



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	ST CLEMENTS AVENUE Statutory advertisement of a bus gate
<b>Cabinet Member:</b>	Cllr Osman Dervish Environment, Regulatory Services and Community Safety
<b>CMT Lead:</b>	Steve Moore
<b>Report Author and contact details:</b>	Mark Philpotts Principal Engineer Streetcare 01708 433751 mark.philpotts@havering.gov.uk
<b>Policy context:</b>	Havering Local Development Framework (2008)  Havering Local Implementation Plan 2014/15 – 2016/17 Three Year Delivery Plan (2013)
<b>Financial summary:</b>	The estimated cost of £750 for the advertisement of the bus gate proposals will be met by the developer through fees secured with the an agreement made under S38 & S278 of the Highways Act 1980.
<b>Relevant OSC:</b>	Environment
<b>Is this decision exempt from being called-in?</b>	No

### The subject matter of this report deals with the following Council Objectives

Havering will be clean and its environment will be cared for	<input checked="" type="checkbox"/>
People will be safe, in their homes and in the community	<input checked="" type="checkbox"/>
Residents will be proud to live in Havering	<input type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

This Executive Decision approves the statutory advertisement and public consultation of a proposal for a bus gate on St Clements Avenue between Elderberry Close and Scotspine Lane.

This proposal is in support of Condition 30 of the planning consent for the redevelopment of the former Harold Wood Hospital site (reference P0702.08), an agreement made under S106 of the Town & Country Planning Act 1990, and an agreement made under S38 & S278 of the Highways Act 1980.

### AUTHORITY UNDER WHICH DECISION IS MADE

Council's Constitution

Part 3, Section 3.6.3, paragraph (r)

To approve local highway management schemes in principle for public consultation.

### STATEMENT OF THE REASONS FOR THE DECISION

The redevelopment of the former Harold Wood Hospital site includes a new road between Gubbins Lane and Nightingale Crescent (St Clements Avenue).

Condition 30 of the planning consent granted for the development (planning reference P0702.08) requires the establishment of a bus gate to prevent the use of the new road by through traffic, but to allow a future bus route through the site to be provided by Transport for London. The Condition states;

*Before the commencement of the development a scheme showing details of the design, location and operation of the bus lane and bus gate shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and fully available for use prior to the occupation of no more than 405 of the dwellings and permanently retained thereafter.*

*Reason:*

*To ensure that appropriate infrastructure is provided to support a bus route through the site, to ensure that a through route for motor cars is prevented and to reduce reliance on the motor car for travel to the site and so that the development accords with Development Control Policies Development Plan Document Policy DC32.*

The S106 agreement relating to the consent defines the Bus Gate and provides a Bus Gate Enforcement Contribution as follows;

## Non-key Executive Decision

### *Bus Gate*

*A traffic feature to restrict the through passage of vehicles from Gubbins Lane to Nightingale Crescent with the exceptions of those vehicles permitted by the Council to include the Bus Service.*

### *Bus Gate Enforcement Contribution*

*The sum of £85,000 or such lower sum as may be agreed by the Council in consultation with Transport for London to provide and thereafter maintain either a CCTV camera system or such other alternative system as the Council shall determine appropriate in consultation with Transport for London in order to enforce and manage the operation of the Bus Gate and use of the Bus Link.*

Staff have been in consultation with the developer, Countryside, on the form and layout of the bus gate which would be monitored using a static camera and using the Council's powers to enforce moving traffic contraventions.

The physical works for the bus gate are positioned between Elderberry Close and Scotspine Lane and are largely complete, but the road at the bus gate remains under the developer's control and is currently physically closed. The road will be adopted by the Council in due course and this is covered by a S38/S278 agreement.

In order to take this matter forward, proposals to establish an enforceable bus gate will need to be formally advertised and any objections received referred to the Highways Advisory Committee for consideration and then a recommendation made to the Cabinet Member for Environment, Regulatory Services & Community Safety.

The traffic management order for the bus gate would contain exemptions for emergency service vehicles, refuse collection vehicles, public service vehicles (performing statutory tasks) and pedal cycles.

A general location plan is attached, Drawing QF017/QK001/2016 and a more detailed layout is shown on the developer's Drawing A082406/BUS/SK01.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

The alternative option to do nothing was considered, but not considered appropriate given the requirements of the planning consent and S106 agreement.

## **PRE-DECISION CONSULTATION**

None.

Non-key Executive Decision

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Mark Philpotts

Designation: Principal Engineer

Signature:

A handwritten signature in black ink, appearing to read 'M Philpotts', with a small dot at the end.

