

<b>Subject:</b>	<b>Traffic Regulation Orders - Objections to Orders related to new Developments</b>		
<b>Date of Meeting:</b>	<b>17<sup>th</sup> March 2020</b>		
<b>Report of:</b>	<b>Executive Director, Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>David Farnham</b>	<b>Tel: 01273 292368</b>
	<b>Email:</b>	<b>david.farnham@brighton-hove.gov.uk</b>	
<b>Ward(s) affected:</b>	<b>St Peter's and North Laine, Queen's Park, Central Hove, Hollingdean &amp; Stanmer.</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The purpose of this report is to present to Committee the purpose and basis of proposed alterations to traffic regulation orders [TRO] relating to four separate developments, which have been objected to through consultations, and to seek a decision.
- 1.2 This report considers the comments, support and objections received in consultation of amendment Traffic Regulation Orders associated with developer-led highway improvement schemes that are being pursued via Highway Agreements. The need for these schemes was secured in various Planning Consents for proposed new developments – typically within associated Section 106 Agreements.
- 1.3 The four TROs are:
  - TRO-43-2019 Queen Square – amendments to parking spaces and restrictions.
  - TRO-40b-2019 Circus Street (Phase 2) – this order would introduce a one-way in Circus Street.
  - TRO-36-2019 Kingsway – this order will introduce no loading at any time on parts of Kingsway and St Aubyns South and a new loading bay in Kingsway.
  - TRO-17-2019 Freehold Terrace – This order will extend double yellow lines in Freehold Terrace and will also introduce One-Way restriction in Freehold Terrace northwards and eastwards.
- 1.4 Within each section of this report that follows the above TROs will be considered in turn - except where common information or recommendations apply to all.

## **2. RECOMMENDATIONS:**

### **TRO-43-2019 Queen Square**

- 2.1 That the Committee, having taken into account of all the duly made representations and objection, approves the order above as advertised for Queen Square.

### **TRO-40b-2019 Circus Street (Phase 2)**

- 2.2 That the Committee, having taken into account of all the duly made representations and objection, approves the order above as advertised for One Way Restriction in Circus Street.

### **TRO-36-2019 Kingsway**

- 2.3 That the Committee, having taken into account of all the duly made representations and objection, approves the order above as advertised for Kingsway.

### **TRO-17-2019 Freehold Terrace**

- 2.4 That the Committee, having taken into account of all the duly made representations and objection, approves the order above as advertised for Freehold Terrace.

## **3. CONTEXT/ BACKGROUND INFORMATION**

### **TRO-43-2019 Queen Square:**

- 3.1 This TRO relates to the redevelopment of the former ice rink and number 11 Queen Square. These are being replaced with a 5no storey building that will provide 26no residential units (C3) and office use (B1 or A2) at lower ground floor level, with associated works. The scheme was first granted planning permission in 2012 under application BH2012/00782 and the original full planning description is as follows:

*'Demolition of former Ice Rink and number 11 Queen Square and erection of a 5no. storey 56 room serviced apartment hotel with a restaurant/café at lower ground floor level and associated ancillary facilities, incorporating creation of outside seating area, new service area, 3no. car parking spaces and cycle spaces.'*

- 3.2 As part of the planning decision a Section 106 obligation was secured which required the developer to design and implement a scheme of highway works, at their expense, in Queens Square, doing so via a Section 278 agreement with the Highway Authority. This was based upon a preliminary design within the Applicant's Transport Statement.
- 3.3 The highway works are improvements to the public realm including a new, wider footway at the northern end of the square, rearrangement of car and motorcycle

parking, bins, cycle hoops, and replacement street trees. This technical design has received Technical Approval subject to the outcome of this TRO decision.

