

**Forward Plan reference number:** Not Applicable

<b>Report title:</b> Proposed Traffic Regulation Order – No Waiting At Any Time, 20mph Zone & Traffic Calming, Chesterwell Development, Colchester	
<b>Report to:</b> Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	
<b>Report author:</b> Andrew Cook, Director for Highways and Transport	
<b>Date of Report:</b> 02 September 2020	<b>For:</b> Decision
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<b>County Divisions affected:</b> Mile End and Highwoods	

## 1. Purpose of Report

This report seeks approval to implement the advertised proposal for No Waiting At Any Time (NWAAT), 20mph Zone, Speed Cushions and other traffic calming measures in the Chesterwell Development in Colchester with modifications.

## 2. Recommendations

2.1 Agree to implement the advertised proposal (TRAF/6744) with the following modifications (Option D):

(a) reduced NWAAT lengths at the junctions of Nayland Road with Claret Road/Gloriana Road, and Claret Road at its junction with Wildeve Avenue; and

(b) to abandon the advertised proposal for Nayland Road and investigate, consult on and advertise a new scheme to take account of the needs of pedestrians and cyclist post Covid-19.

## 3 Summary of issue

3.1 The new Chesterwell development has been built around Wildeve Avenue (the A134), a classified road and main arterial route between Colchester and Sudbury. Wildeve Avenue is classed as PR1 in the County Route Hierarchy. Cordelia Drive forms the main residential spine road and will eventually serve shops, schools and a business centre along with 1400 new homes. Phase 1 and 2 of the development consisting of over 400 homes is complete. The proposed restrictions are required to compliment the new road layout, ensuring an efficient highway for all road users.

3.2 NWAAT restrictions are proposed to provide a clear and unobstructed passage along Wildeve Avenue and junction protection for road users. This improves

visibility and clear access for all users of the highway, particularly vulnerable road-users such as pedestrians, including those with mobility impairments and pushchair users. NWAAT restrictions in turning heads at the end of Fords Lane and a superseded section of the Nayland Road are designed to deter parking so as to allow cyclists to freely access the new cycleway. The proposed measures are also considered necessary for visibility purposes and to provide clear passage and adequate turning space for all vehicles especially farm vehicles and other large vehicles accessing the Nayland Road sites.

- 3.3 The proposed 20mph Zone is in accordance with the Council's policy that new housing estate roads are constructed to ensure, as far as is possible, that vehicle speeds are 24mph or below. This is done via the introduction of a 20mph zone and a variety of traffic calming measures. The intention is to reduce vehicular speeds and improve the pedestrian environment. Fords Lane and Howards Croft were both traffic calmed already so no additional features have been added. However, speed cushions and build-outs were installed on the section of Nayland Road that had previously formed part of the A134 so as to provide a contiguous self-regulating 20mph Zone for the whole estate area.
- 3.4 The majority of parking restrictions (double yellow lines) and traffic calming measures (20mph signage and speed cushions) have already been installed on site at the prerogative of the developer during construction to prevent obstructive and inconsiderate parking by works traffic, and to promote safety for site workers and residents. These third party restrictions are purely advisory and a TRO is required to ensure they are legally enforceable once the roads become public highway. These site restrictions will need to be either modified or completely removed, where deemed necessary to conform to the Highways Act 1980 Section 38 Agreement and the Traffic Regulation Order (TRO) schedule, prior to the road being adopted.
- 3.4 ECC has received a number of objections following informal and formal consultation on the proposed measures. The objections and other responses are outlined below in section five and Appendix B of this report, and the advertised proposal is detailed in Appendix A.

### **Informal Consultation**

- 3.5 A 21-day informal consultation period was launched by Essex Highways between the 20 April 2017 and 11 May 2017 but was extended by another seven days to 18 May 2017 to allow as many residents as possible to access the online survey or write in. At the time of consultation over 200 occupied homes in the area of concern were consulted.
- 3.6 Invitation letters informing residents about the survey were hand delivered to all the existing and established properties in Nayland Road (Part), Claret Road (Part), Gloriana Road (Part), Wildeve Avenue (A134), Cordelia Drive, Cansend Road (Part), Sophy Way (Part), and Fords Lane: a total of 230 properties. Responses were received from six residents (via online / email / letter). Four which can be categorised as objections are documented on the Objection Report which can be found in Appendix B. Following comments received during

the informal survey the restrictions proposed for Fords Lane were reduced for the formal consultation phase and respondees advised accordingly.

