

Leicester
City Council

**WARDS AFFECTED:
Humberstone & Hamilton**

Cabinet

23 June 2008

THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (AMENDMENT) COLUMBINE ROAD ORDER 2008

Report of the Corporate Director, Regeneration and Culture

1. Purpose of Report

- 1) To convey the views of the Planning and Development Control Committee;
- 2) To report on action taken subsequently; and
- 3) For the Cabinet to approve or, otherwise, the proposed Traffic Regulation Order.

2. Summary

- 2.1 A Traffic Regulation Order has been proposed under statutory provision for Columbine Road in Humberstone and Hamilton Ward. This report reviews the history of events leading to the proposed Order. After the legal procedure for the advertising of the order, several objections to the proposals were received. Three objectors accepted an invitation to an objectors meeting, and the report of these meetings is attached in Appendix 3. The report presents an analysis of the effect of the proposed Order and seeks a decision whether or not to confirm it.

3. Recommendation

- 3.1 Cabinet consider the report in the light of the views of the Planning and Development Control Committee and action taken subsequently, and resolve whether or not to confirm the Order.

4. Report

Background

- 4.1 Columbine Road is a residential distributor road in the Humberstone & Hamilton Ward. In the development of the estate, the Road was built in two halves, but it was opened to through traffic in Summer 2006.

- 4.2 Following the opening of the two halves into one, the City Council were petitioned by 119 residents of West Hamilton through their local Councillor, that the road posed a danger and would become a “rat run” for through traffic.
- 4.3 There was considerable local debate about the new road, and residents of Columbine Road and nearby expressed views for and against the closure. The City Council erected temporary barriers but after receiving legal advice removed them again. Further legal advice said that the closure had to be done through a Traffic Regulation Order.
- 4.4 Before the Traffic Regulation Order process started the Service Director and Lead Member agreed to carry out a consultation with local residents by delivering questionnaires to every household on Columbine Road and those cul-de-sacs only accessible from Columbine Road. The questionnaire simply asked residents to indicate either support or opposition to closing the road. On 26th February 2007 290 questionnaires were delivered: 163 were returned, 80 in favour of the closure, 83 opposing the closure.
- 4.5 In response to our survey of residents and in letters to the Press and in a public meeting, some residents said that they had suffered a loss of amenity by the opening of both halves of the road and the bus route that followed. Other residents whilst advocating the opening of the road acknowledged this loss of amenity. Another way of looking at this situation would be that the amenity of some residents would be improved if the cul-de-sacs were reinstated.
- 4.6 In dealing with the petition the Service Director decided to address the question of the effect on the amenity of the local area by a Traffic Regulation Order to close the road to motor vehicles. The grounds upon which this TRO are set are in section 1 (1) (f) of the Road Traffic Regulation Act 1984, which reads
- “for preserving or improving the amenities of the area through which the road runs”.
- 4.7 It is intended to consolidate the changes into The Leicester (Consolidation) Traffic Regulation Order 2006. All proposed changes, are detailed below and are shown on the attached plan ref TF 25980/2A (Appendix 1).
- 4.8 It is proposed to close the road to through motor traffic by prohibiting motor vehicles where it crosses the bridleway. Waiting restrictions are proposed around adjacent junctions to protect reversing vehicles.
- 4.9 A schedule is also attached (Appendix 2) listing all of the restrictions proposed.

Consultations

- 4.10 The Regulations provide for two separate stages in the making of a Traffic Regulation Order. Initially the Council must consult the police, other emergency services and bus companies. Subsequently the Council must advertise the proposal in a local newspaper; the Council also advertises the proposals on the streets to be affected. Objections must be made in writing during a three-week period following the advertisement.

Consultation - Initial Stage

- 4.11 Letters and plans detailing the proposals were sent to the Councillors for those Wards affected by the proposals and the Chief Officers of Police, Fire and Ambulance services on 20th March 2007. The City Council's public transport coordinator consulted the bus companies who operate regular services in the area
- 4.12 The Senior Traffic Management Officer for Leicestershire Constabulary responded in a letter dated 26th April 2007 indicating no adverse comments.
- 4.13 The Director of Community Safety, Leicestershire Fire and Rescue Service, replied on 26th April 2007, stating that the Fire Authority objected to the proposal on the grounds of the detrimental effect on attendance times in the area.
- 4.14 The Operations Director of Arriva Midlands, who have operated a bus service along Columbine Road since August 2006, replied on 16th April 2007, objecting on behalf of their passengers who would be inconvenienced by the proposed closure. This objection was subsequently withdrawn (see para 4.19)
- 4.15 No response was received from Ward Councillors or the Ambulance Service.
- 4.16 After considering the results of the consultation, on 10th September 2007 the Service Director approved a report recommending the advertisement of the proposed TRO. with the proviso that, if a public inquiry be required, a further report be prepared.