- 3.4 The proposed TRO provides two disabled parking spaces for the hotel and retains one zone Z residential parking space, approved as part of the Planning Consent. It removes two existing zone Z residents' parking spaces. These spaces did not include a pay and display option.
- 3.5 There were formerly three zone Z residents only bays and one disabled parking bay in a chevron arrangement, all located along the head of the square at its upper northern end. The approved planning scheme, as enabled by the highway works, introduces a new extended area of footway there. It also requires two on-street disabled parking bays to be provided for the hotel, necessitating the addition of one additional bay to add to the single bay already there.
- 3.6 Accommodating the new area of footway and the additional disabled bay has required the loss of the two resident's spaces. This is due to the limited space within the square and the need to accommodate other existing demands, such as a large taxi rank, vehicular entrances and related turning space for vehicles.
- 3.7 The Hotel is now constructed. The Highway works are under construction further to a Section 278 Agreement and are due to be completed imminently.
- 3.8 The TRO is required to formalise the arrangement reflected within this by removing parking spaces that have been built over with new footway and by introducing the additional disabled parking spaces required by the Planning Consent.

#### **TRO-40b-2019 Circus Street (Phase 2):**

- 3.9 This TRO relates to redevelopment of the former municipal markets at Circus St into a large, mixed-use development. This was granted planning permission in 2015 under application BH2013/03461. The full planning description per the original application is as follows:

*Demolition of existing buildings and replacement with a mixed use development comprising of: a part 5 (6 storey equivalent)/part 7 storey University of Brighton Library and Academic Building (Use Class D1); a 3 storey (4 storey equivalent) Dance Space building (Use Class D2); a 7 storey office building (Use Class B1 incorporating a maximum of 1,360 sq. m Gross Internal Area (GIA) of office Class B1 office, research and development space); student accommodation (Sui Generis) providing up to 450 bed spaces in 4 buildings (Student Cluster E and G part 6/part 8 storey, Student Cluster F part 6,7 and 8 storey and Student Cluster H part 6/part 13 storey (with recessed top 13th storey)); 142 residential apartments (Class C3) consisting of 57 x 1 bed, 81 x 2 bed and 4 x 3 bed units in 4 buildings (Building A part 7/part 10 storey, Building B part 7/part 8 storey and Buildings C and D both 6 storey); with ancillary retail (A1) café/restaurant (A3) and/or commercial (B1) within the ground floor of part of student cluster buildings G and H, part of office building and part of residential buildings A, B, C and D; new public realm and associated infrastructure including provision of 38 undercroft parking spaces below the student cluster buildings (including 16 onsite disabled parking spaces), on site cycle parking, and highway works including a narrowing in width of Circus Street.*

- 3.10 Importantly, the scheme approved at planning permitted Circus St to be substantially narrowed through statutory “stopping up”, with the new development being constructed on the former highway space. This would clearly require a substantial redesign of the much narrowed highway, and a S106 obligation was secured at planning requiring the developer to design and implement a suitable scheme, at their expense, via a Section 278 agreement with the Highway Authority.
- 3.11 The main building works at Circus St are now substantially progressed. Meanwhile, the Highway Authority have agreed in principle a scheme of highway improvements for Circus St and other affected roads. This is subject to the approval of a number of TROs, including that presented here. These propose that Circus St become one-way northbound from Kingswood St to Morley St, and that a Restricted Parking Zone is be implemented. Under the latter, parking, waiting and loading is restricted to marked bays only. These will include loading bays and disabled parking bays. The one-way restriction is required due to road safety and the reduced width of road space available following the earlier stopping up works and constructions of buildings on former highway space. A counter-flow cycle facility was considered by the designers and discounted following road safety audit.
- 3.12 Kingswood Street will alter at the western end only. This is to improve visibility to the pedestrian crossing and regularise the double yellow lining adjacent to the junction with Circus St. This is necessary to allow alterations to the plan layout of Circus St as part of the Development. The TRO for this alteration received no objections and is not considered in this report.

**TRO-36-2019 Kingsway:**

- 3.13 This TRO relates to the redevelopment of the site of the former Texaco garage and Alibi Public House. These are replaced with a mixed-use scheme including a food store. This received planning consent in 2017 (BH2016/02756) and the full planning description is as follows.