Date: 24<sup>th</sup> March 2017

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council's power to make an order regulating or controlling vehicular traffic on roads is set out in section 6 of Part I of the Road Traffic Regulation Act 1984 ("RTRA 1984"). Schedule 1 of the RTRA 1984 lists those matters as to which orders can be made under section 6. These include:

*'For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times (Schedule 1 Section 2 RTRA 1984);*

*'The erection or placing or the removal of any works or objects likely to hinder the free circulation of traffic in any street or likely to cause danger to passengers or vehicles (Schedule 1 Section 19 RTRA 1984).'*

The installation of a bus gate and a restriction on vehicles of a particular class from using a road is compliant with the Council's powers under the RTRA 1984.

Before an Order is made, the Council should ensure that the statutory procedures set out in the Local Authorities Traffic Orders (Procedure)(England & Wales) Regulations 1996 (SI 1996/2489) are complied with. The Traffic Signs Regulations and General Directions 2002 as amended by the Traffic Signs Regulations and General Directions 2016 govern road traffic signs and road markings.

Section 122 RTRA 1984 imposes a general duty on local authorities when exercising functions under the RTRA. It provides, insofar as is material, 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. This statutory duty must be balanced with any concerns received over the implementation of the proposals.

In considering any responses received during consultation, the Council must ensure that full consideration of all representations is given including those which do not accord with the officers recommendation. The Council must be satisfied that any objections to the proposals were taken into account.

In considering any consultation responses, the Council must balance the concerns of any objectors with the statutory duty under section 122 RTRA 1984.

The Council's power to adopt new road as highway maintainable at public expense is contained within section 38 of the Highways Act 1980. With the consent of the land owner and subject to the new road being made-up to an adoptable standard, to the satisfaction of the Council as Highway Authority, the new road can be dedicated and adopted by agreement.

## Non-key Executive Decision

Section 106 of the Town Planning Act 1990 (as amended) ("TCPA 1990") enables the Council to enter into an agreement with a person with an interest in land to regulate the use of the land, including amelioration of development impacts. Financial contributions can be received under the provisions of a Section 106 agreement for works to the public highway. The Council has received monies under the provisions of s106 for the purpose of carrying out the proposed works.

Section 278 of the Highways Act 1980 enables the Council to enter into agreements with developers (in order to facilitate development) for the developer to either pay for, or make alterations or improvements to, the highway at the developer's expense.

The pre-conditions for an agreement under s278 are first, that the Council should be satisfied that it will be of benefit to the public to enter into the agreement for the execution of the works and, second that the works must be such that they fall within the Councils powers of road building, improvement or maintenance.

The Council is satisfied that the proposed works will be of benefit to the public in terms of enabling a future bus service to be provided through the development without allowing it to become a bypass of those roads provided to deal with through traffic, such as the A12; and the works are compliant with the Councils powers under the RTRA 1984.

Alex O'Dwyer  
Legal Services

### **FINANCIAL IMPLICATIONS AND RISKS**

The estimated cost of £750 for the advertisement of the bus gate proposals will be met by the developer through fees secured with the S38/S278 agreement for the scheme. The full costs for the scheme implementation will also be met by the developer through the S106 agreement and these shall be presented to the Highways Advisory and in any recommendation to the Cabinet Member thereafter.

Paresh Shah  
Principal Accountant

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

None arising from this decision.

Geraldine Minchin  
Strategic HR Partner

Non-key Executive Decision

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed: 

Name: Dipti Patel

Designation: Assistant Director of Environment


Date: 19/4/17

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration Manager, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 26/4/17