- 3.7 The respondees from the informal consultation were assured that, any objections received will (if not withdrawn) be counted as formal objections. These are therefore included within the formal objection sections of this report.
- 3.8 In compliance with statutory requirements of Traffic Regulations Act 1984 and the legal procedure of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations, the proposal (reference TRAF/6744) was officially advertised between the 20<sup>th</sup> September - 12<sup>th</sup> October 2018. Public notices were posted in the vicinity of all occupied properties at the time of the formal consultation thus providing further opportunity for comments and objections, from existing and any new residents, to be considered. A copy of the public notice and drawings used to advertise the proposal can be found in Appendix A and the comments and objections received are summarised below:

**Key Stakeholder Comments:**

- 3.8.1 All three Borough Councillors for Colchester Mile End ward Philip Coleman, Martin Goss and David King were e-mailed on 7<sup>th</sup> July 2019 with the scheme plans and details and invited to make comment upon the proposal. Councillor Martin Goss responded expressing dissatisfaction at the extent of double yellow lines (“DYLs”) on Fords Lane, as shown on the plan at the time of the Informal Survey, these had been reduced in length on the plan used for the statutory consultation. This is shown on the informal and formal consultation plans, which can be found in Appendix D and A respectively. The Councillor supports the local residents request for additional DYLs on both sides of the road from the proposed turning head yellow lines westwards to its junction with Howards Croft / Sophy Way (this extended DYL section is adjacent to Fords Lane property numbers 7, 9, 11 as shown on the Informal Consultation plan in Appendix D). Residents had made the request to him on the grounds that ‘owing to the narrowness of the lane and cars parked each side of their driveway, they are finding it difficult to exit their properties and that making a left turn is almost impossible.’ They also said that cars are partially parking on the pavement and causing an inconvenience to pedestrians. There was no response from the other Mile End Councillors.
- 3.8.2 Essex Highways do not recommend the inclusion of this additional section of DYLs in Fords Lane, because:
- The purpose of installing these waiting restrictions is to prevent obstruction of the turning head at the east end of Fords Lane and allow cyclists to freely access the cycleway. Extending the DYLs adjacent to Fords Lane property numbers 7, 9, 11, does not contribute to the scheme objectives.
  - The imposition of extended restrictions will only displace cars further along the road and into Howards Croft.

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- The development has also been built to the new parking standards so there should be ample parking for new residents without needing to use Fords Lane.
- When Fords Lane was connected to the roundabout it was the only means of access for all Fords Lane and Howards Croft residents and the sports field. Cars regularly parked on Fords Lane during this time and the road still appeared to function adequately.
- Although the extended DYLS are not recommended by Essex Highways, they were included on the Informal Survey consultation plan on the proviso that if objections were received it would be amended. An objection was received at the time of the informal consultation and the yellow lines reduced back to the Essex Highways recommended design for the formal consultation phase.

3.8.3 The local County Councillor was consulted regarding the scheme in general and specifically about the residents' concerns regarding the request for extended DYLS in Fords Lane and has said that she is 'content with the Essex Highways recommended proposal on Fords Lane' i.e. the reduced scheme of DYL plan (VD14212\_TRO-30-01 Rev D) in Appendix A, that Essex Highways used for statutory consultation.

3.8.4 North Essex Parking Partnership (NEPP), responsible for Civil Enforcement of waiting restrictions, have confirmed that they would be able to offer enforcement of the restrictions, if installed.

3.8.5 Essex Police will support the proposal for the 20mph zone with the normal request that it is monitored, and further measures are considered if necessary. They do not wish to comment regarding the proposed waiting restrictions or speed cushions.

3.8.6 Any increase in the length of restriction will require to be advertised following the statutory Order making process for parking orders and will delay full scheme implantation.