*Erection of 55 No. residential apartments and 375 sq.m of retail floorspace (A1 Use Class) in a new building of between 2 and 9 storeys together with associated parking and landscaping; a change of use of the ground floor of the former Alibi Public House to an A1 café, and conversion of the first, second and third floors to provide 3 No dwellings.*

- 3.14 Importantly, the A1 Use Class component is to consist of a food store at ground floor level, fronting onto Kingsway. To allow goods delivery vehicles to serve this, the introduction of a new on-street loading bay was secured at planning via a Section 106 agreement. This required the developer to design and deliver a scheme of highway works, at their expense, to introduce it via a Section 278 agreement with the Highway Authority.
- 3.15 The size of delivery vehicle is controlled by Planning Condition and Service & Delivery Management Plan.

- 3.16 Identifying an appropriate design has proven complex due to concerns about how waiting lorries might obstruct visibility for drivers emerging from St Aubyns. To overcome this, a number of options were tested with safety specialists. After some modification, the scheme associated with this TRO was developed from one of the better performing options. In this, the proposed loading bay is carefully positioned so as not to obstruct either the through-flow on Kingsway or the sightline from St Aubyns South. The remainder of the frontage will have no-loading restrictions added to the existing no-waiting at any time restrictions. This is to make sure that the area in front of the loading bay is kept clear at all times so that large vehicles using the loading bay have room to manoeuvre into the bay without having to drive over the footway. The waiting and loading restrictions will ensure that the junction is kept clear of parked vehicles making it safer for all road users. These proposals incorporate the recommendations of a further road safety audit of the detailed technical design.
- 3.17 The construction of the buildings is complete and these are now awaiting occupation. The s278 highway works have not yet commenced. Whilst these have been agreed in principle, final approval and signing of a related s278 agreement will be contingent on the approval of the TRO being considered here. This is because the proposals will not be feasible with the proposed TRO restrictions. The completion of the highway works is a Pre-Occupation requirement within the Section 106 Agreement.

#### **TRO-17-2019 Freehold Terrace:**

- 3.18 This TRO relates to a purpose-built student housing development at 52 Hollingdean Rd, on the north-west corner of its junction with Freehold Terrace. This was granted planning in 2015 under application BH2014/01637. The original full planning description is as follows:

*Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (181 cluster bedrooms, 19 studios and 5 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4-storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.*

- 3.19 Freehold Terrace is currently two-way. However, it is an extremely narrow road for much of its length – and particularly so at the Hollingdean Rd end in front of the proposed development. Between the junction and sharp-bend passing space for cars is inadequate and can be as little as 3.4m. Further, the bend limits the ability for road users of all kinds entering from Hollingdean Rd to see if opposing traffic is approaching. This poses a substantial safety concern. Whilst it currently includes double yellow waiting restrictions to both sides of the carriageway for most of its length, there are gaps in front of the proposed development owing to a former vehicle access. This is to be removed and reinstated as footway

- 3.20 A Section 106 obligation was secured with the Planning Consent for the proposed development. This requires a highway scheme to be agreed and implemented, at the developer's expense via a Section 278 agreement, to deliver certain improvements. Amongst other things these include the introduction of a one-way scheme for Freehold Terrace. Satisfactory completion of these improvements is a pre-occupation requirement for the new development.
- 3.21 The TRO provides for the extension of double yellow lines to restrict on-street parking to the front of the development, including the location of the reinstated vehicle crossing. It also allows provides for Freehold Terrace to be made one-way northbound for traffic, as required as part of the Planning Decision.
- 3.22 The construction of the highway improvement scheme is finalised. However, in order for the proposed improvement scheme to be completed, such that the development can be occupied, the TRO to implement changes to the waiting restrictions and one-way working first needs to be made.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

##### **TRO-43-2019 Queen Square:**

- 4.1 Two objections were received as part of the TRO consultation process. Both relate to the removal of the 2 on-street residents parking spaces.
- 4.2 One of the objections requests that at least one resident's bay remains. This is achieved by the proposed TRO which allows for one remaining residents bay.
- 4.3 The other objection refers to the taxi rank being extended. This appears to be a misunderstanding as the taxi rank location and length is marked in accordance with the now expired Temporary Traffic Regulation Order and will not alter under the Permanent TRO. It is also concerned with whether alternative locations for parking bays could be found.
- 4.4 There is not available space within the area of works to provide an alternative option which incorporates additional parking bays. The previous underlying no waiting at any time restriction on the western side and northern end of the street must remain to allow for carriageway lane and turning space
- 4.5 The decision to provide two disabled spaces and the public realm improvement which provides a new footway was effectively taken at planning committee by virtue of the planning consent, the result of this is the loss of two residents' bays.

