

## Rights of Way Committee

<b>Report Title:</b>	B1070 High Street, Hadleigh - Prohibition of Waiting and Revocation 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>	Councillor Trevor Sheldrick
<b>Director:</b>	Geoff Dobson, Director of Resource Management
<b>Assistant Director or Head of Service:</b>	Alan Thorndyke, Head of Highway Network Management
<b>Author:</b>	David Stiff. Central Area Highways Manager. Tel: 01473 341477. david.stiff@suffolk.gov.uk

### Brief summary of report

1. To consider objections to the advertised traffic regulation order (TRO) for the introduction of a new waiting prohibition in High Street, Hadleigh. The location is where an existing vehicular access would serve a new development that has yet to receive planning permission.

### Action recommended

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| <ol style="list-style-type: none"> <li>2. That the Cabinet Member for Highways and Transport be recommended to approve the making of the Suffolk County Council (B1070, High Street, Hadleigh) (Prohibition of Waiting and Revocation) Order 201- as advertised, subject to the new development receiving planning permission and the associated changes to the vehicular access constructed.</li> </ol> |
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### Reason for recommendation

3. The purpose of the advertised Order is to provide an adequate visibility splay from the vehicular access between Nos. 109 and 111 High Street, by preventing on-road parking to either side. (The TRO as advertised is included at Appendix A).
4. This Order has been proposed by Suffolk County Council on behalf of the developer of the brownfield site to the south of High Street.

### Alternative options

5. Reduce the length of the proposed waiting prohibition, thus providing only a partial improvement to visibility from the access.

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

6. Local residents and businesses will be affected, because the overall availability of on-road parking will be reduced, thus making it more difficult for residents, customers and deliveries to park along the main high street.
7. Home buyers and developers will also be affected, because a current proposal for a 'retired living' residential development may be shaped by this decision. If the waiting prohibition is implemented, the vehicular access between Nos.109 and 111 would be capable of accommodating greater traffic, whilst not compromising road safety. This may in fact benefit some businesses, as an influx of new residents (within walking distance) may increase trade.

## **Main body of report**

### **Background**

8. The B1070 High Street is the main shopping street in Hadleigh town centre. Although parking is currently prohibited in some places, for instance close to junctions, on-road parking is generally permitted on both sides of the road. High Street is sufficiently wide to accommodate this practice and the availability of on-road parking is of particular benefit to local residents, shops and other businesses. The existing on-road parking bays in High Street are time limited, in order to provide short term parking and only operate during daytime hours (8am-6pm). In other areas of the road, parking remains unrestricted.
9. Previously, planning consent had been given for four new dwellings to be served by the existing access between Nos. 109 and 111 High Street.
10. There is a current proposal for a 'retired living' scheme to increase the number of dwellings to include 35 retirement living apartments, 25 bungalows and 4 houses. The proposed increase in use from the existing driveway means that it is desirable to improve the safety of the access by restricting on-street parking either side.
11. The proposed waiting prohibition would ensure that adequate sight lines are protected, by preventing on-road parking in those areas which may otherwise impair visibility.
12. The drawing detailing the advertised proposals is shown in Appendix B.

### **Consultation**

13. All statutory bodies were consulted between 2 and 24 March 2016, but no concerns were raised in relation to the advertised TRO.
14. Hadleigh Town Council queried the length of the proposed prohibition of waiting (its length differs each side of the access). It was explained that the difference could be attributed to the slight bend in the road, which reduces the length of prohibition required to protect the sight line to the south of the access.
15. The matter was considered by Hadleigh Town Council's Planning Committee during March 2016. Whilst appreciating the reasons for the proposed prohibition, members raised concerns about enforcement and recommended that Suffolk County Council consider decriminalisation of parking. The Planning Committee also requested that Suffolk County Council takes the opportunity to review all the

parking restrictions in Hadleigh, as members suggest there are some which may no longer be necessary and could potentially free up additional on-road parking.

