

DRAFT

AGENDA ITEM NO #

JOINT TRANSPORTATION BOARD

10 JUNE 2008

Subject: **Mill Lane, Beltinge – Proposed Prohibition of Driving**

Director/Head of Service: Head of Transportation and Development

Decision Issues: These matters are within the authority of the Kent Highway Services Head of Network Management

Decision: Non-key

CCC Ward/KCC Division: Herne and Broomfield / Herne Bay

Summary: *The report offers a solution to overcome the proposed traffic order that was deferred in November*

**To Recommend/
Consider** **That the Kent County Council (Mill Lane, Beltinge) (Prohibition of Driving) Order 2008 be made over the following length of road:**

Mill Lane, Beltinge from a point 27m south of its junction with Margate Road to the southern extremity of the road.

Classification: THIS REPORT IS OPEN TO THE PUBLIC

SUPPORTING INFORMATION

Introduction

1. Members may recall that this matter was brought before the Board in November 2007 and was deferred pending further advice from the City Council planners. A meeting between the planners, the county council's development engineers and the developer took place in April and a possible compromise has been proposed.

History

2. The Development Brief for the residential development north of Thanet Way and west of Margate Road including making Mill Lane (north) a cycleway/footway. This was to be achieved by a Traffic Regulation Order prohibiting all motor vehicles.

3. During the consultation process an objection was received from an adjoining land owner. This was on the grounds that the Order would prevent him accessing his land. The land currently appears to be used for occasional grazing.

4. The objector had applied for planning consent for a new house accessed from the section of Mill Lane on which it is proposed to introduce the prohibition of all motor vehicles. The planning application was refused and the applicant appealed against the refusal.

5. The compromise proposed in November was to reduce the length of the restriction to permit access to the landowner's land via his northern most access. However this would still have prohibited driving along the remainder of the road and was not considered sufficient to prompt the landowner to withdraw his objection.

Current Situation

6. The landowner has constructed a number of accesses onto his land from Mill Lane and the only feasible way of maintaining vehicular access to all of these is to exempt him from the proposed traffic order. This permits the developer to meet the terms of the planning consent whilst overcoming the objection of the landowner. The planning consent was granted on appeal.

7. The landowner was asked to withdraw his objection by 20 May as his objection has now been overcome, but has not withdrawn it.

8. The policy, consultation and implications background is contained in appendix 1.

Options available

9. To make the traffic order as proposed in November notwithstanding the objection of the landowner. This would allow all vehicles to drive to the most northerly of the accesses onto the land to the west of Mill Lane, but no further south.

10. To make the same traffic order with a stated exemption for the landowner to drive to all of his accesses. This would reduce the effect of the footway / cycleway that was intended by the development brief.

11. To abandon the traffic order which would put the developer in breach of his planning permission but would not reduce vehicular access to the land to the west of Mill Lane. This would potentially create an additional route for residents from the new development onto Margate Road and would increase traffic in Mill Lane.

Conclusions

12. The planning permission required the developer to create a footpath and cycle path in Mill Lane. This can best be achieved by making the Prohibition of Driving order over the southern end of the road as proposed in November and not giving the exemption to the landowner as this would compromise the safety of pedestrians and cyclists.

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POLICY, CONSULTATION AND IMPLICATIONS BACKGROUND

1. Relevant Council Policy/Strategies/Budgetary Documents

There are no specific policies to cover this proposal.

2. Consultation

(a) Statutory consultation was undertaken prior to the report on this matter in November. This generated an objection from the landowner to the west of Mill Lane.

(b) Views of Ward members

City Councillor Peter Vickery Jones:

“Thank you for the recent information regarding the above proposal upon which I have the following comments. As a Ward Councillor for Herne & Broomfield and as portfolio holder for Community Safety I most forcefully object to the possible ‘compromise’ suggested by way of a solution to the adjacent land owner Mr Sand’s demands to have multiple access points to his land. My objections are on the following grounds

“(1) to allow access solely to Mr Sands would leave the arrangement open to all sorts of abuse particularly as Mr Sands has not demonstrated at any time any willingness to work with KCC to reach an agreement.

“(2) the safety implications following on from that are extremely concerning given that this restriction is intended to allow pedestrians and cyclists to travel safely to and fro without the randomness of occasional vehicular traffic, possibly HGVs this at a time when we are all trying to encourage walking and cycling.

“(3) Access to the land is perfectly provided for at the existing access gate in Mill Lane adjacent to Margate road which renders the recent additional access point created approx 50 metres down Mill lane from the junction with Margate Road, within the last 18 months, unnecessary and only of nuisance value. This, quite apart from the access being provided on to the land by the Tal Mead Estate developers albeit with the possibility of a ‘ransom strip’ it is still a viable option even without the other access.

“Mr Sands has attempted to gain planning permission to develop this land and has failed both with City Council and with the Planning Inspectorate which would be reasonable grounds to infer why he is being so obdurate. From what I have established, all Officers have worked hard to reach an agreement with Mr Sands who appears to have no intention of agreeing with anything. With that in mind and the fact that perfectly acceptable access is available to Mr Sands I would reiterate my most determined opposition to seeking a compromise and to restrict the road with the safety of all residents as the paramount consideration.”

County Councillor Alan Marsh: Support recommendation

3. Implications

(a) Financial Implications

The TRO is funded from the developer of the Talmead site.

(b) Staffing/Resource Implications

The work is being undertaken using existing staff resources.

(c) Property Portfolio Implications

None identified.

(d) Legal Implications

If the traffic order is agreed, it needs to be confirmed by statutory legal processes.

(e) Environmental/Sustainability Implications

None identified.

(f) Planning Implications

These are discussed in the main body of the report

(g) Human Rights Issues (Legal)

None identified.

(h) Equalities

None identified.

(i) Crime and Disorder Implications

None identified.