

## Rights of Way Committee

<b>Report Title:</b>	Parish of Cockfield ((A1141) Lavenham Road, 40mph Speed Limit Traffic Regulation Order
<b>Meeting Date:</b>	Wednesday 25 January 2017
<b>Lead Councillor(s):</b>	Councillor James Finch (Cabinet Member for Highways and Transport)
<b>Local Councillor(s):</b>	County Councillor Jenny Antill
<b>Director:</b>	Geoff Dobson Director of Resource Management
<b>Assistant Director or Head of Service:</b>	Alan Thorndyke, Head of Highway Network Management
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### Brief summary of report

1. To consider objections to the advertised Traffic Regulation Order (TRO) to extend the existing 40 mph speed limit on Lavenham Road, Cockfield for 220m in a northerly direction.
2. Three formal objections have been raised by local residents against the proposed extension of the 40 mph speed limit. Two of the objections were made following initial responses made during statutory and resident's consultation. This report is intended to help the Committee consider the objections received.

### Action recommended

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| <ol style="list-style-type: none"> <li>3. That the Cabinet Member for Roads, Transport and Planning be recommended to approve the making of the Suffolk County Council (Parish of Cockfield) (A1141 Lavenham Road) (40 mph speed limit) Order 201 – subject to the development receiving planning permission and the development providing roadside frontage.</li> </ol> |
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### Reason for recommendation

4. The proposal to extend the speed limit will be subject to planning permission being granted for the proposed development on land owned by Suffolk County Council and will only be implemented if the development is built and incorporates a visible built environment along the A1141.
5. The proposed speed limit was considered and approved by Suffolk County Council's Speed Panel on 14 March 2016.
6. If approved this change in speed limit will remove one of the barriers to the provision of a new access road to facilitate a proposal to provide much needed affordable housing as well as open market housing, along with community open

space and a link to a proposed footpath connecting to other parts of the village via the former railway line.

7. The visibility for traffic approaching the existing speed limit from the northwest is hindered by a curve in the road. Extending the speed limit will encourage vehicles approaching from this direction to slow down.

### **Alternative options**

8. Do nothing. Development of land at this location is unlikely to be permitted under current planning rules due to inadequate visibility for the necessary access joining an unrestricted road.

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

9. All road users travelling along the A1141 Lavenham Road in Cockfield will be directly affected. All people living within or visiting the existing 40 mph restriction and the proposed extension.
10. A decision to approve this speed limit reduction will enable potential development of adjacent land owned by Suffolk County Council in Cockfield and will benefit the community by providing much needed affordable housing as well as open market housing, along with community open space and a link to a proposed footpath connecting to other parts of the village via the former railway line.

### **Main body of report**

#### **Background**

11. This Traffic Regulation Order has been requested by SCC Corporate Property who is working in partnership with Babergh Mid Suffolk District Council (BMSDC) and Cockfield Parish Council for the potential development of land owned by Suffolk County Council adjacent the A1141 Lavenham Road between Mill Farm and Mackenzie Close.
12. The A1141 forms a link between Lavenham and surrounding parishes with the A134 to and from Bury St Edmunds. It has a low volume of vehicular, local lorry and cyclist traffic for its classification. The A1141 is also a bus route for the 753 and 755 services between Sudbury and Bury St. Edmunds, providing 11 service runs in each direction between Monday and Saturday. Bus shelters are located adjacent to the junction of McKenzie Place with the A1141 for each directional route, and were locally funded.
13. A Consultation Plan showing details of the proposed extension of the speed limit is shown in Appendix A, along with a Location Plan, which also shows the SCC land being considered for development and Perrydown Lane, which was referred to by one of the Objectors. Appendix A also includes a drawing showing the proposed visibility splay required for the development site.
14. A copy of the Proposed Traffic Regulation Order, Notice and Statement of Reasons is shown in Appendix B along with an extract from the existing speed limit traffic regulation order made in 1999.
15. The proposed development will be determined following submission of a planning application.
16. Due to planning requirements a report was presented to Suffolk County Council's Speed Panel on 14 March 2016 to consider the merits of extending the existing 40 mph speed limit to unlock a potential new development on this site including

affordable homes with a service access road joining onto the A1114. Development of this site to its full potential is currently restricted by inadequate road visibility available at a point where the proposed service road would join an unrestricted road.

