

## Rights of Way Committee

<b>Report Title:</b>	Parish of Trimley St Martin ((U3124) High Road & (U3101) Mill Lane), Prohibition of Waiting Traffic Regulation Order
<b>Meeting Date:</b>	Monday 10 October 2016
<b>Lead Councillor(s):</b>	Councillor James Finch (Cabinet Member for Highways and Transport)
<b>Local Councillor(s):</b>	County Councillor John Goodwin
<b>Director:</b>	Geoff Dobson Director of Resource Management
<b>Assistant Director or Head of Service:</b>	Alan Thorndyke, Head of Highway Network Manager
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### Brief summary of report

1. To consider objections to the advertised Traffic Regulation Order (TRO) for the introduction of a prohibition of waiting under Sections 1, 2 and 4 of the Road Traffic Regulation Act 1984, as amended, the effect of which would be to prohibit waiting at any time at and in the vicinity of the junction of High Road and Mill Lane, Trimley St Martin.
2. One formal objection has been raised against the proposed prohibition of waiting in High Road (U3124) and (U3101) Mill Lane. This report is intended to help the Committee consider the objection received.
3. No other formal responses were received for the High Road (U3124) and Mill Lane (U3101) during the formal consultation period.

### Action recommended

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| <ol style="list-style-type: none"> <li>4. That the Cabinet Member for Roads, Transport and Planning be recommended to approve the making of the Suffolk County Council (Parish of Trimley St Martin) (U3124 High Road and U3101 Mill Lane) (Prohibition of Waiting) Order 201 – as advertised between 18 July and 9 August 2016.</li> </ol> |
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### Reason for recommendation

5. The proposed introduction of a prohibition of waiting at the junction of (U3124) High Road and (U3101) Mill Lane (a plan of the area is at Appendix A) is intended to achieve the following outcomes.
6. The new prohibition of waiting will facilitate the passage of emergency vehicles and other traffic. Due to vehicles parking very close to the junction on either side

of the carriageway in Mill Lane and partially on the carriageway and the built-out footway in High Road, the available carriageway width around this junction is reduced and road visibility impaired for vehicles exiting Mill Lane and from adjacent properties.

7. Mill Lane has an approximate carriageway width of 5.7 metres, which can be reduced further if there are vehicles parked on one, or both sides of the carriageway.
8. High Road on the north-east side of the junction has an existing carriageway width of approximately 7.6 metres, adjacent to property Nos.356/354 and accommodates a length of street residential parking. The road width is reduced to approximate 6.3 metres wide at the start of the footway build-out.
9. High Road on the south-east side of the junction has an existing carriageway width of approximately 6.9 metres adjacent to the property boundaries Nos.348/346. The road width reduces to approximately 6 metres wide at the start of the footway build-out adjacent the Trimley St Martin Methodist Church.
10. The new prohibition of waiting will remove obstructions caused by parked vehicles around this junction, remove some obstructions to the two-way traffic flow and improve road visibility and traffic safety for pedestrians and vehicles using this junction. In particular, this will benefit the Pre-School Nursery and Primary school children, who attend daily and weekly events held in the Trimley Methodist Church facilities.
11. The prohibition of waiting for the junction of Mill Lane and High Road is also proposed as a response to an increase in the number of traffic incidents and near misses over a period of time at this location, which has subsequently been reported to the Highway Authority.
12. These proposals will also facilitate a more unrestricted passage for emergency vehicles around the High Road and Mill Lane Junction. The Fire service usually require a minimum road width space of 3.1 metres between parked vehicles to travel down a road, plus a further 0.6m space to exit the vehicle. In the instance where a Fire Tender is required to drive down a road with parked vehicles on both sides, a total road width of 7.1 metres is required. If there are existing street parking bays marked out on the carriageway, Suffolk County Council would generally allow a minimum of 1.8 metres width to safely accommodate street parking, thus reducing available carriageway width for passing emergency vehicles.
13. Reducing obstructive parking around and on the built-out area of this junction may improve the flow of two-way traffic for larger vehicles and buses passing by in High Road.

### **Alternative options**

14. Do nothing. By allowing vehicles to continue parking under existing road conditions, would mean that the obstructions to road visibility and existing difficulties with vehicular exit and egress for emergency services and local residents, in particular those with properties located close to the junction, would remain the same.
15. Existing road safety conditions for pedestrians, in particular children attending daily and weekly events at the Trimley St Martin Methodist Church, would not improve.

