

<b>Subject:</b>	<b>Fiveways Safer Routes to School Objections</b>		
<b>Date of Meeting:</b>	<b>30<sup>th</sup> April 2013</b>		
<b>Report of:</b>	<b>Executive Director Environment, Development &amp; Housing</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Matthew Thompson</b>	<b>Tel: 29-0235</b>
	<b>Email:</b>	<b>Matthew.thompson@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>Withdean, Preston Park</b>		

**FOR GENERAL RELEASE/****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The purpose of this report is to consider two objections received in relation to the Traffic regulation order (TRO) for double yellow lines on a measure at Preston Drove and to the decision to reposition a bus stop on Ditchling Road 20m further north than the position consulted on . Both measures form part of the Fiveways safer Routes to school scheme.
- 1.2 The Road Traffic Act 1988 places a statutory duty on local highway authorities to promote road safety. This duty involves studying the occurrence and causes of collisions and taking appropriate preventative action in the form of physical (engineering) and educational measures to reduce the risk of casualties on local roads. In addition, from 1<sup>st</sup> April 2013, unitary local authorities in England take on a new Public Health duty to take such steps as they consider appropriate for improving the health of the people in their areas.
- 1.3 Balfour Primary, Dorothy Stringer and Varndean schools have been selected within the Safer Routes to School Scheme as a priority due to the number of personal injury collisions reported in the area involving pedestrians and cyclists during school journey times over the past three years.

**2. RECOMMENDATIONS:**

- 2.1 That having taken account of all duly made representations and objections, the Transport committee approves Brighton & Hove (Waiting & Loading/Unloading Restrictions and Parking Places) Consolidation Order 2008 Amendment Order No. \* 20\*\* (our ref TRO-23b-2012) for double yellow lines at Preston Drove.
- 2.2 That having taken account of all duly made representations and objections, the Transport Committee approves the relocation of the bus stop to the position outside 391 Ditchling Road.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 Safer Routes to School is an initiative that aims to improve routes to school making it safer for children and their parents and carers to walk, cycle or use public transport, thus providing increased travel choice for the journey to and from school. The initiative forms a key component of Brighton & Hove City Council's Local Transport Plan 2011/12 – 2014/15.
- 3.2 Based on personal injury collision data the area was identified by officers as appropriate for a Safer Routes to School scheme. During the three year period 01/09/08 to 31/08/11 there were 16 collisions involving a cyclist or pedestrian and another vehicle during school journey times. This resulted in 16 casualties, 13 of whom were pedestrians and 3 of whom were cyclists. In total, 12 children were injured, with three sustaining serious injuries.
- 3.3 The measures recommended for implementation were as follows:
- Introduce a zebra crossing and build outs to help pedestrians cross from the corner near St Mary's Church to The Ride in Preston Park. Extend the kerb on the corner of Preston Park Avenue to slow left turns out onto Preston Drove and improve visibility down Preston Drove (Map 1.2A)
  - Remove the bus stop north of the upper gate to Varndean School and replace it with a pedestrian refuge and build outs allowing pupils to cross more safely to the bus stop opposite. (Map 1.2C)
  - North of Friar Road, create a new bus stop outside 391 Ditchling Road (Map 1.2C)
  - Refresh existing double yellow lines on the junction of Loder Road and Surrenden Road (Not shown on map).
- 3.4 The scheme will benefit three schools (Balfour Primary, Dorothy Stringer and Varndean) which between them cater for almost 3900 children. These improvements will also benefit the wider community of Fiveways.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

The public consultation took place between 10 September and the 12 October 2012.

- 4.4 Ward Councillors for Withdean & Preston Park visited the two sites with Council officers on the 30 August 2012 prior to the public consultation and welcomed the two main measures.
- 4.5 Postcards were delivered to 1000 random addresses in the area and properties adjacent to the proposed measures in the week commencing 10 September inviting people to attend exhibitions to view plans of the proposed layouts. Survey forms were available at exhibitions and the public event on Wednesday 19 September for people to give feedback. An on-line survey was also available on the Council website. Links to the survey were sent out in school e-newsletters, and paper copies were offered to those parents without internet access.