16. The TRO was formally advertised between 15 June and 8 July 2016.
17. To coincide with the advertisement period, approximately 76 letters were sent out to those residents and businesses most likely to be affected, informing them of the proposals and the advertisement process. Each letter included a copy of the public notice and a scaled down copy of the plan included at Appendix B.

## **Formal representations**

18. A total of seven formal representations were received in relation to the advertised TRO. All representations were made by, or on behalf of, local residents or business owners. Of these, six are considered to be objections, whilst one has been viewed as a query. (Copies of all correspondence are included at Appendix C).

## **Objections**

19. From the six objections received, it is apparent that there are a number of common issues and concerns, which are summarised as follows:
  - a) The proposed prohibition will remove valuable on-road parking in the high street, unfairly penalising businesses that rely on passing motorists for trade and those residents who do not have their own off-road parking facilities. It is claimed that the northern end of High Street (in the area of the proposed waiting prohibition) experiences a considerably high demand for on-road parking, but availability is quite limited. Residents and business owners alike, suggest that the potential loss of on-road parking should be offset elsewhere; perhaps by providing additional parking in the proposed development, or by removing existing parking restrictions in other parts of the town which may no longer be considered necessary.
  - b) Parking and vehicle movements are considered by local residents and businesses to be major problems in Hadleigh and it is suggested that a 'complete' solution must be sought. The practice of encouraging growth, whilst reducing available parking is not sustainable and will only increase the town's traffic problems over time if not effectively addressed.
  - c) Removal of on-road parking may encourage higher traffic speeds, leading to an increased safety risk to pedestrians and road users in the area.
  - d) The proposed prohibition will adversely affect access for the elderly or mobility impaired to shops and vital services. An objection made on behalf of one elderly gentleman requests that parking is retained to ensure his frequent journeys to the hospital can continue unhindered.
  - e) Some residents question whether it is appropriate to be proposing a waiting prohibition for the purpose of improving visibility to a development's access, where the development itself has not yet received planning approval.

## **Officer comments**

20. The proposed prohibition of waiting extends over a total distance of 59 metres. It should be noted that within this distance, there is already a 14-metre-long prohibition outside the garage (No. 115) and the presence of the existing vehicular access between Nos. 109 and 111 further restricts where motorists can legitimately park. Therefore, the anticipated loss of parking is expected to equate to 3-4 vehicles south of that access and another 3-4 to the north, depending on the size of the vehicles and how well they have been parked. At worst, the potential loss of parking could equate to 8 vehicles.
21. It should be noted that there are a number of exemptions which apply to the proposed waiting prohibition. For instance, building work, to allow a person to board or alight a vehicle and for goods to be loaded/unloaded. An exemption also applies for disabled badge holders to park for up to a maximum of three hours. These exemptions ensure that particular activities can continue to take place legitimately within the extent of the proposed waiting prohibition providing the parking is not obstructive. Details of all exemptions are listed in Article 4 of the advertised Order (included at Appendix A).
22. If the TRO is implemented (as advertised), a considerable amount of on-road parking would still be available along the high street. For this reason, it is anticipated that any impact on traffic speed would be negligible. The removal of on-road parking outside Nos. 109 to 119 may actually benefit traffic movement in the area and reduce congestion by serving as a passing place. This may prove particularly beneficial in facilitating the passage of large vehicles through the town.
23. In conclusion it should be noted that the proposed restriction will lead to the loss of up to 8 parking spaces, which would affect local residents and businesses. Should the development proceed the lack of improved visibility would be a safety concern. Therefore, it is recommended on balance, that should the development proceed that the Order be approved as advertised in order to facilitate growth in the town, whilst ensuring that road safety is not compromised. Furthermore, it is recommended that the restrictions should only be implemented if the development is granted planning permission and the proposed improvements to the vehicle access are completed. It is also recommended that all work is entirely funded by the developer and that planning officers make this a condition of the planning permission.