16. Extending the prohibition of waiting further along High Road in either direction, or extending into Mill Lane on both sides, would affect a larger number of residents living further along from this junction, as not all have off road parking options. Alternatively, reducing the prohibition of waiting in length, or restricting the parking opportunities between specific peak times during the day, would only provide a limited benefit to existing road visibility and safety conditions.

### **Who will be affected by this decision?**

17. All road users travelling within the vicinity of High Road and Mill Lane in Trimley St Martin junction will be affected to some degree by these proposals.
18. Members of the public using the Trimley St Martin Methodist Church facilities, for example, Trimley St Martin Primary School and Pre-school Nursery will be affected to some degree by these proposals.
19. Residents occupying, or visiting property close to the High Road and Mill Lane junction, will also be directly affected by these proposals to some degree.

### **Main body of report**

#### **Background**

20. The junction of (U3124) High Road & (U3101) Mill Lane currently has no parking prohibitions and an existing 30 mph speed limit.
21. High Road in the southerly direction is a route to the A14 leading to Ipswich, Kirton or northwards back to Felixstowe. High Road in the northerly direction is a route to Felixstowe and often used as a shortcut, increasing traffic volumes during peak times. Mill Lane has an existing 30 mph speed limit and leads onto a circulatory route around a residential estate area.
22. Several years ago, the footway around this junction in High Road was built out on both sides, reducing the carriageway width in High Road for an overall length of approximately 45 metres. A request was made by the Trimley St Martin Parish Council to their Suffolk County Councillor, to implement improvements to increase road visibility and safety around this junction. The ongoing problems being caused by drivers frequent obstructive parking along the length of High Road around this junction. The footways were built-out as a traffic safety measure to reduce parking and improve road visibility. Sometime later, the Pre-School Nursery and Primary School started regularly using the Trimley St Martin Methodist Church facilities for events and subsequently the obstructive parking issues around this junction returned, to again reduce the road visibility and road safety levels for pedestrians and variety of vehicular traffic in this vicinity.
23. The north-east two-way carriageway width of approximately 7.6 metres (between verge and edge of footway) was further reduced by the introduction of a length of parking bays, approximately 1.8 metres wide, extending from the built-out footway and terminating on the property boundary line of Nos. 380/378, as several properties did not have off road parking facilities. The carriageway just beyond the south-east build-out is approximately 6.9 metres wide.
24. The reduction in carriageway width immediately around the junction build-out ranges between approximately 6.3 metres (in the north-easterly direction) to 6.5 metres at the junction centre, over a 20 metre distance. Then from the junction centre down to a 6 metre width (in the south-easterly direction) over a distance of 25 metres.

25. Since the construction of the built-out footway, over a period of time, the level of activities held at the Trimley St Martin Methodist Church premises have increased. In particular, because of weekly attended Trimley St Martin Primary School and Pre-School events, which have resulted in an increased volume of visitors and vehicles parking directly on this junction, also partially on the built-out footway in High Road and additionally on both sides of Mill Lane. Resulting in the reduction of road safety and visibility for exit and egress of vehicles.

## **Consultations**

### **Informal Consultation**

26. Suffolk Highways informally consulted with members of the public and statutory organisations most likely to be affected by the proposed prohibition of waiting, by means of an informal consultation letter and plan (at Appendix B) outlining the new proposals. At that time, the prohibition of waiting only extended 13 metres into Mill Lane from its junction with High Road, terminating approximately at the start of an existing a drop kerb. The Informal Consultation period took place between the 11 February and 6 March 2015.
27. Of the responses received for this Informal Consultation, the Suffolk Constabulary and their SNT staff had no issues with the proposals. Responses from residents included comments about the reduced road visibility due to obstructive parking around the junction and reported problems with exiting and egress of their properties. Given the existing 30mph speed limit, observations were made about vehicles using higher levels of speed of up to 50mph at times along High Road when travelling towards the A14 slip roads. It was reported that complaints have been made to the Chief Constable regarding traffic speed and road safety within this area. Several residents suggested extending the prohibition of waiting further into both roads and that there has been an increase of traffic incidents and near misses since the footway was built-out. The Trimley St Martin Methodist Church commented on the increased problems encountered when exiting their car park and asked for the prohibition to be extended further along Mill Lane. Prior to formally sending out the statutory consultation, the resulting feedback was carefully considered and included making direct contact with some concerned residents.

