



# HIGHWAYS ADVISORY COMMITTEE

11 December 2012

# REPORT

**Subject Heading:**

**Report Author and contact details:**

**PARKING & LOADING  
ARRANGEMENTS AT 69-79 BUTTS  
GREEN ROAD**  
Outcome of public consultation  
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**The subject matter of this report deals with the following Council Objectives**

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

## SUMMARY

This report sets out the comments received in response to a public consultation on proposals to provide a loading and parking bay outside 77/79 Butts Green Road and a bus stop clearway outside 69/75 Butts Green Road in support of the implementation of a development at 77/79 Butts Green Road and seeks a recommendation to the Cabinet Member for Community Empowerment that the measures either be implemented or the Head of Streetcare proceeds with the design and consultation on an alternative layout.

This scheme is within **Emerson Park** ward.

## RECOMMENDATIONS

1. That the Committee either;
  - (i) Recommends to the Cabinet Member for Community Empowerment that the following measures be implemented as described in this report and shown on Drawing F9D08/135A(00)22F (Factor 9 Design); or;
  - (ii) Considers that the Head of StreetCare should proceed with the detailed design, advertisement and consultation on the alternative proposal as described in this report and shown on Drawing QH051/OF/101A and the outcome be reported to a future meeting.
  
2. That it be noted that the estimated cost of £20,000 for implementation will be met by Tesco Stores Limited secured by an agreement made under Section 106 of the Town & Country Planning Act 1990.

## REPORT DETAIL

### **1.0 Background**

- 1.1 Tesco Stores Ltd has planning consent for the erection of a single storey rear extension to the retail unit at 77/79 Butts Green Road.
- 1.2 A planning application was made under P1649.09 and refused by the Council. The reasons for refusal included the impact that the development would have on the operation of Butts Green Road and the immediate highway network and the impact of the development on adjacent premises. The applicant submitted an appeal to the Planning Inspectorate against the refusal.
- 1.3 The appeal was dismissed on the basis of impact that the development would have on the adjacent premises, but the Inspector commented on highway safety issues. In essence, there was concern that the local section of Butts Green Road would suffer from conflicts between parked cars, buses and service vehicles. The Inspector noted that the applicant had submitted a signed unilateral undertaking to fund a localised review of parking/ servicing provision and that this was sufficient to overcome the potential problems.

- 1.4 The scheme was adjusted by the applicant and resubmitted (P1495.11). The Council again refused consent on the basis of impact on adjacent premises and again, the applicant appealed.
- 1.5 The Planning Inspector allowed the appeal and gave planning consent for the development and imposed a number of conditions, including one to deal with the section of Butts Green Road fronting the site;

**Condition 7**

*Prior to the occupation of the development hereby permitted an area within the highway to the front of the site for the loading and unloading of delivery and service vehicles, shall be provided in accordance with a scheme that has been submitted to and approved in writing by the local planning authority. This approved area shall be permanently retained thereafter. There shall be no loading or unloading of goods from vehicles other than from within this approved area.*

- 1.6 In order to deal with the condition, a sum of £20k has been provided by Tesco Stores Ltd, so that the Council can review the parking arrangements on the highway outside the site and then agree and implement a scheme. A request to proceed with design and consultation on suitable measures was approved by the Highways Advisory Committee at its meeting of 14<sup>th</sup> August 2012 (Item H2, Highways Schemes Applications Schedule).
- 1.7 The area of highway in front of 69 to 79 Butts Green Road is currently unrestricted and there is a bus stop with shelter outside 77/79. Two photographs of the site are provided in Appendix I. This section of highway is also outside three other businesses (car sales, hairdresser and a construction hire shop).
- 1.9 The proposed layout attached to application P1495.11 showed the bus stop being relocated outside 69/75 with a clearway restriction and a single yellow line restriction in front of 77/79 which would permit loading. After discussion with staff, the layout was revised to replace the single yellow line restriction with a multi-use bay for loading and parking.
- 1.10 The proposed layout is shown on Drawing F9D08/135A(00)22F (Factor 9 Design) The multi-use bay was proposed to operate as follows;
- 10am to 2pm – loading as the Planning Inspector limited loading to the new store from 10am and not before (7 days a week).
  - 2pm to 6:30pm – pay and display parking (Monday to Saturday)
  - No restrictions would operate outside of these times
  - The proposal notice is reproduced within Appendix II.
- 1.11 Approximately 40 letters were hand-delivered to those potentially affected by the scheme and the immediate area on or just after 12<sup>th</sup> October 2012,

with a closing date of 2<sup>nd</sup> November 2012 for comments. A set of consultation information was also provided for standard consultees.

