

DERBYSHIRE COUNTY COUNCIL

**MEETING OF CABINET MEMBER – JOBS, ECONOMY AND
TRANSPORT**

9 September 2014

Report of the Strategic Director – Economy, Transport and Environment

**OBJECTION TO LOCAL TRANSPORT PLAN SCHEME –
PEDESTRIAN BUILD-OUT, RUTLAND STREET, ILKESTON**

(1) **Purpose of the Report** To inform the Cabinet Member of the results of a consultation undertaken relating to a proposal to provide a pedestrian build-out as shown on the attached plan (ref 040110/RMP/02).

(2) **Information and Analysis**

Background

Local residents have requested the provision of a pedestrian crossing on Rutland Street, since 2011, claiming difficulties in crossing the road and a high level of incidents and near misses.

A pedestrian crossing survey was undertaken in May 2012 which revealed that there were indeed high numbers of pedestrians crossing near the requested location. A check on road traffic collisions was also undertaken and this showed a high proportion of pedestrian-related collisions on this short length of road. A scheme was proposed in 2013/14 Local Transport Plan Programme to improve pedestrian facilities at this location, and a signal controlled pedestrian crossing was proposed to assist pedestrians to cross safely. However, at the consultation stage, several objections were submitted due to concerns about the removal of parking spaces and access problems for local businesses, and consequently, the Council agreed to look at a different location for the pedestrian crossing. Unfortunately, there was no other suitable alternative location nearby for the provision of a signal controlled pedestrian crossing, due to potential conflicts with private and business accesses.

As an alternative to providing a signal controlled pedestrian crossing, it was determined that some other form of facility to assist pedestrians should be provided if possible and, during site inspections, it became clear that very many pedestrians crossed the road directly adjacent to an alleyway (Rutland

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Terrace), which links the residential area to Tesco's main entrance. Although well used, it was clear that pedestrians were having difficulty crossing and several of the recorded collisions were at this location. It was therefore proposed that the footway on both sides of the carriageway be built-out, to narrow down the distance that pedestrians had to cross, and to slow down traffic on the approaches.

An informal site meeting between Council officers and the owners of a local storage business and car sales forecourt adjacent to Rutland Terrace was productive, with the business owners being supportive of the intent to improve pedestrian facilities and reduce casualties.

Following the detailed design of the scheme, a formal consultation was undertaken in February 2014 with fronting properties, which resulted in an objection from one of the business owners who had changed his mind about the proposals and withdrawn his agreement to them on the basis that they would devalue his property and create problems in the future by restricting vehicular access. He further stated that the pedestrian crossing, some 50 metres away, would, in his view, be a far safer place to direct pedestrians to cross. He also submitted a partial conveyance which he claimed proved that he had rights to unrestricted vehicular access to his property from his boundary fronting Rutland Terrace (shown on attached plan ref Plan 2).

Site Details

Rutland Street is a single carriageway, urban distributor road. It leads directly to Millership Way, which was built as a link to the A630 bypass. It is the main access road between the town centre and the large Tesco superstore, and also carries a high level of heavy goods traffic to the Rutland Industrial Park, as well as through-traffic to the Nottingham area and M1 along Millership Way.

This road, which is lit and subject to a 30mph speed limit, is mainly retail/industrial in character but there are also several terraced houses bordering the road on one side. There is a footway on both sides, and waiting restrictions on the Tesco side, while on the other side of the road there is a parking bay which is usually full of vehicles belonging to the houses and businesses in the vicinity. The bottom part of Rutland Street on the approach to the roundabout has double yellow line waiting restrictions on both sides. There is a disused bus layby opposite Rutland Terrace, part of which is intended to be used to construct the build-out for pedestrians. There is a small hatched area directly outside the entrance/gateway to the storage business, which has been provided to prevent vehicles from parking in front of and blocking the gates. There is a signal controlled crossing located on the western side of Lower Granby Street, this is approximately 60 metres away from the proposed build-out.

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The collision record reveals that between 2008 and 2010 on the short section of Rutland Street from Chalons Way to Lower Blooms Grove Road there were a total of five personal injury collisions (PIC), in which three pedestrians and one pedal cyclist were slightly injured and two pedestrians were seriously injured.

Since then, there have been two further collisions directly outside the storage business, one serious PIC in which two teenage pedal cyclists were injured and one slight PIC where a male pedestrian was injured. It is clear therefore that despite the provision of a pedestrian crossing at the Lower Granby Street junction, there is a continuing trend of collisions at this location involving vulnerable road users.

Officer Comments

Rutland Terrace is a pedestrian alleyway which runs alongside the storage business and leads from Rutland Street to a residential area. Many local residents use this pedestrian route as a short-cut to Tesco's and the town centre.