## **Human Rights Act 1998**

24. 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 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).

25. Other rights may also be affected including individuals' rights to respect for private and family life and home.
26. 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.
27. 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 benefits of the new development and road safety.

**Sources of further information**

- a) Appendix A – Advertised Traffic Regulation Order
- b) Appendix B – Drawing of advertised proposals
- c) Appendix C – Formal representations



**SUFFOLK COUNTY COUNCIL (B1070, HIGH STREET, HADLEIGH)  
(PROHIBITION OF WAITING AND REVOCATION) ORDER 201-**

Suffolk County Council in exercise of its powers under Sections 1(1) and (2), 2 (1) to (3) and 4(2) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (which said Act of 1984 is hereinafter referred to as 'the Act of 1984') and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:

**PART 1: INTERPRETATION**

1. (1) In this Order:

'disabled person's vehicle' has the same meaning as in Section 142 of the Act of 1984;

'disabled person's badge' has the same meaning as in Regulation 2(1) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; and

'parking disc' means a device that:

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid;
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun.

(2) For the purpose of this Order a vehicle shall be regarded as displaying:

(a) a disabled person's badge in the relevant position when:

- (i) the badge is exhibited on the dashboard or fascia of the vehicle; or
- (ii) where the vehicle is not fitted with a dashboard or fascia, the badge is exhibited in a conspicuous position on the vehicle;

so that the front of the badge is clearly legible from the outside of the vehicle; and

(b) a parking disc in the relevant position when:

- (i) the disc is exhibited on the dashboard or fascia of the vehicle; or

- (ii) where the vehicle is not fitted with a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle;

so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.

- (3) Except where otherwise stated, any reference in this Order to a numbered Article or to a Schedule is a reference to the Article or Schedule bearing that number in this Order.
2. The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

## **PART 2: WAITING RESTRICTIONS**

3. Except as provided in Article 4 no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to wait at any time on the side of road specified under Type 1 in Schedule 1.
- 4.(1) Nothing in Article 3 shall make it unlawful to cause or permit any vehicle to wait on the side of road referred to therein for so long as may be necessary to enable:
- (a) a person to board or alight from the vehicle;
  - (b) goods to be loaded or unloaded from the vehicle;
  - (c) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:
    - (i) building, industrial or demolition operations;
    - (ii) the removal of any obstruction to traffic;
    - (iii) the maintenance, improvement or reconstruction of the said side of road; or
    - (iv) the laying, erection, alteration or repair in or on land adjacent to the said side of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system as defined in the Telecommunications Act 1984;
  - (d) the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or of a water authority in pursuance of statutory powers or duties.
- (2) Nothing in Article 3 shall make it unlawful to cause or permit a disabled person's vehicle which displays in the relevant position a disabled person's badge, and a parking disc (on which the driver, or other person in charge of

the vehicle has marked the time at which the period of waiting began) to wait on the side of road referred to in that Article for a period not exceeding three hours (not being a period separated by an interval of less than one hour from a previous period of waiting by the same vehicle on the same side of road on the same day).

### **PART 3: REVOCATION AND CITATION**

5. The provisions of the Suffolk County Council (Various Roads, Hadleigh) (Prohibition and Restriction of Waiting and Loading, Loading Bay, Prohibition of Driving with Exemptions, On-Street Parking Places and Revocation) Order 2007, insofar as they relate to waiting restrictions on the side of road specified in Schedule 2, are hereby revoked.
6. This order may be cited as the Suffolk County Council (B1070 High Street, Hadleigh) (Prohibition of Waiting and Revocation) Order 201- and shall come into operation on

Date:

The COMMON SEAL of SUFFOLK        )  
COUNTY COUNCIL was affixed        )  
in the presence of:                        )

