

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 15

Brighton & Hove City Council

Subject: Cedars Gardens Highway Improvement Scheme
Date of Meeting: 26 May 2011
Report of: Strategic Director, Place
Contact Officer: Name: Robin Reed Tel: 29-3856
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Key Decision: No
Wards Affected: Withdean

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Cedars Lodge was declared surplus by the Cabinet Member for Central Services in January 2010 and subsequently sold on the open market. The Cabinet Member agreed to retain some of the garden land and ring fence an amount from the sale receipt to pay for the cost of highways improvements to Cedars Gardens.
- 1.2 A scheme was developed to provide additional footpaths, improve visibility for drivers, provide signage and introduce a one way system for entering and exiting Cedars Gardens. A plan of the proposal is attached as Appendix 1 to this report.
- 1.3 A Traffic Regulation Order (TRO) was prepared and subsequently advertised on Friday 10th December 2010 with a closing date for objections of the 7th January 2011. One objection was raised and is discussed in the main body of the report.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member (having taken into account of all the duly made representations and objections):
 - (a) Approves the **BRIGHTON & HOVE (CEDARS GARDENS) (ONE WAY TRAFFIC) ORDER 20**** and the **BRIGHTON & HOVE (WAITING & LOADING/UNLOADING RESTRICTIONS AND PARKING PLACES) CONSOLIDATION ORDER 2008 AMENDMENT ORDER No. * 20** (CEDARS GARDENS)**
 - (b) Grants permission for officers to proceed with the highways improvements to Cedars Gardens, as laid out in Appendix 1.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Cedars Lodge and adjacent land was purchased in 1961 by the Brighton Corporation under s 214 of the Highways Act 1959 for the purposes of widening the London Road. The property has remained under the control of Highways

since that time, transferring to East Sussex County Council and then back to Brighton and Hove City Council in 1997.

- 3.2 The road widening scheme has not been carried out and in August 2009 the property was declared as surplus and subsequently sold. As part of the sale it was agreed to retain some of the garden land and ring fence £20,000 from the sale receipt to pay for the cost of highways improvements to Cedars Gardens.
- 3.3 The Highway Engineering and Projects department subsequently developed a scheme to improve road safety and enhance access for pedestrians. The scheme includes the provision of additional footpaths, improved visibility for drivers, additional signage and a one way system for entering and exiting Cedars Gardens. A plan of the proposal is attached as Appendix 1 to this report.
- 3.4 A Traffic Regulation Order (TRO) was prepared and subsequently advertised on Friday 10th December 2010 with a closing date for objections of the 7th January 2011. The additional time was allowed in recognition of the consultation falling over the Christmas and New Year period.
- 3.5 One objection to the BRIGHTON & HOVE (CEDARS GARDENS) (ONE WAY TRAFFIC) ORDER 20** was received during the consultation period. The objection was made by cycling campaign group Bricycles on safety grounds as they believe it will make passing the two junctions more hazardous for cyclists. Bricycles feel that motorists who are currently turning from the A23 into Cedar Gardens are more aware of northbound cyclists using the cycle lane on the A23 as they know they are going to meet oncoming traffic. Under the proposed arrangement it will be one-way and there will be no oncoming traffic. They also believe that motorists exiting Cedar Gardens, especially those waiting to turn right, are going to wait with their vehicles blocking the cycle lane, therefore creating a hazard for cyclists.
- 3.6 Officers feel these concerns are unfounded as there is clear intervisibility between motorists and cyclists in this area and no evidence to suggest these proposals will make motorists less aware of cyclists. The situation regarding vehicles waiting to turn right on the cycle lane will actually be improved as a result of this scheme as vehicles will only be exiting from one road as opposed to two as is the current situation. The number of locations where vehicles could possibly block the cycle lane is therefore reduced.
- 3.7 Furthermore, officers consider there is no alternative to the proposed one way system as the road width in Cedars Gardens will be reduced through the introduction of the new footway meaning that there will be insufficient width for two vehicles or a vehicle and cyclist to pass safely. Leaving the carriageway as two-way or exempting cycles from the one way order would create potential for direct conflict between these users and therefore would create a road safety hazard.

4. CONSULTATION

- 4.1 The Traffic Regulation Order was advertised between 10th December 2010 and 7th January 2011.

4.2 The Ward Councillors for the areas were consulted and requested alterations to the public footpath to improve safety. Statutory consultees, such as the Emergency Services, were also consulted.

4.3 Notices were also put on street for the entire consultation period, these comprised of a legal notice and a plan showing the proposal as well as the scheme justification statement and the reasons for it. The notice was also published in The Argus newspaper. Detailed plans and the order were available to view at Hove Library, Jubilee Library and at the City Direct Offices at Bartholomew House and Hove Town Hall.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 The costs of the consultation were met from the capital budget available for Cedars Gardens. There is a further capital budget of £18,000 available to fund the costs of implementing the highways' improvements.

Finance Officer Consulted: Karen Brookshaw Date: 21/04/11

Legal Implications:

5.2 Broadly, the Council's powers and duties under the Road Traffic Regulation Act 1984 must be exercised to secure the expeditious, convenient and safe movement of all types of traffic and the provision of suitable and adequate parking facilities on and off the highway. Also, as far as is practicable, the Council should have regard to any implications in relation to:- access to premises; the effect on amenities; the Council's air quality strategy; facilitating the passage of public services vehicles and securing the safety and convenience of users; any other matters that appear relevant to the Council.

5.3 Before making Traffic Orders, the Council must consider all duly made, unwithdrawn objections. In limited circumstances it must hold public inquiries and may do so otherwise.

Lawyer Consulted: Carl Hearsum Date: 20/04/11

Equalities Implications:

5.4 There are none.

Sustainability Implications:

5.5 There are none.

Crime & Disorder Implications:

5.6 There are none.

Risk and Opportunity Management Implications:

5.7 There are none.

Corporate / Citywide Implications:

5.8 The highways improvements will provide a safer environment for pedestrians and car drivers entering and existing Cedars Gardens.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 No alternative options have been considered.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 Cedars Lodge was sold by the City Council in 2010 as it was deemed surplus to requirements. A sum of £20,000 was retained from the sale receipt to implement minor highway improvements to Cedars Gardens, adjacent to the property. Following an objection to the Traffic Regulation Order, this report seeks permission to seal the Order and implement the highways improvements.

SUPPORTING DOCUMENTATION

Appendices:

1. Plan illustrating proposed Highways improvements.

Documents in Members' Rooms

None

Background Documents

None