Consultation - Public Advertisement

- 4.17 The proposals were duly advertised on 25th September 2007, in the Leicester Mercury and on-street. A copy of the advertisement was sent to emergency services and bus companies, as required under the Regulations, and in addition a copy was sent to addresses in Columbine Road and adjacent cul-de-sacs.
- 4.18 Within the statutory three week period, six objections from individuals, one objection by way of petition, and 2 letters were received.
- 4.19 In a letter from their Operations Director, the Arriva Midlands bus company listed several ways in which the proposed closure would adversely affect the operation of the bus service they currently run along Columbine Road. However in the final paragraph, the company stated that they would not be re-confirming the objections they had put forward when consulted on the proposed order in April. This means that the Council will not be legally bound to hold a public inquiry should it decide to proceed with the Order.
- 4.20 The Senior Traffic Management Officer, Leicestershire Constabulary, in a letter dated 27th September, stated that they had no formal objection to the proposal, but requested that, if the proposal goes ahead, the emergency services be consulted over the design of the barrier at the point of closure, so that emergency vehicles could still gain access. No communication was received from the Fire and Rescue Service.
- 4.21 Seven objectors all objected on valid grounds, as follows (*Objections were numbered in order of receipt, and are indexed as attachments to Appendix 3*):

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- a) A resident of Braunstone Town, (1) objected on the grounds that she uses the 58a bus route as the quickest way to visit her daughter in Columbine Road and would be inconvenienced by the proposed closure.
- b) Two residents of West Hamilton, (2) objected on the grounds that they regularly use the road by car and by bus, and would be inconvenienced by the proposed closure, and that emergency services would have longer response times.
- c) A resident in the Hamilton area (4) objected on the grounds that the closure would have a bad effect on the bus service, and this did not improve the amenities of the area, which was quoted as the statutory grounds for closure.
- d) A resident of a cul-de-sac off Columbine Road (5) objected as a non-driver and bus user that she would be adversely affected by withdrawal of the bus service, and that the additional mileage by cars would damage the environment.
- e) A resident of Hamilton, (7) objected on the grounds that he regularly uses the road by car and by bus, and would be inconvenienced by the proposed closure, and that the closure would have an adverse effect on the environment and the response times of the emergency services.
- f) A resident of Columbine Road (8) objected on the grounds that he and his family regularly use the road by car and by bus, and would be inconvenienced by the proposed closure, and that the closure would have an adverse effect on them and the response times of the emergency services.

4.22 A petition was received, (9) organised by two residents of cul-de-sacs off Columbine Road, and bearing 127 signatures, of which 122 were of residents of Columbine Road and the adjacent cul-de-sacs, objecting on the following grounds:-

- That following the proposed closure, there would only be one point of entry to each part of the road for emergency services.
- That withdrawal of the bus service would have a bad effect on bus users, particularly the elderly and students.
- That the additional mileage by residents would have an adverse effect on the environment.
- That the questionnaire delivered to Columbine Road area in February 2007 seeking views on the proposed closure, resulted in 84 residents opposing the closure and 80 residents supporting it. (*in fact the total against was 83*)
- That closure would result in drivers having to drive past two schools where traffic calming measures have been requested.
- That anyone buying a house in the area should have known that Columbine Road would be a through route from the searches done by their solicitor.
- That the planning permission for the Persimmon Homes site specified that Columbine Road was to be a through road.

4.23 Copies of various letters from the council, press items, and newsletters from Keith Vaz MP were attached to the petition and have been included in the attachments to Appendix 3 of this report. (Attachments G to J).

Objectors' Meeting

4.24 The Council's procedure in dealing with objections to a proposed TRO is to invite the writers to an objectors meeting where the points raised in the objection letter can be considered and discussed in further detail. Should the objector choose not to attend such a meeting, it in no way absolves the Council from considering that objection. In this case, objectors representing three objections (2,4, and 9) asked for a meeting, and a series of meetings was held on 7th December 2007. A report of these meetings is attached in Appendix 3. As can be seen, the objections remain.

Ombudsman

4.25 A resident of Columbine Road complained to the Local Government Ombudsman in November 2006 about the Council's failure to close Columbine Road. The complainant subsequently complained about the procedure the Council took during the initial stages of the Traffic Regulation Order process, and of the time the process was taking.

4.26 The Ombudsman found that the Council had followed the procedure laid down by law, and that while it had taken a number of months for the Council to decide to go ahead and advertise the TRO, this was a controversial matter requiring extensive consultation and the need for the Council to be absolutely clear about its legal position.

