

Subject:	Seven Dials Elm Tree – Consideration of Design Options		
Date of Meeting:	30th April 2013		
Report of:	Executive Director Environment, Development & Housing		
Contact Officer:	Name:	Robin Reed	Tel: 293856
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Ward(s) affected:	St Peters & North Laine, Regency, Preston Park, Goldsmid		

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

- 1.1 A petition objecting to the felling of the Elm tree at Seven Dials signed by 3,237 people was presented at the Full Council meeting on 28th March 2013. It was resolved at that meeting to refer the petition to the 30th April 2013 Transport Committee meeting for officers to present a report detailing possible options for incorporating the tree into the Seven Dials improvement scheme.
- 1.2 The purpose of this report is to outline the options for incorporating the Vernon Terrace Elm tree into the Seven Dials improvement scheme and to recommend a preferred way forward.

2. RECOMMENDATIONS:

- 2.1 That the Transport Committee notes the options for incorporating the Elm tree into the Seven Dials scheme and the benefits and disbenefits associated with each option.
- 2.2 That the Transport Committee grants permission for officers to proceed with the preferred option for incorporating the Elm Tree, as outlined on the plan at Appendix 5.

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

- 3.1 A scheme to improve Seven Dials for all users and reduce the high number of accidents that take place at the roundabout was approved by Transport Committee on 15th January 2013. This followed an extensive public consultation exercise that demonstrated the majority of respondents were in favour of the main proposals for the immediate roundabout area. Proposals to convert Vernon Terrace to one-way traffic flow and Bath St to two way traffic flow were not taken

forward due to a lack of public support at that time. A plan showing the scheme approved by committee is included at Appendix 1.

- 3.2 The final scheme plans included notice of the Council's intention to remove a mature Elm tree on the corner of Seven Dials and Vernon Terrace. This was included primarily for road safety reasons to improve visibility to the adjacent pedestrian crossing that is currently obscured by the tree – a situation that would be potentially exacerbated by the introduction of zebra crossings. A further reason was to improve accessibility by creating a wider pavement as the existing pavement width behind the tree is below the desired standard. While not a safety concern in itself, this is not conducive to a high quality pedestrian environment and can create difficulty for those with disabilities or pushing buggies. The increasing amount of damage being caused to the surrounding road and pavement by the tree's roots is also a cause for concern. A technical report highlighting the highway issues caused by the tree is included at Appendix 2. An arboriculturalist assessment of the tree is included at Appendix 3.
- 3.3 The Seven Dials scheme was approved by the cross-party Transport Committee on 15th January 2013 and a construction programme was drawn up and delivered to 7,000 local addresses. This further highlighted the proposal to remove the Elm tree and at this stage it became clear that a considerable level of opposition existed in relation to this element of the scheme. A date for felling the tree was set but the works were unable to proceed due to an active protest which involved two campaigners scaling the tree to prevent its removal. The construction programme has been amended to allow the rest of the scheme to be delivered until a decision is taken on the future of the tree.

Petition

- 3.4 A petition objecting to the felling of the Elm tree at the Seven Dials signed by 3,237 people was presented at the Full Council meeting on 28th March 2013. It was resolved at that meeting to refer the petition to the 30th April 2013 Transport Committee meeting for officers to present a report detailing possible options for incorporating the tree into the Seven Dials scheme. This report presents those options.

Alternative Design Options for Vernon Terrace

- 3.5 Given the strength of public feeling against felling the tree, it is no longer considered a viable option to progress with this option and therefore a range of alternative design options for Vernon Terrace have been considered and evaluated. Independent transport planning consultants have been commissioned to develop options that would allow the tree to remain while still achieving the essential safety and accessibility benefits delivered by the Seven Dials scheme. Suggestions from members of the public have also been considered in this process.
- 3.6 The option considered most appropriate from a technical perspective would be to convert Vernon Terrace to one-way southbound operation and widen the pavement on the southern side to provide a 2 metre footway around the outside of the tree. Under this option, the increase in available space would allow the tree to be kept in the middle of a wider footway area on the south side of Vernon

Terrace with the remaining carriageway width being sufficient only for one-way southbound traffic flow.

- 3.7 This option has the advantage of improving visibility between pedestrians and vehicles while also addressing the accessibility issues through the introduction of the wide pavement on the road-side of the tree. It is also anticipated that there would be an improvement in road safety that could be expected from having one less arm of traffic flowing in to Seven Dials.
- 3.8 It is, however, acknowledged that a variation of this option was strongly rejected during the initial public consultation and therefore it is not considered appropriate to progress this option. To do so would require a further period of consultation with members of the public and it is considered unlikely that a positive outcome would be achieved given the negative response previously.