17. The recommendation in the Speed Panel report states that although extension of the speed limit does not comply with the current SCC policy in its current state there is a strong argument this could change following development of the adjacent land. It has strong local support and supports two of SCC's corporate policies to increase economic growth and empowering local communities.
18. The Speed Panel accepted the request for the extension of 40mph limit but on the strict proviso that the development illustrates a 'visible built environment' along the road.

### **Statutory and Residents Consultation**

19. Suffolk Highways consulted with residents and statutory organisations most likely to be affected by the proposed speed limit extension. The consultation period took place between 6 and 28 October 2016. A total of 29 properties were included in the residents consultation consisting of addresses in Mackenzie Place, Crowbrook Place, Crowbrook Cottages and Mill Farm, Lavenham Road.
20. Of the consultation responses received, Suffolk Constabulary and their Safer Neighbourhood Team do not object to the proposals. Responses were also received from Cockfield Parish Council and Babergh District Council, both strongly in support.
21. All three local residents who responded considered that a 40 mph speed limit would be ineffective, with two residents requesting that the speed limited be reduced further to 30 mph, with one also seeking a speed camera. Two of the three residents make reference to a recent fatal accident in the vicinity when a pedestrian using the footway was killed.
22. One of these residents referred to a recent accident where a pedestrian was killed in the vicinity and expressed safety concerns over approaching vehicle speeds affecting pedestrians using the nearby bus stops and drivers slowly entering the narrow accesses to Mackenzie Place and Crowbrook Close. This resident has now formally objected to the proposed speed limit change.
23. The third resident's response also cited the recent fatal accident and felt that a new housing development would increase risk due to an increase in traffic volume. This resident suggested that Perrydown Lane would be a better location for access if a housing development is necessary. This resident has also now formally objected to the proposed speed limit change.

### **Objections**

24. The following people are considered to have formally objected to all or part of the proposals. For further details of all objection correspondence please refer to Appendix C.
25. Mr Turnbull, resident of 8 McKenzie Place, confirmed his objection following his response to the residents' consultation.
26. Mr Turnbull has objected to the proposal, as he does not feel that a 40 mph speed limit will reduce the level of risk, because an access to a new housing

development at this location will increase the volume of traffic, making a fatality more likely.

27. Mr Turnbull cited a recent fatal accident where a pedestrian using the footway was killed. He also suggested that Perrydown Lane would be a better location for an access if a housing development is necessary.
28. Mr Goold, resident at 11 Crowbrook, also confirmed his objection following his response to the residents consultation
29. Mr Goold feels strongly that the speed limit should be reduced further to 30 mph as there are two bus stops and tight accesses to homes in the immediate vicinity. He has concerns regarding the safety of pedestrians and drivers slowing to turn into driveways with vehicles approaching from behind. Mr Goold also cited the recent fatal accident during a follow up conversation to his initial response to the residents' consultation by telephone.
30. A third objection was received from Mr Hamish McLoughlin, address not provided. Mr McLoughlin has suggested that the proposed 40 mph speed limit proposal goes against recent Department of Transport guidelines dating from January 2013 which state that the government policy is for 30 mph speed limits to be the norm in villages. Mr McLoughlin considers that the speed limit should be 30 mph as it is further north along the A1141 in the rest of Cockfield village and considers that the road is dangerous, also referring to warning signs for motorists to slow down approaching a public house where children play in the vicinity of the garden area.