### **First Statutory Consultation**

28. Suffolk Highways formally consulted with the statutory organisations most likely affected by the proposed prohibition of waiting, by means of a formal Statutory Consultation letter and plan outlining the new proposals (At Appendix C). In which the prohibition of waiting extended east into Mill Lane for 13 metres, into High Road for 9.5 metres north-east and 25 metres south-east from the junctions centre. The Formal Statutory Consultation period took place between the 14 August and 5 September 2015. The only response received was from Trimley St Martin Parish Council who objected to the proposed scheme but stated that with the following changes, the scheme would then be acceptable. i.e. that (a) In Mill Lane, extending restrictions to include both sides of the road to the boundary of the Methodist Church car parking area and (b) in High Road extending restrictions to the boundary of nos. 244/246. The resulting feedback was carefully considered by Suffolk County Council, including making contact with Trimley St Martin Parish Council to further discuss their comments.

## **Officers Comments**

29. Extending the prohibition of waiting to Nos. 244/246 High Road would have an overall impact on a greater number of residents living within the limits of those proposed restrictions, in particular if they did not have any off road parking options.

## **Second Statutory Consultation**

30. In 2016, Suffolk Highways sent out a second Statutory Consultation with the statutory organisations most likely effected by the proposed prohibition of waiting, by means of another formal Statutory Consultation letter and plan outlining the proposals, which were unchanged (see Appendix D). This was, because there had been a time lapse of almost a year since the previous Statutory Consultation, therefore the proposals were re-issued to ascertain whether opinions had changed. The formal Statutory Consultation period took place between the 18 May and 8 June 2016. Trimley St Martin Parish Council again responded to the 2016 Statutory Consultation with an objection to the outlined proposals and requested that the restrictions be extended in Mill Lane on both sides to the boundary line of Trimley St Martin Methodist Church and no.2 Mill Lane. Also, that the restrictions extend across the drive of no.348, and further onwards to the joint boundary line of Nos. 348/46 High Road. Their resulting feedback was carefully considered by Suffolk County Council prior to formal advertisement.

## **Officers Comments**

31. The continuation of the prohibition of waiting across the whole of property No.348 High Road conflicts with comments made to Suffolk County Council Officers by the property owners. The owners of No.348 specifically did not want the restrictions to extend across their property access and drive in particular as they usually park outside their own property as well as on their drive. If further restrictions were to be imposed, it would cause them inconvenience as they would no longer be able to do so.

## **Third & Formal Consultation**

32. Suffolk Highways sent out a public Formal Consultation on the proposed Traffic Regulation Order and the public notice advertising period took place between the 18 May and 8 June 2016. Refer to Appendix A for further details of the proposed Traffic Regulation Order (TRO) and plan outlining the proposals. The proposals did not include extending the restrictions across No. 348.

## **Objections**

33. The following person is considered to have formally objected to all or part of the proposals.
34. A Mr. Paul Jenkinson who is a resident of High Road, Trimley St Martin sent in his objection.

Mr. Jenkinson has objected to the proposals because he felt that the restrictions did not extend far enough along Mill Lane to be effective and is concerned about the standard of road safety around the junction, in particular for the children regularly attending events at the Methodist Church.

35. The objector considers the proposals inadequate, therefore is against the proposals in principal. For further details of this objection letter please refer to Appendix E.

### **Officer's comments**

36. The Police have fully supported these proposals on the grounds of improving road visibility and the road safety. The proposed prohibition of waiting will be enforced with fixed penalty tickets when required.
37. In Mill Lane at the Trimley St Martin Methodist Church car park entrance where the prohibition of waiting restrictions terminate, there is an extensive length of dropped kerb installed for access to the church car park. To deliberately park alongside this length of dropped kerb, would effectively be causing an obstruction of access to the church car park and could also informally serve as an extent of the no parking limit.

### **Conclusion**

38. Once in place, the Police will be able to enforce the Traffic Regulation Order reducing the number of obstructive vehicles at the site. Emergency services will be able to have clearer access along High Road and into Mill Lane, along with other larger vehicles and buses. The Suffolk Fire Service will be able to operate their apparatus unrestricted, reducing preparation time for the equipment they use on a site.

### **Human Rights Act 1998**

39. The objections need to be considered in the light of the Human Rights Act 1998, s. 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). Other rights may also be affected including individuals' rights to respect for private and family life and home. 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.
  - (c) 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.
  - (d) 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. Proposed Traffic Regulation Order details, including a plan on Drg. No.87605/03.
- B. Response to an Informal Consultation held between 11 February and 6 March 2015.
- C. Response to the 1st Statutory Consultation held between 14 August and 5 September 2015.
- D. Response to the 2nd Statutory Consultation held between 18 May and 8 June 2016.
- E. Objection from Mr. Paul Jenkinson to 3rd Formal Consultation held between 18 July and 9 August 2016.

