than originally proposed. Install the 'No waiting, Monday to Friday, 8am-5pm' restriction, but only on one side of the road. On the southern side of Burnsall Road and not the northern side.