4.27 The complainant stated that people who purchased houses in the area were not informed when they carried out searches that Columbine Road was to become a through road. The Ombudsman told the complainant that to consider this, he would need copies of the questions asked of the Council by the resident's solicitors and the documents containing the replies, and that he had not received any such copies.

4.28 In October 2007 the Ombudsman decided not to pursue the complaint, recording a decision of 'No or insufficient evidence of maladministration'.

5. Powers of the Service Director

5.1 The legislation that confers authority on Leicester City Council to make these amendments, is covered by the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996. In view of the finely-balanced nature of the arguments, the decision will not be taken under delegated powers exercised by the Service Director, Highways and Transportation, but by Cabinet.

6. Analysis

6.1 In considering the wording of section 1(1) (f) of the Road Traffic Act 1984, under which this Order is proposed, there are potentially three definitions of the "area" in question:

- a) the whole of the Hamilton estate (where some of the objectors could demonstrate a previous intention to provide an amenity in the shape of an unblocked Columbine Road);
- b) the whole of Columbine Road itself, and of the cul-de- sacs off it; and

- c) the immediate area probably around 200 square metres where the road had been unblocked and is now proposed to be re-blocked.

6.2 Cabinet is asked to address two questions:

- a) what is their definition of "the area" in question?
- b) Once the area has been chosen, then the question of amenity comes forward: does the proposed TRO create or enhance an amenity?

6.3 Further guidance on how one should define/interpret "area" is as follows. The rules of statutory interpretation require words to be given their ordinary and natural meaning in the English language. Bearing in mind that the implications of the closure affect not just those residents of Columbine Road who wish to see it closed, there is a very strong argument that "area" should be interpreted as comprising the whole of the Hamilton Estate. This is particularly so because of the historical layout of Hamilton which showed a spine road. What needs to be borne in mind is the fact that when the Council planned Hamilton it was creating a new "area" and the implications of truncating Columbine Road affect not only the people who will be living in what will be two cul-de-sacs but also those people who currently use the road as a link when travelling from A to B.

6.4 The Council's Highways guidance to new developers, approved by Cabinet in late 2007, would affect the introduction of cul-de-sacs in new developments from 1 January 2008.

7. Planning and Development control Committee

7.1 Planning and Development Control Committee considered on 1 April whether or not, given the objections, the TRO is appropriate. It did not, however, reach a conclusion, and asked for further consultation to be carried out before Cabinet reached its decision. Subsequently, officers have arranged for detailed designs, costs and illustrations to be considered by ward councillors, residents of Columbine Road and adjoining cul-de-sacs, objectors, and the Humberstone and Hamilton Ward Community Committee. A display board containing these items has been prepared for the ward area committee meeting and this will also be presented to Cabinet. A summary of this consultation is attached in Appendix 4. The Cabinet Lead member for Regeneration and Transport will be briefed on the outcome of this further consultation exercise by the time this report is considered by Cabinet to determine whether or not the TRO should be made.

8. Financial Implications

8.1 The cost of amending the traffic regulation orders, including the changes to signs and lines, is estimated to be £ 5,000. The cost would be met from the funds allocated for this type of work from the on-street charging income in the financial year 2008/2009. The cost of minor works to re-instate the cul-de-sac is estimated at £3,000.

8.2 If the Council's decision were to be overturned following legal action the Council would not only have to pay its own legal costs but also potentially be liable to pay the legal costs of the claimant which in total could be in the region of £10k - £15k.

Martin Judson, Head of Resources, extension 7390

9. Legal Implications

Statutory provisions

9.1 Traffic Regulation Orders are introduced under the 1984 Road Traffic Regulation Act and the Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996. All aspects of that legislation have been complied with.

9.2 The grounds under which the TRO has been made are those set out in section 1(1)(f) of the Road Traffic Act 1984, namely:

“for preserving or improving the amenities of the area through which the road runs”.

9.3 In exercising its statutory power the Council has to comply with Section 122 of the Road Traffic Regulation Act. The Council is required to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway, having regard to not one but four factors which are:

- 1 The desirability of securing and maintaining reasonable access to premises.
- 2 The effect on the amenities of any locality affected and the importance of regulating and restricting the use of roads by HGVs so as to preserve or improve the amenities of the area through which the roads run.
- 3 The importance of facilitating the passage of public service vehicles and obviously securing the safety and convenience of persons using or desiring to use such vehicles.
- 4 Any other matters the Council (considers to be) relevant.

