

Committee:	Rights of Way Committee
Meeting Date:	19 June 2013
Lead Councillor/s:	Councillor Graham Newman, Cabinet Member for Roads and Transport
Local Councillor/s:	Councillor Graham Newman and Councillor Nick Barber
Director:	Lucy Robinson, Director for Economy Skills and Environment
Assistant Director or Head of Service:	Matthew Riches, Head of Programme Delivery and Construction
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Proposed Parking Restrictions In Felixstowe (Various Roads) In Connection With Bloor Homes South Seafront Development

Brief summary of report

1. To consider objections to the advertised Traffic Regulation Order (TRO) for amendments to waiting restrictions in Felixstowe in association with the South Seafront Development (Maritime Park).

Action recommended

2. That the Cabinet Member for Roads and Transport be recommended to approve the making of the Suffolk County Council (Various Roads, Felixstowe) (Prohibition and Restriction of Waiting and Revocation) Order 201- as advertised, with the following amendment:
 - a) The proposal for 'no waiting 8am-6pm daily' on the south east side of Manor Terrace to be reduced to 35 metres, thus providing 'no waiting 8am-6pm daily' opposite numbers 9 to 15 Manor Terrace only.

Reason for recommendation

3. The planning consent granted for the South Seafront Development included specific conditions on the developer to promote new parking restrictions to help alleviate concerns about parking problems in connection with the new development.
4. The proposed waiting restrictions have been designed to prevent obstruction and facilitate improved passage for vehicles in these areas.
5. The proposed amendment to the advertised Order aims to achieve a better balance between the access requirements of existing residents in Manor Terrace and those people moving into the newly developed properties.

Alternative options

6. To impose the Order as advertised, despite the significant level of opposition from existing residents in Manor Terrace.

Who will be affected by this decision?

7. Existing residents of Manor Terrace and new residents moving into developed accommodation in Manor Terrace.
8. Visitors that may have previously parked in this area.
9. The displacement of vehicles affected by the proposed new restrictions may cause parking issues in other nearby roads.

Main body of report

Background

10. Suffolk County Council as highway authority has been asked by Bloor Homes to promote and implement new waiting restrictions required for the Felixstowe south seafront development (Maritime Park).
11. The Order as advertised promotes changes to waiting restrictions on Langer Road, Old Fort Road (newly built road), Orford Road and Manor Terrace.
12. Condition 16 of the development's planning permission reads as follows:
*"Prior to the occupation of any dwellings fronting Manor Terrace or Manor Road, the applicant shall promote a traffic order limiting the extent of on-street parking in the aforementioned roads.
Reason: To restrict the incidence of on-street parking at the junction of Manor Terrace and Manor Road to maintain an acceptable level of access to existing and proposed properties."*
13. In 2011 Suffolk County Council promoted its own waiting restrictions to prevent parking on the corner of Manor Road and Manor Terrace and to facilitate traffic flow in both of these roads. The outcome was to remove the old seasonal restrictions (operating from May to September) and to provide junction protection on the corner (no waiting at any time) with passing places along Manor Terrace (no waiting 8am-6pm). This is the situation which currently exists on site.
14. The draft Traffic Regulation Order, including the schedule of advertised proposals, is included in Appendix A.
15. Plans showing the advertised proposals are included in Appendix B.
16. Comments and objections received during the advertising period are shown in Appendix C.
17. The plan that relates specifically to the objections received is shown in Appendix D.
18. The plan that shows the proposed amendment to the advertised Order is shown in Appendix E.

Consultation

19. Councillors from Felixstowe Town Council and the local police were consulted throughout the process and support the implementation of these proposals as advertised.
20. Members of the public were consulted by means of a letter drop during March 2013. Letters were sent to properties in the vicinity of those restrictions expected to attract the most interest.
21. The following parties / individuals were also consulted but did not make any formal comments; County Councillors for Felixstowe Coastal, District Councillors for Felixstowe South, Suffolk Coastal District Council, East of England Ambulance Service, Suffolk Fire Service, Road Haulage Association and Freight Transport Association.

Objections and Officers comments (Appendices C, D and E)

Objections: Manor Terrace

22. A total of 14 objections were received, all of which relate to the proposal to provide a continuous daytime restriction (no waiting 8am-6pm daily) on the south east side of the road opposite numbers 3 to 23 Manor Terrace. Copies of the objections received are shown in Appendix C and a plan of the advertised proposals is shown in Appendix D.
23. Residents are concerned that they will not be able to park close to their homes if the proposal goes ahead. Many residents are elderly and would struggle to carry shopping or even walk over long distances. Additional visitors and traffic generated by the new development will only exacerbate this situation, as visitors are likely to look for free on-road parking before using the new pay & display car parks.
24. Many residents claim that the proposal actually contradicts condition 16 of the planning permission in respect to maintaining access to existing properties.

Officer comments: Manor Terrace

25. Existing residents currently park on both sides along this stretch of road, with the exception of the 25m daytime restriction opposite numbers 13 to 17. Under the advertised proposals the available on-road parking would be reduced by approximately 18 car parking spaces between the hours of 8am and 6pm every day. This equates to nearly half of all on-road parking currently available outside the terraced properties (numbers 1 to 23). Residents could continue to park overnight on the south east side of the road as long as their vehicles are moved before the restricted time period begins. It is expected that the proposal would cause existing vehicles to be displaced further along the road during daytime hours.
26. The *no waiting at any time* (double yellow lines) introduced on the corner of Manor Road and Manor Terrace during 2011 has helped to protect the junction, thus improving access and visibility in this area over recent years.
27. The development itself has reduced the available on-road parking on the south east side of the road by creating four new vehicular accesses (for the public car park and two private off-road parking areas).

28. In recognition of the objections received, an amendment to the advertised Order is proposed (Appendix E). This would involve a 35m length of restriction on the south east side of the road, which would protect both accesses to the new public car park. This would also serve as a passing place to aid traffic flow during busier periods, while the retention of some on-road parking will help to maintain lower traffic speeds. The proposed amendment would result in the loss of only two on-road car parking spaces.

Human Rights Act 1998

29. The objections need to be considered in light of the Human Rights Act 1998, Section 6 of which prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights. Two specific convention rights may be relevant:
- a) Entitlement to a fair and public hearing in the determination of a person's civil and political rights (Convention Article 6) which includes property rights and can include opportunities to be heard in the consultation process; and
 - b) Peaceful enjoyment of possessions (including property), subject to the State's right to enforce such laws as it deems necessary to control the use of property in accordance with the general interest (First Protocol Article 1).
30. Other rights may also be affected including individuals' rights to respect for private and family life and home.
31. Regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole. Both public and private interests are to be taken into account in the exercise of the Council's powers and duties as a traffic authority. Any interference with a Convention right must be necessary and proportionate.
32. The Council is required to consider carefully the balance to be struck between individual rights and the wider public interest. In this case, officers consider that the interference with Convention rights, if there is any, will be justified in order to secure the significant benefits in improving access and road safety.

Sources of Further Information

- a) Appendix A - The draft Traffic Regulation Order, including the schedule of advertised proposals.
- b) Appendix B - Plans of the advertised proposals.
- c) Appendix C - Comments and objections received during the advertising period.
- d) Appendix D - The plan that relates to these objections.
- e) Appendix E - The plan that relates to the proposed amendment to the advertised Order.
- f) Suffolk Coastal District Council planning application C/12/0068 (www.suffolkcoastal.gov.uk).