## **2.0 Outcome of Public Consultation**

2.1 By the close of public consultation, a response was received from Hornchurch Hire & Sales, which objected to the proposals as follows;

*We would like to object to the planning application for parking restrictions for the following reasons.*

1. *Why because Tesco are moving in should we have a bus stop moved to directly outside our premises so as to block any passers by seeing us.*
2. *The other proposal spoken about at a meeting in our shop gave us 3 parking/delivery spaces not the 2 in this proposal.*

*Also could you please clarify that our customers will be able to use the delivery bays between the hours of 10.00 and 14.00 at no cost.*

*Also why can't Tesco have there deliveries either before 07.00 or after 18.00 to ease parking as there are no flats above any of the shops.*

2.2 Tesco Stores Ltd and London Buses supported the proposals. Tesco Stores Ltd supported the provision of the multi-use bay in terms of loading and parking. London Buses supported the proposals as they would provide an accessible bus stop.

## **3.0 Staff Comments**

3.1 Given that planning consent for the development has been granted and is to be implemented, Staff are of the view that allocation of road space is needed to ensure the development can be served, parking access for the existing shops can be provided and access to the bus stop improved. This is in line with the comments made by the Planning Inspector and Condition 7 of the consent.

3.2 With the bus stop, staff are concerned that the existing situation has vehicles parking in such a way as to prevent buses accessing the stop and this is unlikely to improve with the store becoming operational.

3.3 In attempting to provide a layout that can satisfy the needs of the existing businesses, the development and those wishing to access bus services, Staff have met with interested parties on several occasions to try to reach agreement on a way forward.

3.4 During this process, Staff have proposed an alternative layout shown on Drawing QH051/OF/101A which keeps the bus stop in its current position, but with the footway built out into the carriageway. This would have the

effect of maximising the available space outside the existing businesses for loading and parking, although this option has not been the subject of formal advertisement. London Buses and Tesco Stores Ltd both support the alternative, although they would both prefer the layout subject to the current consultation.

- 3.5 The alternative layout would mean that stationary buses would hold following traffic, but as the stop would be fully accessible, waiting times would be kept to a minimum.
- 3.6 In terms of the comments made by Hornchurch Hire & Sales on the advertised proposal, Staff would confirm that the development is not permitted to load before 10am as set in the terms of its planning consent. Staff confirm that any person loading, could use the bay when loading times are in operation and at no cost.
- 3.7 The alternative option is referred to above and the committee could decide that this be formally consulted.
- 3.8 Given that Tesco Stores Ltd has a planning consent in place and there is an agreement to fund and implement a review of the parking, loading and bus stop arrangements. The Council cannot use its highways/ traffic management powers to frustrate development which has planning consent and the committee's attention is drawn to the legal implications below.

## IMPLICATIONS AND RISKS

### **Financial implications and risks:**

The estimated cost of £20,000 for implementation will be met by Tesco Stores Limited secured by an agreement made under Section 106 of the Town & Country Planning Act 1990.

This is a standard project for the Council 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 Council Streetcare budget.

### **Legal implications and risks:**

Parking and loading bays require advertisement and consultation before a decision can be taken on implementation.

Bus Stop Clearways do not require traffic orders, but Department for Transport guidance suggests that local consultations should take place.

