

**BRIGHTON & HOVE (EAST STREET)(PROHIBITION OF DRIVING)
ORDER 20** (TRO21c)**

- 8.19 This Order would prohibit motorised vehicles, with a few exceptions, such as emergency vehicles, from using a section of East Street between 1100 hrs and 1900 hrs each day. There would be an access only restriction at all other times. [4.10]

¹⁸ ID34.

¹⁹ Everyone has a right to respect for his private and family life, his home and his correspondence.

²⁰ Every Natural or legal person is entitled to the peaceful enjoyment of his possessions.

- 8.20 The published draft Order indicates that the prohibition would apply on East Street from a point 13 metres south of the southern kerbline of Steine Lane to its junction with King's Road. However, at the Inquiry the Council identified that this description did not properly reflect its intentions, which were to extend the restriction in East Street beyond the junction with King's Road to the junction with Grand Junction Road. The Council has proposed a modification to the Order, TRO21c(1), to reflect its intention and considers that it would amount to a minor amendment [4.11].
- 8.21 Notwithstanding the admission by a number of residents of CM that they had assumed the scope of the Order was intended to extend to Grand Junction Road, I do not share the Council's optimism that its intentions would have been understood by all [4.11]. In my judgement, there can be no certainty that others would have interpreted it in the same way. The advertisements used to publicise the draft Order and the public Inquiry indicated that the proposed restrictions would extend southwards to King's Road. The plan that was published alongside the draft Orders identifies King's Road and it is apparent that East Street extends beyond it to meet Grand Junction Road. On the face of it, this information clearly indicates that the restrictions would stop at the junction of East Street with King's Road.²¹
- 8.22 Furthermore, I consider that the inclusion of the additional length of East Street as proposed by the Council would amount to a substantial modification to the Order. I cannot be sure that it would not prejudice the interests of someone if the Order were to be modified in accordance with TRO21c(1) without publication first [4.46]. I conclude that it would not be expedient to make the Order in the modified form proposed. I will proceed to consider the Order as originally drafted.
- 8.23 East Street, which is predominantly characterised by buildings of a historic appearance, with a mixture of shops, restaurants, cafes and other commercial units at ground floor level, is the most intensively used pedestrian route within the Old Town. Whilst pedestrian movements far outnumber vehicle movements, the current highway layout does not reflect this balance [4.12].
- 8.24 The Council has indicated, with reference to PSPL guidelines and a pedestrian survey undertaken on Saturday 30 June 2012, that at peak times East Street's footways are overcrowded [4.13]. However, based on the PSPL guideline of maximum pavement volume for comfortable pedestrian movement of 13 people per minute per metre width of footpath and with reference to the survey²², it appears to me that the periods over which that was the case were relatively short lived. Furthermore, PSPL indicates that pedestrian levels tend to be significantly lower during the week than at weekends²³. A comparison between the pedestrian volumes recorded in the Council's surveys on Saturday 30

²¹ ID2, ID16 and ID35.

²² BHCC.E1-Proof of Evidence Tom Campbell.

²³ BHCC.D4. I consider that the findings of PSPL remain relevant insofar as they relate to daytime conditions in the Old Town [6.46].

June 2012 and Wednesday 27 June 2012 add further weight to that view²⁴. The weekday pedestrian flow being around a third of the level of that recorded at the weekend. Based on this evidence, it appears likely to me that the periods during which East Street footways are overcrowded are limited and closure of the street for a period every day to address this particular matter would not be justified.

- 8.25 BHLSCG have provided evidence which indicates that pedestrians tend to use East Street as a shared surface, walking along the carriageway²⁵ and I saw this myself. I have had regard to the view of TOC that accidents involving pedestrians and vehicles are commonplace close to the junction of East Street with King's Road and I acknowledge that the scheme would reduce the risk of pedestrians coming into conflict with pedestrians [5.17]. However, the Council has confirmed that it has no evidence of accidents occurring at the location referred to by TOC [7.2]. Under these circumstances, I give TOC's unsupported assertion little weight. I give only moderate weight to the benefits of the Order in terms of improved highway safety along the section of East Street to which the restrictions would apply.
- 8.26 Nonetheless, the proposed limitations on vehicular movements would allow pedestrians to use the full width of the section of East Street the subject of the Order unimpeded by vehicular traffic between 1100 hrs and 1900 hrs and outside those hours the interference of traffic would be less than at present, due to the proposed access only restriction. In this way the scheme would ease the manner in which pedestrians move along East Street to some degree and it would be likely to improve the visibility of shopfronts and enhance the shopping environment for pedestrians. A reduction in vehicular traffic would reduce the environmental impacts of traffic to some extent and the scheme would increase the potential for other amenity improvements such as further use of outside seating for cafes. I consider that the Order would be likely to fulfil qualifying purposes (c), (d) and (f) set out in section 1(1) of the RTRA [4.30].
- 8.27 I give no weight to the Council's *Design Guidelines for Conservation Areas*, which are no longer extant [4.30]. However, the scheme would accord with the aims of LP Policy TR9 insofar as it gives encouragement to the introduction of pedestrian priority measures in the Old Town. This includes pedestrianisation, providing that freight deliveries can still be made and the scheme reflects the needs of people with disabilities who may rely on the use of the car. [4.3]
- 8.28 Whilst the proposal would limit the period when deliveries could be made along the restricted section of East Street, I understand that a number of businesses have alternative accesses and there is no evidence before me to show that this would pose insurmountable difficulties. On the contrary, the submissions of ESBP indicate that a significant number of the affected businesses support the scheme [5.4]. The closure of the road to traffic between 1100 hrs and 1900 hrs may cause some inconvenience for people with mobility issues, as they would be unable to