##### **TRO-40b-2019 Circus Street (Phase 2):**

- 4.6 As part of the consultation on the TRO for the one-way arrangements, a single objection was received. This was submitted by a representative of the local cycle campaign and was on the basis that no contra-flow cycling facility is included in the order. The objector requested various items of information, including details of the design organisation and road safety audit. These have been provided to them and the objector has since confirmed that they wish to uphold their objection. Amongst other things they have noted that contra-flow cycling is permitted on other streets in the city that are also narrow.

- 4.7 As noted above, an alternative design to that reflected in the TRO presented here was considered earlier in the development of this scheme. This involved a one-way “level surface” scheme which included also a contra-flow cycle lane. However, this raised several concerns. Importantly, during an independent road safety audit it was recommended that the contra-flow facility be removed as there was concern that there was not enough space for cyclists and motorists to pass safely and – additionally - that this could result in cyclists using the notional footway leading to conflict with pedestrians. This recommendation led to revisions to the scheme, including the removal of the contra-flow cycle facility.
- 4.8 In view of the independent safety recommendations, officers are unable to recommend the provision of a contra-flow cycle lane with the proposals to address the objector’s concerns.
- 4.9 A separate TRO to make Circus St into a Restricted Parking Zone and to amend parking and loading restrictions received no objections at consultation. Though that is not covered by this objection report, changes to the TRO to introduce one-way working would likely require it to be amended via a further TRO consultation before the highway works could be formally approved.

**TRO-36-2019 Kingsway:**

- 4.10 Nine objections were received as part of the TRO consultation together with one response in support.
- 4.11 The nine objections all express concern about the ability to safely exit St Aubyns South onto Kingsway with a delivery vehicle positioned in the loading bay. Many of the objections reference the construction phase of the project and temporary stopping or parking on the highway by construction vehicles as well as the previous arrangement when the site was a petrol filling station and large vehicles occasionally parked adjacent to the St Aubyns exit.
- 4.12 As discussed above, the current design proposal that this TRO supports arose from the testing of various alternative options to overcome officer’s own safety concerns whilst still providing the loading bay required by the Planning Consent.
- 4.13 We have responded to all the objectors to set out the design more clearly. This is because some comments suggest that the objectors may be unaware of the design changes that have been made to the proposals since planning stage and that the design has undergone close technical scrutiny following testing of various alternative options. Other comments suggest that it may be incorrectly assumed that behaviour observed during the temporary construction phase will continue when the new formal facilities for the food store are constructed, despite the physical changes to the road layout proposed.
- 4.14 Since the proposals have been through substantial design testing to avoid the safety concerns that have been raised, and have since passed a road safety audit, the officer recommendation is that the TRO is made without modifications.

## **TRO-17-2019 Freehold Terrace:**

- 4.15 The response to the TRO consultation from the Traffic Management department of Sussex Police was positive and supportive of the proposal. However, two objections were received in regard to the introduction of one-way working. These were owing to concerns about loss of permeability for cyclists.
- 4.16 In the opinion of officers, the proposed one-way system will enhance safety for the cyclists as the available carriageway width will increase whilst vehicles will not be permitted to park on the road. Officers also consider that cyclists residing at Freehold Terrace should not see their journey times increased significantly due to the proposed one-way system. Those residing in existing properties backing on to Freehold Terrace wishing to travel eastbound will be unaffected. Those wishing to travel westbound would need to do so via Popes Folly. However, the detour for most will be small. The entrance to the cycle store of the new student development is only ~15m from the junction. Students wishing to travel west along Hollingdean Rd are likely to push their bikes this short distance along the footway to avoid going around the one-way system.
- 4.17 The officer recommendation is that the TRO be made without modification.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The TRO process involves public consultation. TROs can only be made in accordance with a statutory process. This requires orders to be consulted upon before they are implemented and allows for objections. If objections are received then local constitutional process is that Committee must consider if the proposed TRO is removed or made.
- 5.2 All four TROs are associated with Planning Applications and consents which have included consultation and representations from all stakeholders and interested parties.