9.4 Linked to this duty is also the Council's requirement to comply with the provisions of the Traffic Management Act 2004. Section 16 (1) imposes a duty on the Council, as the local traffic authority, to manage the road network so that for a road like Columbine Road the objective of securing the expeditious movement of traffic is met. Traffic, for the purposes of this Act, includes pedestrians. The Act also includes a statutory requirement to minimise congestion.

9.5 The Network Management duty requires the authority to consider the movement of all road users and the overall aim implies a network that is run efficiently without unnecessary delay to those travelling on it. The Act defines the action that the authority may take in performing the duty as including anything that would contribute to the more efficient use of the network, or that would avoid, eliminate or reduce congestion or disruption.

9.6 The Network Management duty applies to all road users including pedestrians and is not restricted to motor vehicles.

Decision making

9.7 Under the Council's Constitution, where there are objections to Traffic Regulation Orders a report is prepared for consideration by the Planning and Development Control

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Committee, who consider it and make recommendations to the Corporate Director of Regeneration and Culture who then takes the final decision. Planning and Development Control Committee has a facility whereby Ward Members may address the committee to deal with issues of concern to their constituents. The Corporate Director has concluded with regard to this proposed Order that because of the finely balanced nature of the arguments it is more appropriate for the decision to be taken by Cabinet.

Miscellaneous

- 9.8 Advice has been given to the Service Director in relation to the interpretation that should be given to the word 'area' which the Service Director refers to at paragraph 6.1 to 6.4 in the report.
- 9.9 If Cabinet confirms the Order, there is a right of statutory challenge that can be made to the High Court. The Council has had recent experience of this type of challenge in relation to proposed parking restrictions in the Hill Top Road area just to the West of Hamilton. The challenge was upheld, with the judge deciding that the Council had not considered all aspects of section 122 of the Road Traffic Regulation Act and in consequence the Order was quashed. On this occasion the Council was not ordered to pay the legal costs.
- 9.10 Any subsequent court challenge in relation to a decision to confirm this Order would involve the Council having to justify the action it had taken and to show that it did comply with the statutory provisions previously referred to. The court will either confirm the Order, vary it or quash it.
- 9.11 As an alternative to a legal challenge, a complaint could be made to the Ombudsman that the Council's approach constituted maladministration. Paragraph 4.24 – 4.27 details the previous Ombudsman involvement in this matter. The Ombudsman has power to investigate claims and if upheld recommend that the Council pays an appropriate amount of compensation. The Ombudsman, unlike the High Court, cannot order the Council to quash any TRO which may be approved as the case may be.

Anthony Cross, Head of Litigation, x296362, and Jamie Guazzaroni, Solicitor, x296350.

10. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph references within the report
Equal Opportunities	NO	
Policy	NO	
Sustainable and Environmental	NO	.
Crime and Disorder	NO	
Human Rights Act	POSSIBLY	Any person adversely affected by this decision may consider (s)he has cause for

		action.
Elderly/People on Low Income	NO	

11. Risk Assessment

11.1 There is a risk of statutory challenge to any final decision of Cabinet, whatever the decision is, because the arguments are so finely balanced.

12. Background Papers – Local Government Act 1972

Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996.
Traffic Regulation Orders are introduced under the 1984 Road Traffic Regulation Act.
Report approved by the Service Director on 10th September 2007, which approved the proposals in principle under delegated authority and authorised Officers to commence the statutory procedure.
Legal Services' files 65796 and 70115 ; in part these contain "exempt information".
Leicestershire County Council: Highway Requirements for Development