### **Objections**

3.8.7 A total of eleven objection from the members of the public were received and considered. Seven resulted from the statutory consultation and four objections from the informal consultation that was undertaken in 2017. These are identified in Appendix B. Following an additional Essex Highways letter dated 10<sup>th</sup> July 2019 updating residents and councillors regarding the scheme status, a further eleven representations were received. Three of these came from local councillors, seven originated from members of the public who are residents of Chesterwell, and one representation came from Cants of Colchester Ltd. Although these representations were received outside of the statutory consultation period, they have been included in the responses to comments in Appendix B. Many aspect of the comments received from seven residents of Chesterwell reflect those received from councillors.

#### **4 OPTIONS:**

##### **4.1 Option A: Implement the scheme (TRAF/6744) as FORMALLY advertised.**

4.1.2 This option will meet the principal aims of the scheme as set out below:

- a. Wildeve Avenue is a classified road (A134) and main arterial route between Colchester and Sudbury, which will eventually serve shops, schools and business centre along with 1,400 new homes. The NWAAT measures in this road and those adjoining it are essential for providing a 'clearway' between the aforementioned towns and at key access points for residents and visitors wishing to access their homes and surrounding infrastructure.
- b. Cordelia Drive is a primary route currently serving existing properties and eventually up to 400 new homes when future phases of the development are completed.
- c. The intention of NWAAT restrictions at junctions and in the turning heads is to improve visibility and access for all road users particularly vulnerable road users (VRUs) which can be defined as non-motorised road users. This group includes pedestrians, cyclists, as well persons with disabilities or reduced mobility and orientation, children, pushchair users and wheelchair users, who may wish to make appropriate use of the section of dropped kerb at these junctions.
- d. The NWAAT restrictions in turning heads at the ends of Fords Lane and superseded section of Nayland Road will also allow cyclists to freely access the new cycleway.
- e. The proposed NWAAT restriction lengths at the turning heads are considered necessary for visibility and manoeuvrability of large vehicles, especially agricultural / commercial vehicles accessing sites via the superseded A134 section of Nayland Road.
- f. It is ECC's policy that new housing estate roads are constructed to ensure, as far as is possible, that vehicle speeds are 20mph or below. This is done via the introduction of a 20mph zone and a variety of physical measures including speed humps and cushions. The intention is to reduce vehicular speeds and improve the pedestrian environment.

4.1.3 As properties are now occupied, this option will not satisfy some residents who have objected to:

- A loss of on-street parking space.
- A loss of 'natural traffic calming'.
- Any displacement of vehicles into surrounding roads.
- Speed cushions in Summertime Drive.

**4.2 Option B: Implement the scheme (TRAF/6744) as FORMALLY advertised, but with reduced lengths at the junctions of Nayland Road with Claret Road / Gloriana Road, and Claret Road at its junction with Wildeve Avenue**

- 4.1.2 This option would reduce the lengths of the NWAAT restrictions, at the above named junctions as illustrated on drawings DYL-MODS-NLND & DYL-MODS-CLRT which can be found in Appendix F.
- 4.1.3 The councillors and residents have expressed the view that the advertised measures in the above areas of concern are 'extreme'. With the exception of the letters regarding access in Gloriana road and from Cants of Colchester Ltd, there have not been any verified complaints regarding the lack of access. Therefore, if residents and their visitors continue to park considerately and the volume of traffic remains at current levels, we can anticipate no further conflicts of interests and a reduction in measures can be considered as illustrated on the drawings.
- 4.1.4 In addition, the proposal has been reduced at the northern end of Nayland Road because it is wider than the southern end where we have received a letter from Cants regarding access problems for large vehicles.
- 4.1.5 It is possible to introduce a "lesser" restriction without the need to initiate the statutory consultation process again. If these reduced measures were to be implemented, they can be monitored and further restrictions considered if necessary. However, these would have to follow the process as identified by NEPP and currently new developments have to wait for a period of 5 years before additional parking restrictions not emergency related are considered.
- 4.1.6 This option maintains some of the existing levels of parking whilst also providing some degree of protection in line with the advertised scheme objectives c, d and e outlined in the above Option A. To some extent, this should satisfy the majority of objectors who objected to a loss of parking. However, this option will not satisfy those who have requested further parking measures or to potential concerns that might be received from cyclists at a later date due to potential obstructions in the Nayland Road turning areas.
- 4.1.7 This option does not fully meet the scheme objectives c, d and e that would be achieved with Option A. Those three objectives would actively 'future proof' the junctions and the turning areas of Nayland Road and Claret Road from potential issues due to an increase in the volume of parked cars or inconsiderate parking in those areas, which could then be readily resolved by means of enforcement powers. Option B will also not fully satisfy those who have objected to a loss of on-street parking space, a loss of 'natural traffic calming', displacement of

parked vehicles, or speed cushions in Summertime Drive. Any future scheme to introduce restriction would not be funded by the developer.