There is a Prohibition of Driving Order, dated 1972, in force on Rutland Terrace with an exemption for vehicular access to the rear of houses 18a to 21a Rutland Street. The objector claims that his property is developed on the site of house numbers 16 – 20 Rutland Street, which were demolished in 1969, and that the exemption in the Prohibition of Driving Order indicates that he has unrestricted vehicular access to his property via his boundary fronting Rutland Terrace.

The partial conveyance has been considered by the Director of Legal Services who is of the view, from the evidence available, that the extract from the Conveyance shows that Nos 16 – 20 Rutland Street were demolished before the land was conveyed in 1969. The 1972 Prohibition of Driving Order is unlikely to have mentioned buildings which were demolished three years earlier and it is far more likely to relate to the houses to the west of Rutland Terrace which are in fact numbered 18a to 21a.

The proposed build-out will not prevent vehicular access to Rutland Terrace, should this be necessary, although it will make vehicular access more difficult (driving over a kerb and negotiating a new bollard). However the houses numbered 18a to 21a, which appear to have vehicular access rights, have all fenced in their back gardens and therefore vehicular access is not possible anyway. In addition there are two existing bollards and a rubbish bin which further prevent vehicular access at the present time. There have been no objections from the residents of 17a to 21a Rutland Street.

The storage business has gates which open directly onto Rutland Street and another gate bordering Rutland Terrace which was always closed prior to the

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build-out proposal. They would also appear to have vehicular access from Abbey Street at the rear of their property. There would appear to be little benefit gained to the storage business in having vehicular access to/from Rutland Terrace as it only leads between Rutland Street and Abbey Street.

The proposal is unlikely to adversely affect the storage business as their access from Rutland Street will not be altered and they are able to move vehicles between Rutland Street and Abbey Street within the curtilage of their existing premises.

Although there is a signal controlled crossing facility nearby, it is clear from site inspections and from the comprehensive pedestrian survey undertaken, that the majority of pedestrians using Rutland Terrace choose not to divert their route uphill to use the crossing and choose to cross directly opposite the entrance to Rutland Terrace instead.

There is clearly a heavy demand for pedestrians to cross at this location and a continuing accident problem involving vulnerable road users. In view of the fact that there is an existing Prohibition of Driving Order in force, and that there is also insufficient evidence to show that the objector has any vehicular rights over Rutland Terrace, it is recommended that the build-out be constructed as proposed.

Local Member comments

Councillor Birkin is aware of the contents of this report and would like to comment that this crossing facility is desperately needed.

(3) **Financial Considerations** This work forms part of the approved 2013/14 Local Transport Plan for casualty reduction schemes at an estimated cost of £20,000.

(4) **Legal Considerations** Section 90G of the Highways Act 1980 states that a highway authority may, in a highway maintainable at the public expense for which they are the highway authority, construct traffic calming works of a description prescribed by regulations.

Build-outs of a verge, footway or cycle track are among the traffic calming measures permitted by the Highways (Traffic Calming) Regulations 1999. Regulation 4 provides that before carrying out traffic calming works in the highway, the highway authority shall:

- (a) consult the Chief Officer of Police for the area in which the highway is situated; and
- (b) consult such persons or organisations representing persons who use the highway or who are otherwise likely to be affected by the traffic calming work as the highway authority thinks fit.

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Regulation 8 provides that the highway authority shall place and maintain traffic signs in such positions as the authority may consider requisite for the purpose of providing adequate warning of the presence of the traffic calming works unless the works themselves are so constructed as themselves to provide adequate visual warning for persons using that highway.

There is no requirement to give public notice of the proposals or to hold any inquiry into objections to proposals.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