## **6. CONCLUSION**

- 6.1 The recommendation of officers is that all four TROs are approved without alteration.

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

- 7.1 There are no costs to the council associated with the implementation of the traffic orders recommended in this report. It is estimated that the impact on parking income would be immaterial and therefore would not require any amendments to current budgeted assumptions.

*Finance Officer Consulted: Steven Bedford*

*Date: 18/02/2020*

### Legal Implications:

- 7.2 The Traffic Management Act 2004 places a duty on local traffic authorities to manage the road network with a view to securing, as far as reasonably practicable, the expeditious, convenient and safe movement of all types of traffic.



The Council regulates traffic by means of traffic regulation orders (TROs) made under the Road Traffic Regulation Act 1984 which can prohibit, restrict or regulate the use of a road, or any part of the width of a road, by vehicular traffic.

- 7.3 After the public notice of proposals for a TRO has been advertised any person can object to the making of the TRO. Where there are unresolved objections to a TRO, then the matter must be returned to the Environment Transport & Sustainability Committee for a decision. The Committee can decide to make the TRO unchanged, to make it with modifications that reduce the restrictions or not to proceed with it.

*Lawyer Consulted: Stephanie Stammers*

*Date: 17/02/2020*

Equalities Implications:

- 7.4 No Equalities Impact Assessment has been carried out nor is planned. No specific Equalities Act related discrimination is identified.
- 7.5 General consultation with the public took place as part of the TRO advertisement process to ensure among other considerations that the needs of the local population were met. The needs of all road users have been considered in the siting of locations.
- 7.6 The proposed highway works are a part of a Planning Consent and associated Section 106 Obligation and the decision to implement those works was taken at that time.

Sustainability Implications:

- 7.7 None

Brexit Implications:

- 7.8 None

Crime & Disorder Implications:

- 7.8 None

Risk and Opportunity Management Implications:

- 7.9 None

Public Health Implications:

- 7.10 None

Corporate / Citywide Implications:

- 7.11 None

Any Other Significant Implications:

7.12 None

**SUPPORTING DOCUMENTATION**

**Appendices:**

**TRO-43-2019 Queen Square:**

1. Queen Square TRO Advert Plan and Statement of Reasons
2. Queen Square Highway Works Plan
3. Queen Square Summary of Consultation Objections

**TRO-40b-2019 Circus Street (Phase 2):**

4. Circus Street TRO Advert Plan and Statement of Reasons
5. Circus Street Highway Works Plan  
Note – No summary of objections, single objection is addressed in main report.

**TRO-36-2019 Kingsway:**

6. Kingsway TRO Advert Plan and Statement of Reasons
7. Kingsway Highway Works Plan
8. Kingsway Summary of Consultation Objections and Further Information Provided

**TRO-17-2019 Freehold Terrace:**

9. Freehold Terrace TRO Advert Plan and Statement of Reasons
10. Freehold Terrace Highway Works Plan
11. Freehold Terrace Summary of Consultation Objections

**Background Documents:**

**TRO-43-2019 Queen Square:**

1. Planning Consent BH2012/00782 and later variations to this.

**TRO-40b-2019 Circus Street (Phase 2):**

2. Planning Consent BH2013/03461 and later variations to this.

**TRO-36-2019 Kingsway:**

3. Planning Consent BH2016/02756 and later variations to this.

**TRO-17-2019 Freehold Terrace:**

4. Planning Consent BH2014/01637 and later variations to this.