13. Consultations on the report

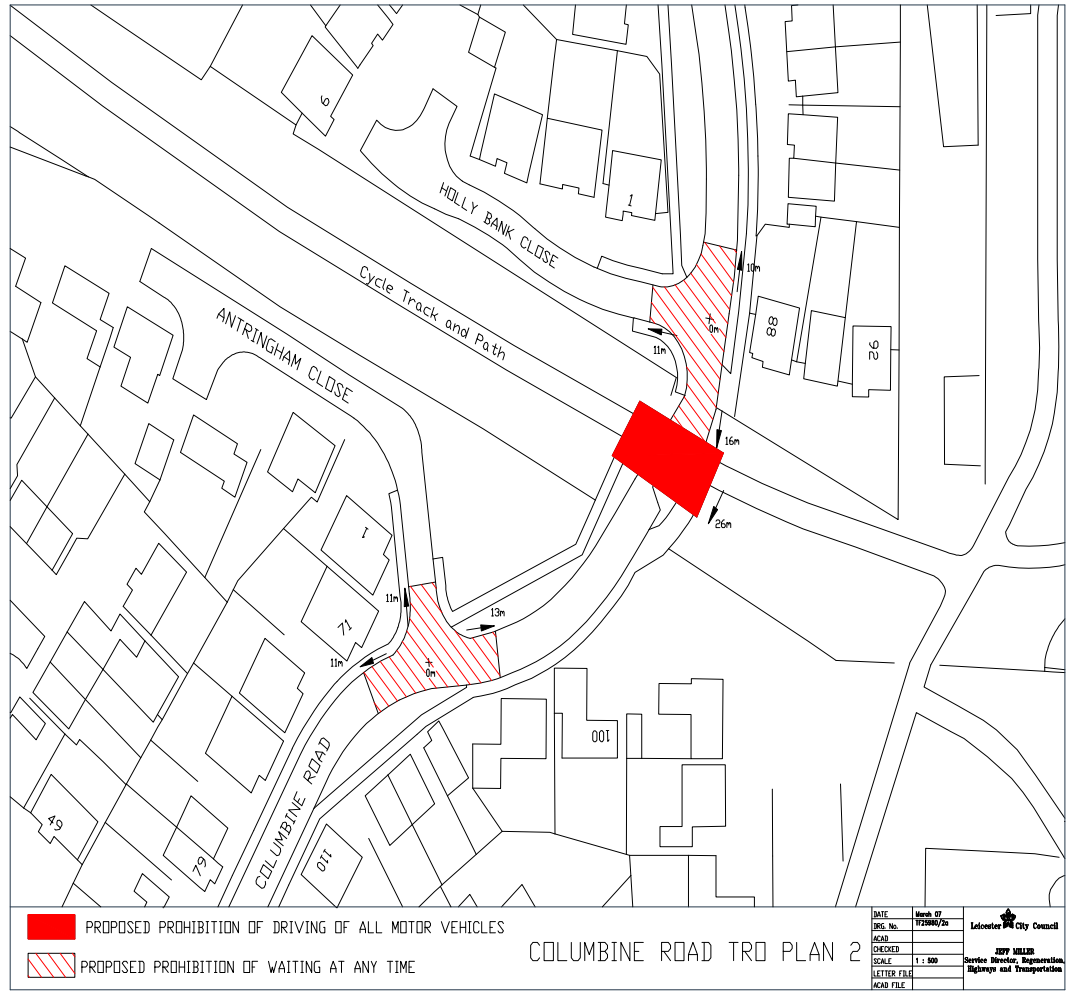
13.1 The following people have been consulted in the preparation of this report.

Consultee	Date Consulted
Chief Constable	20 th March 2007 and 25 th September 2007
Leicestershire Fire & Rescue Service	
Ambulance Service	
Julian Heubeck Leicester City Council Public Transport Co-ordinator	
Ward Councillors	20 th March 2007
Planning and Development Control Committee	1 April 2008

14. Report Author

Name: Andrew Thomas
 Job Title: Head of City Development
 Extension number: 39 41 00
 e-mail address: Andrew.Thomas@leicester.gov.uk

Appendix 1: Columbine Road Proposed TRO



Appendix 2
COLUMBINE ROAD TRO SCHEDULE

RESTRICTIONS SHOWN IN NORMAL FONT ARE EXISTING RESTRICTIONS TO BE
RETAINED UNALTERED, **ITEMS IN BOLD ITALIC FONT ARE CHANGES THAT
ARE REQUIRED TO BE ADVERTISED**

ANTRINGHAM CLOSE

North-east Side

Part 207 from its junction with Columbine Road to a point 11 metres north-west of the centre of its junction with Columbine Road

South-west Side

Part 207 from a point 11 metres north-west of the centre of its junction with Columbine Road to its junction with Columbine Road

COLUMBINE ROAD

Part 112 prohibition of driving of motor vehicles at all times. from a point 16 metres south of the centre of its junction with Holly Bank Close to a point 26 metres south of the centre of its junction with Holly Bank Close

Eastern Side

Part 207 from a point 10 metres north-east of the centre of its junction with Holly Bank Close to a point 16 metres south-west of the centre of its junction with Holly Bank Close

Part 207 from a point 13 metres north-east of the centre of its junction with Antringham Close to a point 11 metres south-west of the centre of its junction with Antringham Close

Western Side

Part 207 from a point 11 metres south-west of the centre of its junction with Antringham Close to a point 13 metres north-east of the centre of its junction with Antringham Close

Part 207 from a point 16 metres south-west of the centre of its junction with Holly Bank Close to a point 10 metres north-east of the centre of its junction with Holly Bank Close

HOLLY BANK CLOSE

North Side

Part 207 from its junction with Columbine Road to a point 11 metres west of the centre of its junction with Columbine Road