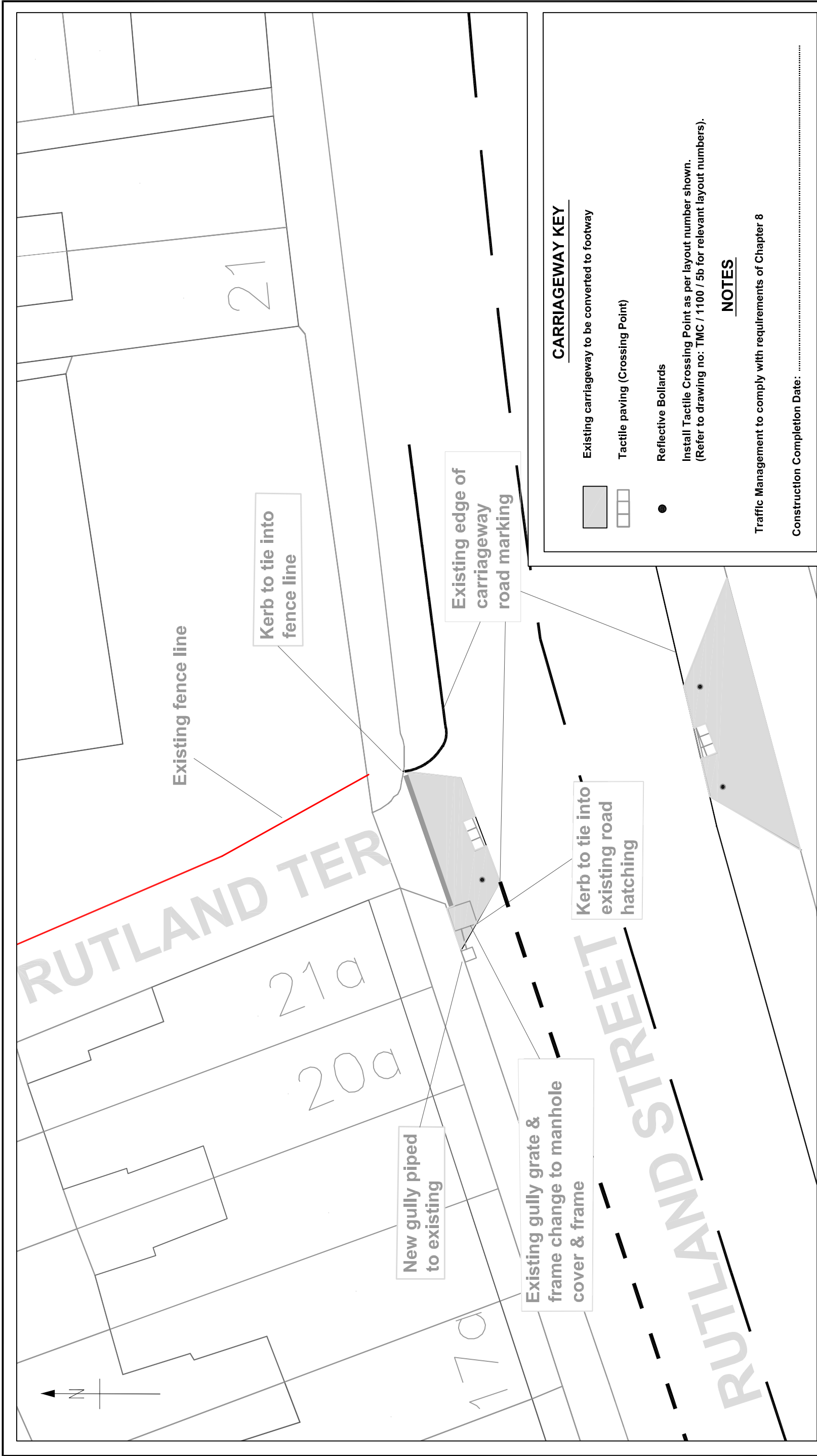
(7) **Background Papers** Correspondence held on file within the Economy, Transport and Environment Department. Officer contact details - Dawn Bryan, extension 38695.

(8) **OFFICER'S RECOMMENDATIONS** That the Cabinet Member approves:

8.1 That the proposed build-out on Rutland Street, Ilkeston be constructed as planned.

8.2 That the local Member and the objector be informed accordingly.

Mike Ashworth
Strategic Director – Economy, Transport and Environment



CARRIAGEWAY KEY

Existing carriageway to be converted to footway

Tactile paving (Crossing Point)

Reflective Bollards

Install Tactile Crossing Point as per layout number shown.
(Refer to drawing no: TMC / 1100 / 5b for relevant layout numbers).


NOTES

Traffic Management to comply with requirements of Chapter 8

Construction Completion Date:


Section	Timing	C/W Widths	Traffic Man.
Works	Daytime Working 09.30 - 15.30 hrs	Min = 7.5m Max = 7.5m	2 Way Lights & TM Marshalls
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AMENDMENT DETAILS			
BY	CHKD	AP'D	DATE



DERBYSHIRE
County Council
Improving life for local people

Mike Ashworth Strategic Director - Economy, Transport and Environment



DERBYSHIRE
CONSULTING
ENGINEERS

PROJECT TITLE
RUTLAND STREET
ILKESTON
FOOTWAY BUILDOUTS


DRAWING TITLE
CONSULTATION DRAWING
(CARRIAGEWAY)

DRAWN R.M.PITCHFORK	CHECKED R. MOORE	APPROVED S.BOYACK
Date 30/01/2014	Date 30/01/2014	Date 30/01/2014

DCE Project Reference No.	13-04-01-10	SCALE
Drawing Number	040110 / RMP / 02	N.T.S



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<div><div><div>DERBYSHIRE</div><div>County Council</div><div>Improving life for local people</div></div></div> <div><div>MIKE ASHWORTH</div><div>Strategic Director</div><div>Economy, Transport and Environment</div></div>	AMENDMENT DETAILS										PROJECT TITLE		DRAWN		CHECKED		APPROVED		
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