- 4.6 An area map was available showing the locations where changes are proposed (Map 1.1) and plans were also given showing more detailed layouts. (Maps 1.2A & B).
- 4.7 People were asked to look at plans for suggested improvements and to then give their preferred options for improvements. Each question also gave a space for comments.
- 4.8 126 people responded giving a response rate of 12.6%. 7 replies came from the exhibitions and events, 100 came from the on-line survey. 19 parents at Dorothy Stringer replied via survey forms provided by the school.
- 4.9 The headline results of the public consultation are as follows:
- Proposals for the junction of Surrenden Road and Preston Drive – 91% in favour with 37 comments made.
  - Proposals for Ditchling Road near the junction of Friar Road (including re-siting the bus stop outside 387 Ditchling Road – 79% in favour with 35 comments made
- 4.10 Residents in Loder Road responded to the consultation, pointing out that cars frequently park on the corner with Surrenden Road, making it impossible for drivers to see children trying to cross the road, and urging us to address this parking issue. As this area is not in the Controlled Parking Zone, the Parking Strategy team is not able to help with this matter. Officers therefore decided to add double yellow lines to the Safer Routes to School TRO, which included Double Yellow lines around the Preston Drive zebra crossing measure.

#### **4.10 Objection 1 to the Traffic Regulation Order (TRO) amendment.**

The first objection does not deal with the specific locations of the double yellow lines, but objects to them on the grounds that they are discriminatory as they will predominantly affect white people, men and heterosexuals. It also alleges that the measure is anti-driver, the public's views have not been considered, people will be criminalised and that the measure is a waste of money

##### **4.11.1 Response**

The objection has no bearing on the specifics of this measure and is identical to objections submitted on other schemes containing traffic regulation orders.

#### **4.12 Objection 2**

- 4.12.1 The second objection to the TRO amendment supports the introduction of the Preston Drive zebra, (Map 1.2A) but objects to the removal of parking spaces at this location and wider schemes around Preston Park causing parking displacement. It suggests that the effect on parking be minimised. It also asks that the path worn across the grass opposite the new crossing indicating the desire line for the crossing is paved, and the existing crossing further up the hill outside the Park View public house be improved. Comments are made about the

tactile paving on the crossing outside the Park view Public house not conforming to current regulations and suggest an upgrade of this crossing would be more appropriate.

#### 4.12.2 Response

The current TRO allows for double yellow lines on the corner of Preston Park Avenue and Preston Drove to be reinstated to the new kerb line as shown in the consultation plans. The proposed amendment allowed for double yellow lines west of the crossing along the new build outs. These have now been replaced with extended zigzags which do not require a TRO amendment.

4.12.3 While the council supports the paving of the path, this is not within the remit of the scheme which is to improve road safety on school journeys. Sightlines to the west however are an important feature, which means that parking must be prevented in order to allow drivers trying to exit The Ride in Preston park a clear view to the West down Preston Drove.

4.12.4 The crossing outside the Park View Public house will be monitored in a few months time to assess the impact of the new crossing on numbers using it. There are no plans at present to remove or enhance it. The tactile paving on this crossing is in a different configuration to current regulations. This is in line with a city wide policy not to replace tactile paving installed before the regulation change.

#### 4.13 **Background to objections to the Bus stop outside 391 Ditchling Road**

4.13.1 The objections to the site of the bus stop on Ditchling road refer to locations that do not fall within the scope of the proposed Traffic Regulation Order. The proposed site consulted on was outside 387 Ditchling Road. (Map 1.2B) These premises are currently used by a nursery.

4.13.2 Several submissions objecting to this measure were received from parents using the nursery, its owners and immediate neighbours raising concerns about the bus stop on child protection grounds, driveway access and parking in general, most wanting to retain the current unrestricted arrangements.

4.13.3 After the consultation, in response to submissions, officers made the decision to move the proposed site 20m north outside 391 Ditchling Road. (Map 1.2C). This was in order to avoid further delays to implementing the urgently needed safety measures which these objections had the potential to cause.

4.13.4 The Operations Manager of Brighton and Hove buses was formally consulted and responded that he was **happy** with either location because he felt the current bus stop is located too far south. He also pointed out that moving it northwards will even out the gaps between the stops but did not support removal of the stop altogether as this would create much too large a distance between stops and cause much inconvenience to local people who wish to use the bus.

4.13.5 The owners of number 391 responded to the initial consultation in support of putting the bus stop outside the nursery, but were concerned about parked cars adjacent to their driveway making it difficult to see approaching traffic, which they felt was particularly important in a 40mph speed limit.

4.13.6 Following the consultation, officers wrote to inform them of the committee's decision to put the bus stop outside their house, pointing out that the bus stop will overcome one of their concerns cars parking adjacent to their driveway and buses will only obstruct views for very brief periods. In addition, provision of a single white line across the driveways of both 389 and 391 was offered to make any obstruction by parked cars easier to enforce.

4.13.7 As the views of the owners of 391 Ditchling Road were not placed before the Committee when it made its original decision to site the bus stop outside that property, the matter is being returned to committee for those objections to be considered.