Preferred Option

- 3.9 A compromise option has been identified which would provide a satisfactory solution to the safety (visibility) issues and also improve the current accessibility problems caused by the narrow pavement to some degree. This option would involve narrowing the carriageway width of Vernon Terrace from its current 7.5m to around 6.0m thus allowing the southern kerbline to be built out around the tree by a maximum of 1.4 metres. This would still allow for two-way traffic operation in Vernon Terrace but would also enable the construction of an additional pavement on the road side of the tree, thereby providing an option for pedestrians to pass on both sides of the tree rather than being forced to pass between the tree and the adjacent wall. It is envisaged that the new pavement width would be in the region of 1 metre although the exact width would be dependant on the sub-surface root structure. While this is below the desired standard of 2 metres, the creation of the additional footpath would still represent an improvement over the current situation. The pavement on the opposite side of Vernon Terrace is currently 2.1m wide and so would not be reduced as it would fall below the desired standard.
- 3.10 As part of this option, the existing tarmac and sub-soil around the surface root system would need to be excavated and under the supervision of a qualified arboriculturalist the girdling roots removed from the base of the tree along with any other roots responsible for tarmac uplift (providing this does not compromise the structural integrity of the tree). Subject to site conditions, the excavation would then be backfilled with a structural soil and a new tarmac surface applied to minimise any sudden level changes that could constitute a trip hazard. Where necessary, major roots would be covered with a void forming compressible material to allow for future incremental growth.
- 3.11 The process outlined above is that recommended in the independent arboriculturalist report included at Appendix 3 and would allow for a smooth pavement surface, free of any trip hazards, to be constructed in the immediate vicinity of the tree.
- 3.12 A technical report considering the various options in more detail is included at Appendix 4. An outline design plan showing the preferred option is included as Appendix 5.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The preferred option identified in paragraph 3.12 is not considered materially different from the original scheme approved by Transport Committee on 15th January 2013 and it would therefore not be necessary to re-consult with members of the public and stakeholders on this option.
- 4.2 The extensive public consultation exercise undertaken in 2012 demonstrated a high level of support the main proposals for the Seven Dials roundabout area. Proposals to convert Vernon Terrace to one-way traffic flow and Bath St to two way traffic flow were not taken forward due to a lack of public support at that time.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 The Seven Dials works will be funded from the Local Transport Plan (LTP) capital budget. Within the 2012/13 LTP budget £200,000 is set aside for the Seven Dials Roundabout Improvement Project. Indicative sums of £300,000 and £50,000 are included for the next two years.
- 5.2 An additional £300,000 has been awarded to the project through the Department for Transport Cycle Safety Programme following a successful bid submitted in 2012.
- 5.3 It is estimated that changes associated with the preferred option would add a further £20,000 to the overall scheme costs. These costs would need to be managed within the overall LTP allocation.

Finance Officer Consulted: Jeff Coates

Date: 27/03/2013

Legal Implications:

- 5.4 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. This report has been brought to committee to ensure that all relevant views have been properly considered before a decision is taken on the way forward.
- 5.5 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.

Equalities Implications:

- 5.6 The Seven Dials improvement scheme has been designed in line with industry best practice and guidance to ensure all facilities are fully accessible to all members of society. It is not considered that the redesign in line with the preferred option would have a material adverse effect on accessibility.

Sustainability Implications:

- 5.7 The Seven Dials improvement scheme will assist in meeting One Planet Living objectives by promoting and encouraging greater use of sustainable transport, and particularly overcome current barriers to walking and cycling.

Crime & Disorder Implications:

- 5.8 There are no Crime & Disorder implications arising directly as a result of this report.

Risk and Opportunity Management Implications:

- 5.9 Longer term risks include the potential for the project costs to exceed the available budget and the risk of any identified enhancements having unforeseen negative consequences when implemented. The latter risk will be mitigated by a careful design and safety audit process in the first instance, and thorough consultation with end users.

Public Health Implications:

- 5.10 Increasing the number of pedestrians and cyclists will directly lead to improved public health through increasing the use of active modes and therefore the amount of exercise undertaken by local people. Reducing the number of people travelling by private vehicle will also lead to an improvement in air quality which in turn will improve public health.
- 5.11 Reducing the number of people killed or seriously injured in accidents involving road traffic presents an obvious improvement in public health.

Corporate / Citywide Implications:

- 5.12 There are no citywide implications arising directly from this report.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A range of alternative options have been considered in this report and a preferred option has been identified.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To consider the options available for incorporating the Vernon Terrace Elm tree into the Seven Dials improvement scheme.

SUPPORTING DOCUMENTATION

Appendices:

1. Seven Dials Improvement Scheme plan (as approved by Transport Committee)
2. Technical report highlighting the problems caused by the presence of the Elm tree
3. Arboriculturalist assessment of the Elm tree
4. Technical report - Redesign Options
5. Vernon Terrace Preferred Option - Outline design plan

Documents in Members' Rooms

None

Background Documents

None