#### **4.3 Option C: Abandon the parking restriction element of the advertised scheme making the Orders for the 20mph Zone and associated traffic calming**

4.3.1 This would enable parking along all roads for residents and their visitors however the crucial objectives of NWAAT measures e.g. improvements in visibility, safety, passage of vehicles in Option A would not be realised. Although this option might satisfy some residents it will not gain support from residents who requested an increased use of lines in some roads and objected to the use of speed cushions in Summertime Drive. It will also not facilitate and encourage residents to use sustainable forms of transport if the roads and pavements are blocked by parked vehicles.

#### **4.4 Option D: Implement the scheme (TRAF/6744) as FORMALLY advertised, but with (i) reduced lengths at the junctions of Nayland Road with Claret Road / Gloriana Road, and Claret Road at its junction with Wildeve Avenue; and (ii) to abandon the restrictions proposed for Nayland Road which will be reinvestigated**

4.4.1 This option has the same advantages and disadvantages as Option B.

4.4.2 Further, the comments received during the consultation concerning the proposed restrictions in Nayland Road have become increasingly complex since the advent of the Covid-19 pandemic and the need to ensure social distancing as well as enhancing routes for pedestrians and cyclists. Removing these restrictions from the proposal will enable officers and designers to revisit the situation in Nayland Road in view of the current circumstances and re-advertise a scheme for Nayland Road in keeping with the priority of Safer, Greener, Healthier. This will involve a fresh look at the issues and a new dialogue with local county and borough councillors and residents.

### **5. Issues for consideration**

#### **5.1 Financial implications**

5.1.1 The funding for the implementation of the scheme and advertising costs have been secured through the developer.

5.1.2 The enforcement of any proposed waiting restrictions following implementation will be delivered through the North Essex Parking Partnership.

#### **5.2 Legal implications**

5.2.1 The Road Traffic Regulation Act 1984 gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient and safe movement of traffic of all kinds, including pedestrians and to provide suitable

and adequate parking facilities. So far as practical the Council is also required to have regard to:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run;
- (c) the importance of facilitating the passage of buses and their passengers.

5.2.2 This proposal will lead to improvements in the pedestrian/cyclist environment at no detriment to pedestrian/cyclist safety and additionally will improve visibility for car drivers assisting to create a safer environment.

5.2.3 Whilst there appears to be no real legislative requirement to hold a public inquiry in view of the objections received, the decision to make the order may be subject to judicial review. Whilst judicial review is a risk, there have been clear and reasoned considerations put forward by ECC as to why it is still going to make the order. These clear and reasoned considerations ought to have alleviated objector concerns.

## **6. Equality and Diversity implications**

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.

## **7. List of appendices**

- Appendix A – Formal Consultation Notice and Drawings
- Appendix B – Objection Report
- Appendix C – Site Photos
- Appendix D – Informal Survey Plan (Fords Lane)
- Appendix E – Swept Path Analysis (drawing)
- Appendix F – Revised Modifications Nayland Road & Claret Road
- Appendix G – Equality Impact Assessment

## 8. List of Background papers

- 10.1 Consultation Letters and Full Responses
- 10.2 Essex Design Guide (Oct 2018)
- 10.3 Parking Standards (Sept 2009)

<b>I approve the recommendation, Option B as set out above, for the reasons set out in the report.</b>	<b>Date</b>
Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	14/09/2020

### In consultation with:

<b>Role</b>	<b>Date</b>
<b>Director for Highways and Transport</b> Andrew Cook	09/09/2020
<b>Executive Director for Finance and Technology (S151 Officer)</b> Nicole Wood	Consent not needed
<b>Director, Legal and Assurance (Monitoring Officer)</b> Katie Bray on behalf of Paul Turner	14/09/2020
<b>Head of Network and Safety/Traffic Manager</b> Liz Burr	08/09/2020
<b>Head of Design, Essex Highways</b> Vicky Presland	08/09/2020