South Side

Part 207 from a point 11 metres west of the centre of its junction with Columbine Road to its junction with Columbine Road

Appendix 3

COLUMBINE ROAD-PROPOSED TRAFFIC REGULATION ORDER

OBJECTORS MEETING -7TH DECEMBER 2007

1. Background

- 1.1 Following a survey in the locality, on 10th September 2007 under delegated authority the Service Director, Regeneration, Highways and Transportation approved the proposals in principle to make the above Traffic Regulation Order, the effect of which will be to prohibit motor vehicles using a short length of that road, together with appropriate waiting restrictions to protect the vehicle turning areas.
- 1.2 All legal proceedings in connection with the proposed Order have been completed. Following public advertisements of the proposals on 25th September 2007 seven objections were received. The objectors were written to and invited to attend an Objectors Meeting. Three objectors responded and an Objectors Meeting was held on Friday, 7th December 2007 at New Walk Centre.

2. Meeting

- 2.1 The meeting was chaired by Jamie Guazzaroni a Solicitor within Legal Services. The Head of City Development Andy Thomas, traffic Officer Adrian Friend who were in attendance Andy Thomas's role was to present the reasons for the proposal and discuss and clarify points raised by the objectors. At each meeting Andy Thomas referred to the reasoning for the proposed Traffic Regulation Order in accordance with Appendix B of the report which in summary explained the background as to why the Council are proposing to make the Order

2.2 Objector No. 1 (Letter Appendix A)

The objector's letter marked Appendix A in this report details the objectors concerns regarding the proposal. Opening the meeting Andy Thomas, read out the statement (Appendix B) He also referred to a letter from Tot Brill dated 25th August 2006 entitled Columbine Road Link - Sandhills Avenue to Kestrel Lane which was sent to residents in the Columbine Road area (Appendix C).He also referred to a letter in the Leicester Mercury dated 28th November 2006 (Appendix D) in which the writer states that he lives on Columbine Road, having bought his property 14 months ago, where the writer stated that he had all the searches done and no record was shown on the plans, The writer stated Persimmon's who built his property never once indicated that a link road was going to be opened and further that the road was not suitable for buses and lorries.

The objector stated that when they moved to their property in April 1994 they were told that Columbine Road was to be opened as a through route and asked why weren't Columbine residents told this. It was obvious to the objectors that the road would be eventually opened up. Mr Thomas said he understood what the objectors were saying but from the letter it was clear that the writer didn't know and was losing amenities due to this fact. The objector indicated that the bus service was used to attend the library and get to Tescos and the bus service was used for the elderly and that if taken away the journey time would be twice as long. A further point raised was concern over the

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access by emergency services. Mr Thomas stated that all were consulted and the bus company as well, none raised any objections. Although police raised concerns regarding whether a physical barrier was placed to effect closure whether the emergency services would have access. The objector stated that the closure would mean extra traffic on other roads and they stated that Columbine Road had a temporary amenity but that they should have known about the improved amenity of Columbine Road and if closed it would be to the expense of other residents.

2.3 Objector No. 2 (Letter Appendix E)

The objector's letter marked Appendix E in this report details the objectors concerns regarding the proposal. Opening the meeting Mr Thomas read out the statement (Appendix B) and stated that some residents had suffered loss of amenities and that if the cul de sacs were put back it would improve the amenity. The objector referred to a letter in the Leicester Mercury stating the Council was against cul de sacs and asked why it couldn't be made for buses only and stated he was surprised it was open to all traffic. Mr Thomas indicated it was not up to the Council to run a bus service along Columbine Road and that was up to the bus company and they could change their routes at any time. The objector indicated that he used the buses but not the one that used Columbine Road and that it would make no difference to him, his main concern was with other bus users, such as the elderly who use the buses. He also raised a point that Columbine Road was a through road and residents should have known it would be a through road.

2.4 Objector's No. 3 (Letter Appendix F + petition document)

The objector's letter marked Appendix F in this report details the objectors concerns regarding the proposal. The objector's letter also enclosed a Petition signed by 127 residents for the Columbine Road area, together with attachments, which are appended to this Report. The 2 signatories of letter attended the meeting. Opening the meeting, Andy Thomas, read out the statement (Appendix B) and stated that after the road was opened some residents complained with regard to the loss of amenity. The objectors asked for the amenity lost and Andy Thomas referred to the Leicester Mercury letter (Appendix D) in your Report. The objectors stated they moved to the area in 1998 and produced a map from circa 1989 produced by Leicester City Council and various developers showing Columbine Road was always planned to be a through road (Appendix G). The objectors added that they dispute the MP, Keith Vaz and Councillors who are in favour of it being closed.