#### 4.14 Objection to the proposed bus stop position (Map 1.2C)

The owners of number 391 Ditchling Road object to the proposed bus stop position on the following grounds:

- Noise from buses calling at the stop will create disturbance in their front rooms, one of which is sometimes used as a cognitive therapy room, requiring quiet conditions.
- The nursery is only used five days a week during working hours and it is fairer to ask them to endure the engine noise rather than full time residents.
- The property at 391 will lose value
- The nursery advertises its Green credentials and promotes sustainable transport use. These are consistent with a bus stop outside their premises and the council should urge the nursery to stick to these.
- School children will sit on the front wall of 391 while waiting for a bus after school, affecting the residents' privacy.
- They pay a higher rate of council tax based on the quality of the area they live in, and this will be compromised by a bus stop.
- There is already a telegraph pole outside the house, so an additional bus stop post would be unfair. Wires to adjacent houses from this pole cross their property and they have had to remove trees which have grown too tall and replant other greenery at their own expense to accommodate this.
- There is no need for a bus stop here as others are sufficient. The council could consider re-spacing all the bus stops along this stretch of Ditchling Road.
- Bus stops should only be put near crossings.

#### 4.14.1 Response

4.14.2 The bus stop position outside 391 Ditchling Road will impact on fewer people while providing improved accessibility to bus services for the residents of Friar Road and Surrenden Park. The bus company believe this stop is necessary for passengers in this area to access northbound services.

4.14.3 There are no houses on the other side of the road so there is no need for a crossing point nearby. After school, students have no incentive to use a stop further north of the stop nearest the school gates, as the service northbound does not get as busy as those travelling southbound into the city.

4.14.4 Officers have considered the representations made above but consider that the location outside number 391 is the most appropriate.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The cost of additional work required to overcome objections can be met from within the Safer Routes to School budget of £50,000 which is part of the Local Transport Plan (LTP) capital allocation.

*Finance Officer Consulted: Jeff Coates*

*Date: 10/04/13*

### Legal Implications:

- 5.2 The traffic order has been advertised according to the Road Traffic Regulation Act 1984 and the relevant procedure regulations. As there are unresolved objections and representations they are now referred to this meeting for resolution.
- 5.2.1 In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.
- 5.2.3 The Council is under a legal duty as a public authority to consider the human rights implications of its actions. Parking and traffic restrictions have the potential to affect the right to respect for family and private life and the right to protection of property. These are qualified rights and therefore there can be interference with them where this is necessary, proportionate and for a legitimate aim.

*Lawyer Consulted:*

*Carl Hearsom*

*Date: 10/04/13*

### Equalities Implications:

- 5.3 There will not be an Equalities Impact Assessment as these proposals do not include a change to existing policy. However, the DDA will be consulted on the proposals to ensure that the highway measures are appropriate for people with physical difficulties

### Sustainability Implications:

- 5.4 Sustainable Consumption and Production: It is proposed that materials be reused where possible

### Crime & Disorder Implications:

- 5.5 There are no implications for the prevention of crime and disorder at this stage. Sussex Police have been consulted as part of the public consultation process.

### Risk and Opportunity Management Implications:

5.6 Following guidelines from the Institute of Highways and Transportation, independent safety audits will be carried out to ensure that safe designs will be implemented.

5.7 Climate Change and Energy: The Safer Routes to School initiative seeks to increase use of sustainable modes of travel to and from school by increasing safety on the routes.

5.8 Sustainable Communities: The initiative includes engagement with communities to encourage sustainable travel.

### 5.9 Corporate / Citywide Implications:

The proposals will assist in the achievement of the Council priorities by protecting the environment through the encouragement of sustainable modes of travel to and from school. The proposals will reuse any appropriate materials to realise a better use of money. The Safer Routes to School Scheme reduces inequality by increasing access to safer, sustainable routes through the city.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

6.1 Without double yellow lines to allow enforcement of parking restrictions, parked cars will continue to cause a hazard to pedestrians on the Loder Road/ Surrenden Road junction.

6.2 The original position proposed for the bus stop outside 387 Ditchling Road has drawn a considerable number of objections from users of the Nursery, the owners and their immediate neighbours. If the decision is taken to revert to this location, any renewal of these objections will have further cost implications in terms of officer time for both this and the next Safer Routes to School scheme.

6.3 Parking bays were removed from the proposal to future-proof a pedestrian and cycle route creating improved access to the South Downs National Park.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

7.1 The double yellow lines in the Traffic Regulation Order will prevent parking which obscures the views of child pedestrians at this junction and will compliment other crossing facility improvements.

7.2 The bus stop in Ditchling Road must be relocated to permit construction of the proposed pedestrian refuge which will make crossing to the bus stops opposite the school safer and reduce the risk of pedestrian collisions.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Map Appendices (overview);
2. A – C: (Individual site maps)

### **Documents in Members' Rooms**

1. Public Consultation report

### **Background Documents**

1. Local Transport Plan 2011/12 – 2014/15