



HIGHWAYS ADVISORY COMMITTEE

6 February 2018

Subject Heading:

**31 HIGH STREET, HORNCHURCH
BANNED RIGHT TURNS**
Outcome of statutory advertisement

SLT Lead:

Dipti Patel

Report Author and contact details:

Mark Philpotts
Principal Engineer
01708 433751

Policy context:

mark.philpotts@havering.gov.uk
Havering Local Development Framework
(2008)
Havering Local Implementation Plan
2017/18 Delivery Plan

Financial summary:

The estimated cost of £0.002m for implementation will be met by the developer of 31 High Street, Hornchurch, through fees secured with an agreement made under S278 of the Highways Act 1980. (A24020///602637)

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

[X]
[X]
[]
[X]

SUMMARY

This report sets out the responses to the public advertisement of proposed banned right turns into and out of a redevelopment of 31 High Street, Hornchurch. The bans are sought in pursuance of a condition of the site's planning consent.

The scheme is within **St. Andrews** ward.

RECOMMENDATIONS

1. That the Committee having considered the report and the representations made recommends to the Cabinet Member for Environment & Community Safety that the banned right turns set out in this report and shown on Drawing 16/0705/SK04B are implemented.
2. That it be noted that the estimated cost of £0.002m for implementation will be met by the developer of 31 High Street, Hornchurch, through fees secured with an agreement made under S278 of the Highways Act 1980.
3. That it be noted that the banned right turns set out in this report will be enforced by the Council.

REPORT DETAIL

1.0 Background

- 1.1 The redevelopment of 31 High Street for a food supermarket includes the closure of an existing vehicular access and the remodelling of another vehicular access to permit two-way traffic movements.
- 1.2 Condition 36 of the planning consent granted for the development (planning reference P1373.16) requires the provision of 'left-turn only access' which is a de facto prohibition of right turns into and out of the site;

The proposed retail store shall not open to customers until a detailed scheme for additional road signage and road markings to enforce the site entrance turning restrictions has been submitted to and approved in writing by the Local Planning Authority. Prior to the retail store opening to customers, the 'left-turn only' site access arrangement, as indicated on drawing no. 16/0705/SK04, and agreed signage and road markings shall be

installed to the full satisfaction of the Local Planning Authority and thereafter maintained.

- 1.3 To enable the Council to enforce the proposed banned turns, there is a S106 contribution from the developer of £15,000 towards the procurement and establishment of CCTV to complement the Council's existing moving traffic contraventions (MTC) enforcement operations. The sum is due to be paid prior to occupation of the development.
- 1.4 In order that the banned turns may be lawfully established and enforced, a traffic management order (TMO) is required. Before a decision can be taken on their implementation, TMOs have to be publicly advertised.
- 1.5 The proposals for the banned right turns were advertised on 8th December 2017 and a period of 21 days was provided for written representations to be provided. A site notice was also placed and information provided to statutory consultees, ward and HAC members, plus the developer of 31 High Street.

2.0 Outcome of Statutory Advertisement

- 2.1 By the close of consultation, 9 responses were received with 2 from councillors and 7 from residents.
- 2.2 One councillor suggested that enforcement would be required and perhaps a mini-roundabout would have been a better access treatment. Staff confirmed that the banned turns would be enforced and as a supplemental question, the councillor asked if warning notices would be sent first. The other councillor sought clarification on how the banned right turns requirement came into being as there were some local concerns about its impact.
- 2.3 The 7 resident responses were all in objection, citing a number of issues;
 - The banned turns will lead to an increase in traffic using Appleton Way and especially Abbs Cross Gardens,
 - Right turns should be permitted as the bans will lead to additional congestion as people divert,
 - The store should exit onto Keswick Avenue,
 - Comments in response to an unrelated parking scheme consultation.

3.0 Staff Comments

- 3.1 The form of the access is subject to the planning consent and its arrangement followed a decision taken by the Regulatory Services Committee. Current guidance is that mini-roundabouts should not be used to serve private developments. Staff confirm that the banned turns would be

camera-enforced and warning notices sent to those contravening the bans for a short initial period.

- 3.2 The matter of the banned right turns into and out of the site came as a result of the deliberations of the Regulatory Services Committee. At its meetings of 22nd December 2016 and 2nd February 2017, the committee deferred a decision on the planning application for a variety of reasons including concerns about the potential for the development to impact on traffic flow.
- 3.3 At the meeting of 16th March 2017, sufficient information had been provided and progress made with the development's access design so that planning consent could be granted. This consent provides for the banned turns condition and S106 funding towards MTC enforcement.
- 3.4 Staff agree that the scheme might lead to some displaced traffic and people diverting in such a way as to access/ exit the store in order to comply with the banned turns and to proceed in their desired direction. However, the Regulatory Services Committee has determined that the development requires the bans, taking into account the impact on the local highway network.

IMPLICATIONS AND RISKS

Financial implications and risks:

This report is asking HAC to recommend to the Cabinet Member the implementation of the above scheme

The estimated cost of £0.002m for implementation will be met by the developer of 31 High Street, Hornchurch, through fees secured with an agreement made under S278 of the Highways Act 1980. (A24020///602637)

The costs shown are an estimate of the full costs of the scheme, should all proposals be implemented. It should be noted that subject to the recommendations of the committee a final decision then would be made by the Lead Member – as regards actual implementation and scheme detail. Therefore, final costs are subject to change.

This is a standard project for Environment and there is no expectation that the works cannot be contained within the cost estimate. There is an element of contingency built into the financial estimate. In the unlikely event of an overspend, the balance would need to be contained within the overall Environment Revenue budget.

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 the places where vehicles, or vehicles of any class, may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the order.'

The prohibition of right turns 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 & 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.

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 preventing congestion at the improved vehicular access to 31 High Street; and the works are compliant with the Councils powers under the RTRA 1984.

Human Resources implications and risks:

None.

Equalities 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

None.