The objectors raised concerns over children playing in the road and stated that there was a playground provided near to the area where the road is proposed to be closed. They also raised the issue regarding use of buses and stated that the needs of young users and the elderly need to be considered, the problem was the buses traveling too fast and that the closure was not the solution. The objectors also stated that if the road was closed carbon emissions would go up as an extra six mile round trip and journey time would also increase to shops and schools and raised concerns over the emergency service vehicles getting to their destinations. Also, that if the road was closed, more traffic would pass Hope Hamilton School and Kestrel Fields and that Sandhills/Maidenwell Avenue Roundabouts are not wide enough to handle the extra traffic that would be produced by the closure and a bottleneck would be caused.

Adrian Friend said that the emergency services were consulted and the ambulance and fire services made no response and the police made no formal objections but raised concerns re: physical access - should barriers be put up. The objections went onto say that Columbine Road was not a rat-run and that it was not heavily used by traffic and what was needed was that traffic calming be put in place to slow the buses down.

The objectors stated that there would be improved amenities if the road were closed for the surrounding houses in the area, but as the road was a through road then the amenities were never there in the first place.

The objectors No.3 also provided the following documents:

- (a) Humberstone & Hamilton Parliamentary News Autumn 2007 - Keith Vaz MP at Appendix H.
- (b) "It's a dead-end for cul de sacs" - Leicester Mercury Article - Appendix I.
- (c) Columbine Road Link - Appendix C letter.
- (d) Possible closure of Columbine Road to through traffic letter - Appendix J.

- 2.5 At the meeting, each objector was informed that the matter was to be decided by Cabinet and that all the objections would be placed in the report and that, it was our understanding that they could attend the meeting and voice there objection, however upon researching this point it was found although they could attend the cabinet meeting they would not be able to speak.

A number of further written objections were received with regard to the proposed closure and these are attached as Appendices from Appendix K to N.

Index of attachments

(All objector's names blanked out)

- A First Objectors meeting -Objection letter 2
- B Andrew Thomas's opening statement at objectors meeting
- C Letter from Tot Brill to residents 25/8/2006
- D Letter to Mercury 28/11/2006 supporting closure
- E Second objectors meeting - Objection letter 4
- F Third objectors meeting - Objection 9 (letter+petition) to which were attached:-
- G Map c 1989 showing Columbine Road as through road
- H Keith Vaz newsletter
- I Mercury article on cul-de-sacs
- J Letter from P Commons to residents 26/2/2007 which accompanied voting form
- K Objection 8
- L Objection 5
- M Objection 7
- N Objection 1

These attachments will be provided to the meetings of the Planning and Development Control committee and Cabinet that will discuss this item. At both meetings, a copy will also be available for the Press and Public.

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Appendix 4

Results of further consultation requested by Planning and Development Control Committee.

This further consultation was based upon the "Analysis" section of the report to the Committee. This argued (in paragraph 6.1) that in considering the wording of section 1(1) (f) of the Road Traffic Act 1984, under which this Order is proposed, there are potentially three definitions of the "area" in question:

- a. the whole of the Hamilton estate (where some of the objectors could demonstrate a previous intention to provide an amenity in the shape of an unblocked Columbine Road);
- b. the whole of Columbine Road itself, and of the cul-de-sacs off it; and
- c. the immediate area – we have considered this as consisting of the 24 properties (including some cul-de-sacs) nearest to the proposed point of closure.

It was decided to carry out a consultation on the following three options:-

- | | |
|----------|---|
| Option 1 | Close the road at the footpath/cycleway
Estimated cost £5740 |
| Option 2 | Leave the road open, with no change to the current arrangements
Estimated cost nil |
| Option 3 | Leave the road open, with a toucan crossing at the footpath/cycleway
Estimated cost £50000 |

We therefore took two further consultation actions:

- a) All households in Columbine Road and the Cul-de-sacs joining it were sent a letter with sketches of the three options and a voting form with a prepaid return envelope. The following is an analysis of the results received by the closing date of 16th May.

Immediate Area

Forms delivered	24	
Option 1	Close the road at the footpath/cycleway	8
Option 2	Leave the road open, with no change	9
Option 3	Leave the road open, with a toucan crossing	2
Total received		19
Response		79%

Columbine Road including immediate area

Forms delivered	295
Option 1 Close the road at the footpath/cycleway	45
Option 2 Leave the road open, with no change	100
Option 3 Leave the road open, with a toucan crossing	9
Total received	134
Response	52%

Columbine Road excluding immediate area

Forms delivered	271
Option 1 Close the road at the footpath/cycleway	37
Option 2 Leave the road open, with no change	91
Option 3 Leave the road open, with a toucan crossing	7
Total received	154
Response	50%

One resident of a cul-de-sac off Columbine Road wrote:

“We have lived at our current address since July 1998. We bought our property new, from Bloor Homes.