Signed 

Non-key Executive Decision

**EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

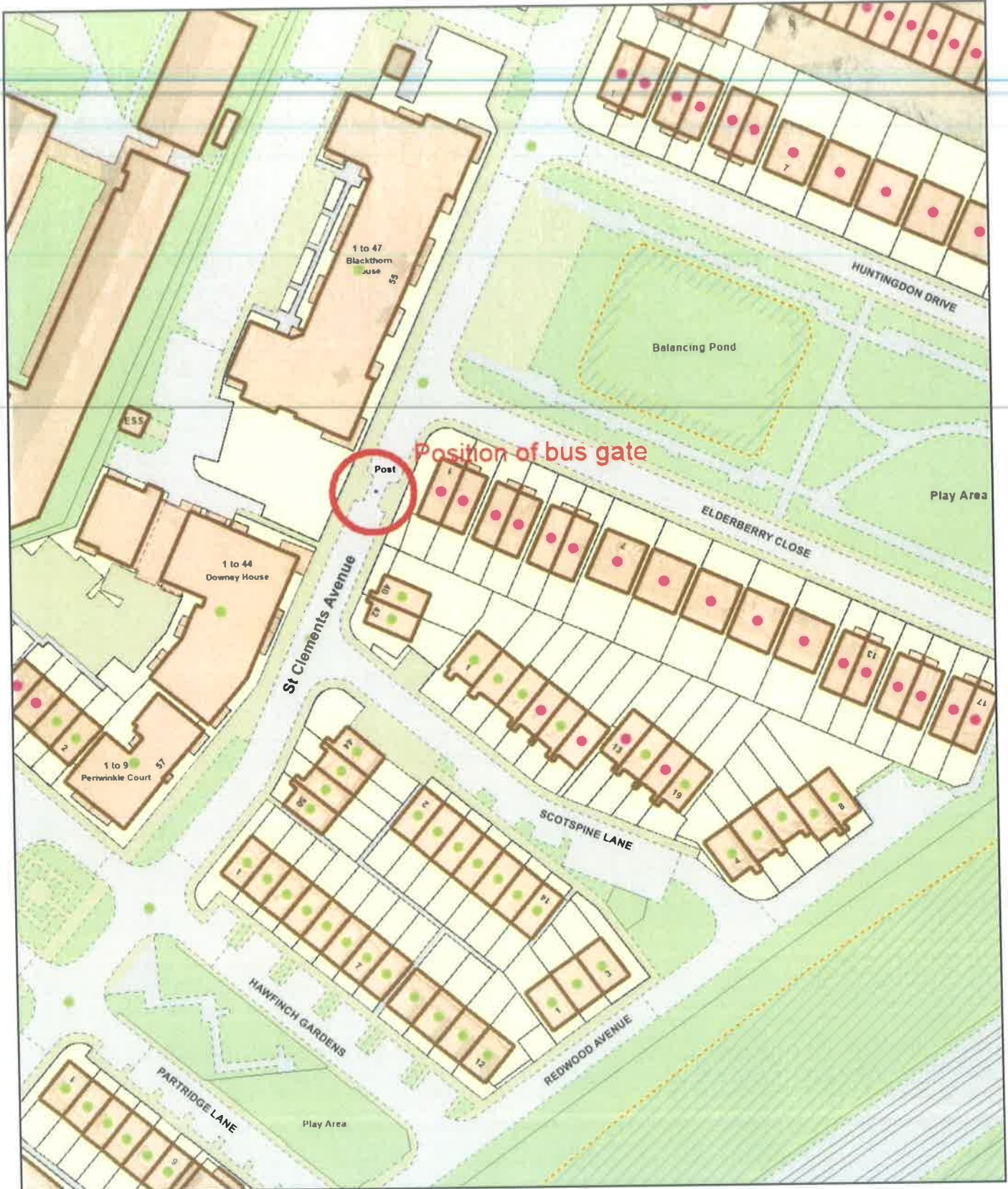
The Council has a general duty under the Equality Act 2010 to ensure that its highway network is accessible to all users. Where infrastructure is provided or substantially upgraded, reasonable adjustments should be made to improve access. In considering the impacts and making improvements for people with protected characteristics (mainly, but not limited to disabled people, the young and older people), this will assist the Council in meeting its duty under the Act.