## **Support**

31. Two representations in support of the proposal were received during the advertising period for the Traffic Regulation Order
32. Clive Arthey of Babergh District Council (now part of the merged Babergh Mid Suffolk District Council) initially responded in support of the proposal during Statutory Consultation. This support was followed up by a further representation by Housing Development Officer Ian Tippet during the advertising period for the TRO. They consider that the proposed speed limit extension will improve driver safety on the approach to the two existing narrow entrances to Mackenzie Close and Crowbrook Close and also at the access to the holiday let business at The Mill House. They also request that if approved the speed limit extension is in place before construction work is started on any future development, which will be subject to its own planning process and approval.
33. Cockfield Parish Council also sent a further representation during the advertising period for the TRO reaffirming their unanimous support for the proposal to extend the existing 40 mph speed limit. The Parish Council consider that a development with associated road safety measures will have a positive impact on the village with the proposed extension of the speed limit sending an appropriate message to drivers and a reassurance to residents that their concerns are being heard and that positive action is being taken.
34. For further details of this correspondence in support of the proposal and other comments, including those from the statutory and residents consultation please refer to Appendix D.

## **Officer's comments**

35. The fatality cited by the Objectors occurred a short distance to the south of the area now being considered for this speed limit extension. It is thought that speed was not considered a factor in the incident.
36. The objectors have all asked for a 30 mph speed limit, in one case citing Department for Transport (DfT) guidance. The Suffolk County Council Speed Limit Policy was approved in 2015 and the DfT guidance was used in the formulation of the Suffolk Speed Limit Policy. In this case the Speed Limit panel only considered the request for a 40 mph speed limit and have not considered a 30 mph limit. For a section of road to be considered suitable for a 30 mph limit the policy provides guidance for a clear village character with 20 or more houses.
37. The U8031 Perrydown Lane has been suggested by an Objector as an alternative location for an access to the development. This is a planning matter and has no bearing on the TRO other than if the A1141 is not used as an access for the development then the existing 60 mph speed limit will not be changed. The location of the development, its proposed access point and the U8031 Perrydown Lane are also shown on the Location Plan in Appendix A. It is noted that Perrydown Lane is located some distance from the development site, with a water course and a disused railway embankment in between.
38. The nearest public house on the A1141 is The Three Horseshoes, which is located 900m south of the proposed speed limit change.
39. The Police do not object to the proposed speed limit extension.
40. Cockfield Parish Council strongly supports the proposed speed limit extension and considers that a development with associated road safety measures will have a positive impact on the village.
41. Babergh Mid Suffolk District Council supports the proposed speed limit extension, which will improve driver safety on the approach to the two existing narrow entrances to Mackenzie Close and Crowbrook Close. They also consider the reduced speed limit will improve safety at the access to the holiday let business at The Mill House. They also request that the speed limit extension is in place before construction work is started on any development if granted.

## **Conclusion**

42. With the current 60 mph speed limit in place there is insufficient land available for a possible new development to meet planning criteria for highway visibility. The confirmation of this Traffic Regulation Order to extend the existing 40mph speed limit will enable a sufficient visibility splay to be incorporated into development proposals for the planning process to be taken forward. There are no plans to implement the speed limit change until it is absolutely clear the development will proceed.
43. Whilst the site does not currently meet Suffolk County Council's guidance for reducing the speed limit to 40 mph, this could change following development of the adjacent land, particularly with the condition of a visible built environment fronting the road.
44. The extension of the speed limit is strongly supported by Cockfield Parish Council. Babergh Mid Suffolk District Council also support the speed limit reduction in relation to the safety of traffic approaching and manoeuvring in and

out of the existing narrow cul-de-sacs at Mackenzie Close and Crowbrook Close and at The Mill House holiday let business. The police also do not object to the speed limit reduction.

45. Three objectors to the proposal suggest that the speed limit reduction will not work or is insufficient.
46. The use of Perrydown Lane or another location for an access to the development is a planning matter and has no bearing on this Traffic Regulation Order.
47. It is recommended that Rights of Way community approves Traffic Regulation Order for an extension of 40 mph speed limit at this location.

## **Human Rights Act 1998**

48. 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. Site drawings including the Traffic Regulation Consultation Plan, a Site Location Plan and a plan showing the proposed visibility splay for the development site.
- B. Proposed Traffic Regulation Order, Notice and Statement of Reasons. Extract from existing Traffic Regulation Order.
- C. Objections received during advertising of the Traffic Regulation Order.
- D. Letters of support and other comments received during advertising of the Traffic Regulation Order and during statutory and residents consultation.