Following the determination of the Supreme Court in R v Warwickshire County Council ex parte Powergen PLC 31<sup>st</sup> July 1997 it would not be appropriate for a

Local Authority to use its highway/traffic management powers to frustrate a development that has been granted planning permission, where that development proposal was subject to independent consideration by the Planning Inspectorate as that determination ...*"necessarily becomes the only properly tenable view on the issue of road safety and thus is determinative of the public benefit"*. The highway implications of the development have already been considered and found acceptable, but, there is allowance and flexibility in the final layout over which the Highways Advisory Committee has influence.

**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. 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.

The provision of fully accessible bus stops assists with making public transport more inclusive to all sectors of the community, but most especially disabled people and people using pushchairs. Accessible bus stops will be of benefit to people using wheelchairs, but also people who have walking, balance and dexterity difficulties; and blind and partially-sighted people.

Blue badge-holders are permitted to park in a pay-and-display parking bay for an unlimited length of time and without charge.

Loading restrictions do not allow parking by blue-badge holders, but are sometimes necessary in order to maintain traffic flow, traffic capacity or to improve road safety by preventing all parking in key locations.

**BACKGROUND PAPERS**

Project Scheme File Ref: QH051 77-79 Butts Green Road

Planning applications and subsequent appeals (P1649.09 and P1495.11)

**APPENDIX I  
SITE PHOTOGRAPHS**



**APPENDIX II  
NOTICE OF PROPOSAL**

**LONDON BOROUGH OF HAVERING**

**THE HAVERING (FREE LOADING PLACES) (NO. 1) (AMENDMENT NO. \*\*) ORDER 201\***

**THE HAVERING (PAY & DISPLAY PARKING PLACES) (NO. 3) (AMENDMENT NO. \*\*) ORDER 201\***

**THE HAVERING (BUS STOP CLEARWAY) (AMENDMENT NO. \*) TRAFFIC ORDER 201\***

1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Havering, hereinafter called the Council, propose to make the above-mentioned Orders under sections 6, 45, 46, 49, 84 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended.
2. The general effect of the Free Loading Places Order would be to designate a loading place, operative between 10.00 a.m. and 2.00 p.m. on Mondays to Sundays, on the length of street specified in Schedule 1 to this Notice, where vehicles may wait for the purpose of loading or unloading for a maximum period of 20 minutes and where return to that same loading place would be prohibited for 1 hour.
3. The general effect of the Pay & Display Parking Places Order would be to provide pay & display parking places, operative between 2.00 p.m. and 6.30 p.m. on Mondays to Saturdays inclusive, on the lengths of streets specified in Schedule 1 to this Notice at a cost of 20 pence for the first hour then £1.40 for up to 1 hour 30 minutes and £2.00 for the maximum period of two hours and where return to that same parking place would be prohibited for two hours.
4. The general effect of the Bus Stop Clearway Order would be to impose 'no stopping except buses' restrictions operative at any time on the length of street specified in Schedule 2 to this Notice.
5. Copies of the proposed Orders, of the Orders being amended, together with the Council's statement of reasons for proposing to make the Orders and plans showing the locations and effects of the Orders can be inspected until the end of six weeks from the date on which the Orders are made or as the case may be, the Council decides not to make the Orders, during normal office hours on Mondays to Fridays inclusive, at Traffic & Engineering, StreetCare, Mercury House, Mercury Gardens, Romford, Essex RM1 3DW.
6. Any person desiring to object to the proposals or make other representation should send a statement in writing of either their objection or representations and the grounds thereof to Mark Philpotts, Traffic & Engineering, StreetCare, Mercury House, Mercury Gardens, Romford, Essex RM1 3DW, quoting reference LBH/675 to arrive by 26 October 2012.



Dated 5 October 2012

**IAN BURNS**

Town Hall

*Acting Assistant Chief Executive*

Main Road

Romford RM1 3BD

**SCHEDULE 1**

**Butts Green Road**, the west side, from the common boundary of Nos. 75 and 77 Butts Green Road to the common boundary of Nos. 79 and 81 Butts Green Road.

**SCHEDULE 2**

**Butts Green Road**, the west side, from the northern kerb-line of Wykeham Avenue to the common boundary of Nos. 75 and 77 Butts Green Road.