**BACKGROUND PAPERS**

~~Project Scheme File Ref: QF017 Harold Wood Hospital (Final Phase)~~

None



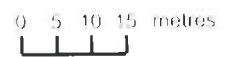


St Clements Avenue, Proposed Bus Gate

QF017/SK001/2016



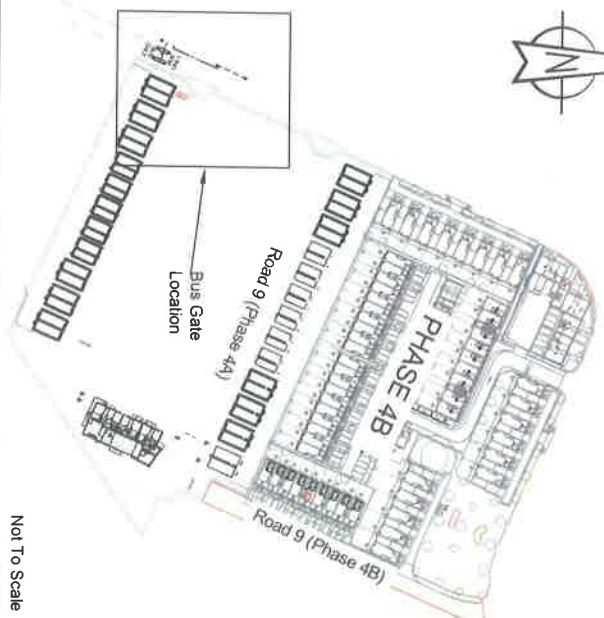
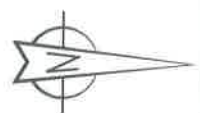
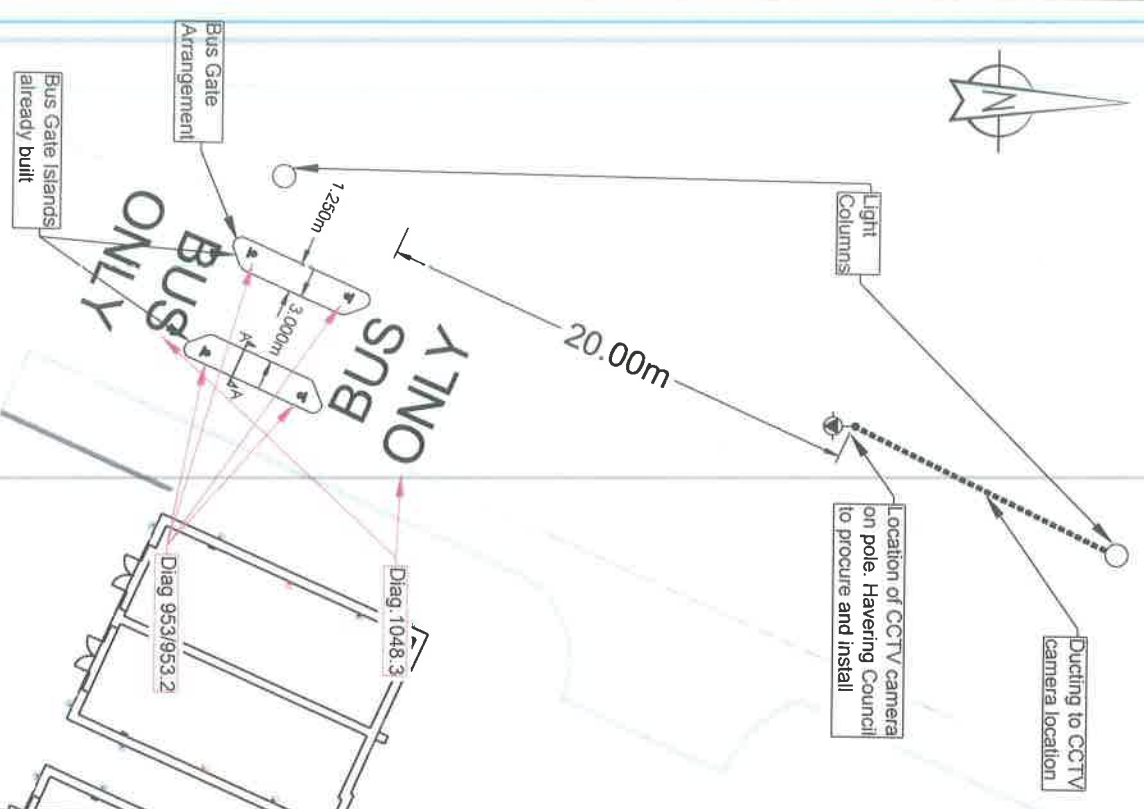
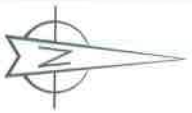
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Date: 26 September 2016



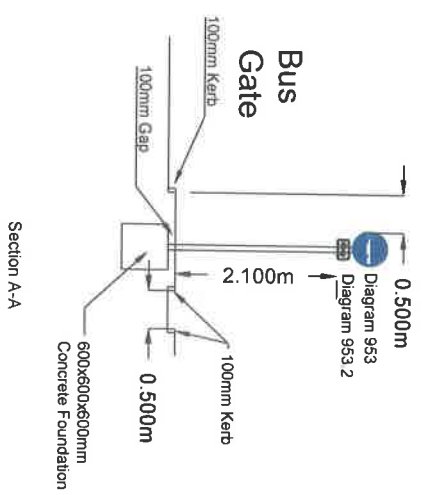
London Borough of Havering  
Town Hall, Main Road  
Romford, RM1 3BD  
Tel: 01708 434343

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Ordnance Survey 100024327





Not To Scale



Section A-A

Pole and foundation dimensions



Diag 953: Route for use by buses and pedal cycles only. Diameter: 0.450m  
Diag 953.2 Explanatory plate for the above sign.

CLIENT	Countryside Properties
PROJECT	Harold Wood Development
DRAWING TITLE	Bus Gate
SCALE	1:200
DRAWN	JM
CHECKED	JN
DATE	17.05.16
SHEET REF.	A3

WYG Transport  
100 St. John Street, London, EC1M 4EH  
T 0207 260 7900 F 0207 260 7901 E transport@wyg.com



A082406\_BUS\_SK01 A

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