²⁴ BHCC.E1-Proof of Evidence Tom Campbell.

²⁵ D11-page 1.

- reach destinations along the restricted length of road by car or taxi [4.68, 6.31]. However, it would be possible for people to be dropped off reasonably close to East Street from where destinations are only likely to be a short walk away [6.32, 6.48]. Furthermore, I consider that any disadvantages in this respect would be offset by the benefits of not being impeded by vehicles when moving through East Street [4.67].
- 8.29 I consider it likely that, in keeping with the findings of the Ecolane Ltd report entitled '*The impact of pedestrianisation on retail economic activity-a review of the evidence*', the proposed scheme would be likely to have a positive effect on businesses along the restricted section of East Street [4.40]. No more applicable or up to date study has been drawn to my attention [6.38, 7.11].
- 8.30 However, due to the proposed restrictions on the use of East Street it would be necessary to provide an alternative exit route from the Old Town. For this purpose the prohibition against driving along Little East Street, which is currently designated as a pedestrian zone with access for loading only, would be lifted [4.14]. Consequently, all traffic that has entered the Old Town along Black Lion Street which wishes to exit between 1100 hrs and 1900 hrs would have to use Little East Street. The Council has estimated that during that period the additional traffic flow would be around 85 vehicles per hour [4.43]. Outside that period other vehicles may also choose to exit that way and this could include HGVs which have serviced businesses between the start of Black Lion Street and Bartholomews Square. The Council has indicated that whilst swept path analysis indicates that large vehicles would be able to negotiate Little East Street, they may encroach onto footway areas [4.14].
- 8.31 Little East Street is not laid out as a traditional highway with a central carriageway bounded by raised kerbs with footways beyond. Instead, the main area of carriageway is separated from the margin of the highway on its eastern side by a shallow drainage channel. Travelling in a southerly direction along the street, I saw that a pedestrian exit from a car park leads onto the western side of the highway [6.41]. To the east outside Northern Lights although the margin of the highway is relatively wide, it is used for the most part to site tables and chairs that provide an outside eating area [6.69]. Beyond Northern Lights there is a sharp right hand bend in the street followed shortly after by a sharp left hand bend around the rear corner of Dr Brightons. A rear door of these premises, which is signed as disabled access, and a side door open onto Little East Street at points where the adjacent margin of the highway is relatively narrow [6.11].
- 8.32 In my judgement, the proposed increase in traffic would increase the risk to pedestrians emerging from the neighbouring car park and may also reduce the area where tables and chairs can be sited outside Northern Lights [6.41]. However, of greater concern is the prospect that people may emerge from Dr Brightons onto the highway with little to protect them from passing traffic and little warning that traffic is approaching as intervisibility is limited by the bends in the road. The Council has not carried out a formal safety review to consider the potential for conflict between the new traffic and existing activity associated with businesses

and pedestrians that use the street. Under these circumstances, I give little weight to the view of the Council that the additional traffic resulting from the scheme could be accommodated without difficulty [4.43]. I consider that the scheme would be likely to have a material adverse effect on highway safety in Little East Street.

- 8.33 The Council has indicated that at present vehicles loading and unloading in Little East Street do so from the main area of carriageway [4.14]. The scheme does not include any provision for a loading bay offset from the main alignment of the street. Under these circumstances, there would be a significant risk that loading vehicles would interrupt the free flow of traffic out of the Old Town.
- 8.34 I give little weight to concerns raised about the access requirements of possible future construction projects within the Old Town, as there appears to be no certainty at this stage that they will proceed [6.42].
- 8.35 Nevertheless, I consider on balance that the advantages of the Order would be likely to be outweighed by the disadvantages, with particular reference to the likely adverse affects in Little East Street. The modification suggested by the Council would not address the disadvantages likely to result from the Order. I conclude that it would not be expedient for the qualifying purposes set out in section 1(1) of the RTRA to make TRO21c.