We have always been told when we bought the property and have always had the expectation that Columbine road will be open at some point during the housing development to through traffic. The Council plans have always reflected this. Indeed we feel that we have a legitimate expectation that this remains a through road.

The house numbers on each side of the proposed change reflect that it has always been the case that the road will remain a through road.

It is extremely annoying that a few residents are now claiming that they feel the road should be closed off. If that is the impression that they have been given by the developer/solicitors then they have a form of redress through them.

We fail to see what harm any residents are suffering in any event as a result of this road remaining a through road. There are traffic calming measures in place, we live just around the corner and have never experienced any traffic problems or pedestrian problems. Any such problems drummed up by these residents are fabricated, even if they are caught on camera. We use the route at peak times, on route to and from school run times, there is never any

problem. We would strongly object to tax payers money being wasted by the Council on pedestrian crossings/ closure of the road as outlined.

Buses pass along this route and the only problem there has ever been is that residents park their cars in an obstructive manner. Whether this is deliberately lend weight to their campaign to get this road closed we do not know, but if anything, as the estate is growing, if the council feel it necessary to ease traffic issues, it should consider putting double yellow lines on one side of Columbine Road near to this through road and the road which then leads to Maidenwell avenue. Moreover, bus routes have long since planned when this development was in its early stages, such that buses would be travelling along columbine road without any closure at any end of this road.

(reference to elected representative).“

b) Humberstone and Hamilton Ward Community Committee meeting, 14 May.

Officers were asked by Councillors Potter and Shah to provide and attend a “Carousel” display in the first part of the meeting and did so. The item was marked on the agenda for the first half of the meeting.

The display consisted of artists’ impressions of the three options seen from four positions, - both ends of Columbine Road at the junction and both ends of the cycleway at the junction. CAD drawings of the works were also provided.

11 members of the public recorded written comments about the three proposals, of which 5 gave an address in Columbine Road or the cul-de-sacs. 4 of those had already voted.

Written comments received at the area meeting are as follows:

1. Increase in traffic – bus speeding. *(Columbine Road resident)*.
2. Children are not safe at all. I and my other neighbour got some illness suffering with all noise from 0530-1130 *(Columbine Road resident)*
3. My house is just near the road. As myself and my wife are not well it gets very noisy by frequent bus passing and other cars and traffic passing. When I bought the house I was clearly told the road will not be open for buses and other traffic. *(Columbine Road resident)*
4. We want the road to be closed. Recently buses are stopping in my driveway and people put rubbish like beer cans, bus tickets, crisps packets. Yesterday my next door neighbour’s son about 7 years was playing outside was nearly run over by a car. *(Columbine Road resident)*
5. We believe the bus route should be kept however it needs to be repositioned as a number of youths gather around the bus stop and cause anti social behaviour by littering, throwing stones and just being nuisance.
6. No through traffic better, less traffic, safer for pedestrians/children.

7. We strongly would like the road to be open, for our children, elderly to use the buses. What provision are there should the road close eg bus services, emergency services?
8. Wrong class of road for bus route, carriageway not wide enough. Blind bend, two buses cannot pass. Empty buses! (Carbon footprint). Maintenance costs. Dangerous when people reversing off drives. Dangerous for children playing out. Dangerous for people out walking as the road crosses the footpath and drivers drive with no consideration to pedestrians.

Toucan would be ridiculous, buses being held at a point where they would never be able to pass and vehicle emissions for those houses, like our own, which sits on the junction. People using buses have no consideration and throw their bus tickets on our front lawn. Columbine Road is one of the narrower roads in that vicinity and not practical as a bus route given that it was never our understanding on purchasing the house that the road would ever open. *(Columbine Road resident)*

9. I believe the road should be closed. It was illegally opened and without consulting the public in some parts of Hamilton.
10. There is a pathway that runs through the road, it should not be used as a road, closing it is much safer.
11. Decision to close needs to be made asap.

c) Cllr Shah's survey.

Cllr Ramilla Shah (a ward councillor) has also surveyed Hamilton ward. She has provided 78 voting slips from residents voting as follows:

Option 1	Close the road at the footpath/cycleway	68
Option 2	Leave the road open, with no change	6
Option 3	Leave the road open, with a toucan crossing	4

Andy Thomas
 Head of City Development
 21 May 2008

Key Decision	No
Reason	N/A
Appeared in Forward Plan	N/A
Executive or Council Decision	Executive (Cabinet)