(An authorised Officer of the Council

## SCHEDULE 1

### Waiting Restrictions

Type 1: No Waiting At Any Time

ROAD	SIDE	DESCRIPTION	TYPE
High Street (B1070)	South West	From a point 24 metres south east of the centre of the vehicular access between Nos. 109 and 111 in a north-westerly direction for a distance of 59 metres.	1

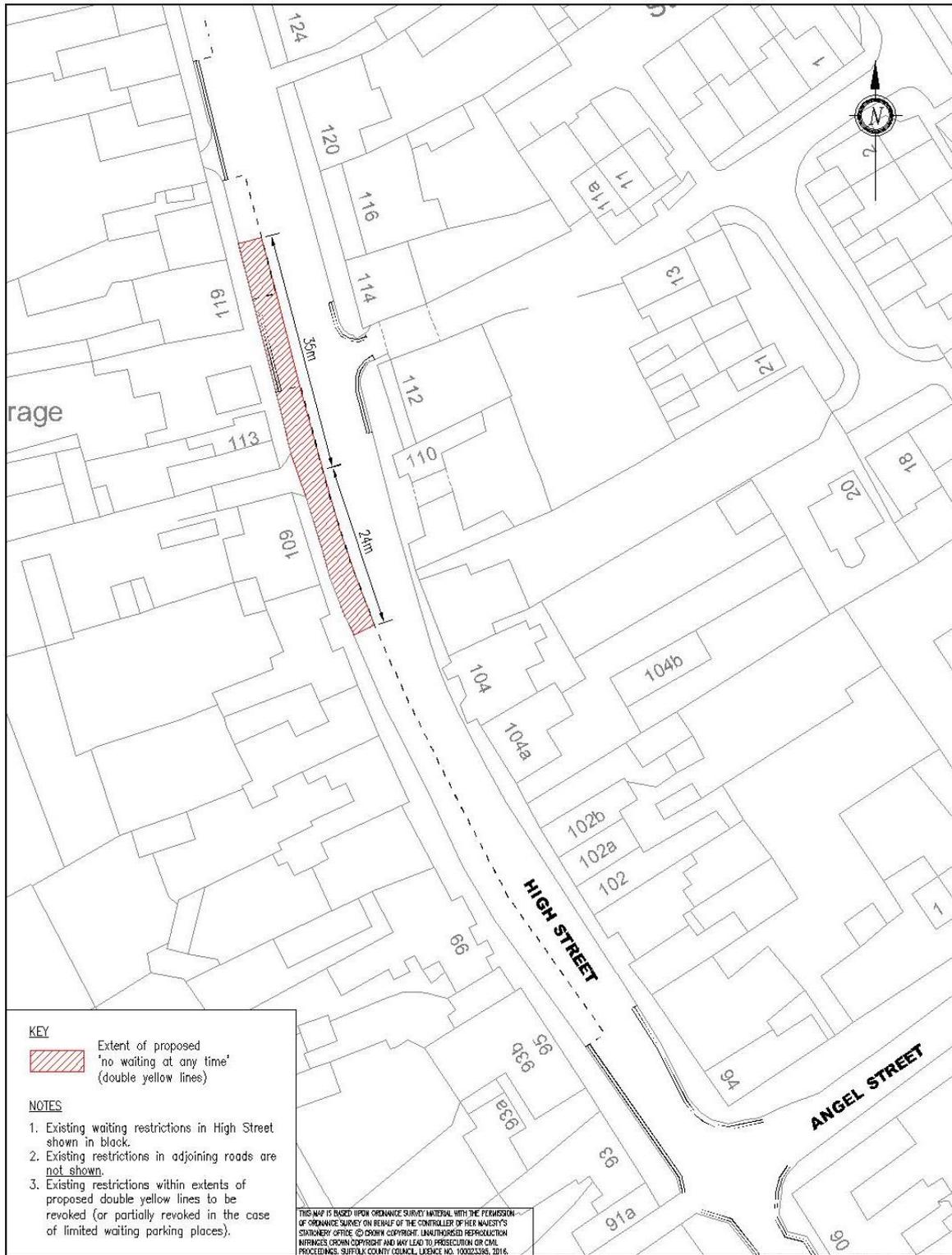
## SCHEDULE 2

### Revocation of Waiting Restrictions (from Order cited in Article 5)

Type 1: No Waiting At Any Time

Type 28: 1-Hour Limited Waiting 8.00 a.m. - 6.00 p.m. Monday - Saturday Inclusive  
(No Return Within 2 Hours)

ROAD	SIDE	DESCRIPTION	TYPE
High Street (B1070)	South West	a) From a point 133 metres north west of the centre of its junction with Angel Street in a south easterly direction for a distance of 37 metres (to a point 24 metres south east of the centre of the vehicular access between Nos. 109 and 111).	28
		b) From a point 133 metres north west of the centre of its junction with Angel Street in a north westerly direction for a distance of 14 metres. 24.	1
		c) From a point 147 metres north west of the centre of its junction with Angel Street in a north westerly direction for a distance of 8 metres (to a point 35 metres north west of the centre of the vehicular access between Nos. 109 and 111).	28



**KEY**  
 Extent of proposed 'no waiting at any time' (double yellow lines)

- NOTES**
- Existing waiting restrictions in High Street shown in black.
  - Existing restrictions in adjoining roads are not shown.
  - Existing restrictions within extents of proposed double yellow lines to be revoked (or partially revoked in the case of limited waiting parking places).

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**Suffolk Highways**  
*your roads, our business*

Jointly managed by:  
 Jerry Part (Kier General Managers) & Mark Steves (Suffolk County Council Assistant Director)  
 Enkevoour House, 8 Russell Road, Ipswich, Suffolk IP1 2BA

REVISION(S)	PROJECT TITLE	ORIGINATOR	CHECKER	DESIGNER	REVIEWER
	B1070 HIGH STREET HADLEIGH NEW WAITING RESTRICTIONS	SLB	LEC	SLB	JML
	DRAWING TITLE	SCALE(S)	ORIGINAL SIZE AS	DATE	
	CONSULTATION DRAWING	1:500		01 MAR 2016	
DESCRIPTION	DATE	INTL	DRAWING NUMBER	REVISION	
			120114/01		

**Heather Miller**

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**From:** Heather Miller  
**Sent:** 15 June 2016 11:30  
**To:** 'Aingerholbrows'  
**Subject:** RE: Parking  
  
**Categories:** Egress Switch: OFFICIAL (Not Encrypted)

Dear Mr Breitsprecher

Thank you for your message. I understand your concern about enforcement, but this is a matter for the police and not in the power of the Highway Authority. The police are consulted about all traffic management proposals so are aware of the proposed measures for High Street. If you continue to have concerns about enforcement please contact your local police.

Kind Regards

**Heather Miller**

Senior Legal Officer (Tuesday - Thursday)

Suffolk Legal, Suffolk County Council, Constantine House, 5 Constantine Road, Ipswich, IP1 2DH  
DX 67951 Ipswich Tel (01473) 264184 Fax (01473) 216825

[www.suffolklegal.co.uk](http://www.suffolklegal.co.uk)

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**From:** Aingerholbrows [<mailto:aingerholbrows@aingerholbrows.co.uk>]  
**Sent:** 15 June 2016 11:07  
**To:** Heather Miller  
**Subject:** Parking

Hello

I am writing regarding the proposed changes to the limited waiting parking outside no 107-121 high street. I am the owner of the garage at no.115 and would just like to check if the new parking will be enforced as we already have double yellow lines outside of ours that nobody takes any notice of and quite happily will park and block the entrance to our garage.

Kind regards

**Andrew Breitsprecher**

**Managing Director  
Ainger Holbrows Ltd**

**115 High Street, Hadleigh, Ipswich, Suffolk, IP75EJ**  
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