

Decision Maker: Environment Portfolio Holder

**For Pre-decision Scrutiny by the Environment PDS
Committee on**

Date: 17th April 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **BRITTENDEN PARADE, GREEN STREET GREEN - OPTIONS
FOR MAKING UP FOR ADOPTION AS HIGHWAY
MAINTAINABLE AT PUBLIC EXPENSE**

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Chief Officer: Nigel Davies Director of Environmental Services

Ward: Chelsfield and Pratts Bottom

1. Reason for report

To set out a number of optional schemes, with costs, for the improvement of the footway or footway and carriageway in Brittenden Parade, Green Street Green. The approved scheme would be implemented at the Council's expense under the provisions of the Private Street Works Code contained in the Highways Act 1980 and subsequently adopting the works as highway maintainable at public expense.

2. **RECOMMENDATIONS**

- 2.1 The Portfolio Holder decide whether any of schemes A, B or C should be used as the basis for carrying out a referendum of the owners and occupiers of the retail and residential units situated in Brittenden Parade.
- 2.2 That a further report be submitted detailing the results of the referendum and, if appropriate, seeking a First Resolution under s.205(1) of the Highways Act 1980 for the implementation of the agreed scheme under the provisions of the Private Street Works Code contained in that Act.

Corporate Policy

1. Policy Status: Existing policy.
 2. BBB Priority: Quality Environment.
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Financial

1. Cost of proposal: Estimated cost Scheme A £12,000; Scheme B £14,050; Scheme C £48,000
 2. Ongoing costs: Non-recurring cost.
 3. Budget head/performance centre: TfL LIP funding 2012/13
 4. Total current budget for this head: £None specified at this moment in time
 5. Source of funding: TfL LIP Formula Funding 2012/13
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Staff

1. Number of staff (current and additional): 3
 2. If from existing staff resources, number of staff hours: 75
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Legal

1. Legal Requirement: No statutory requirement or Government guidance. No requirement at this stage but should a scheme proceed then the procedures are set out in legislation
 2. Call-in: Call-in is applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): all users of Brittenden Parade including 5 shops and 4 flats
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Yes.
2. Summary of Ward Councillors comments: One member has expressed support for Scheme C, with the reservation that perhaps only one lamp column would be needed. The suggestion was also made that perhaps the Council could look to the frontage owners for a contribution towards the cost of the works. No comments were received from the other ward members.

3. COMMENTARY

- 3.1 Brittenden Parade is an unadopted road, running off Glentrammon Road, near its junction with and parallel to Sevenoaks Road. As an unadopted road the Council is not responsible for its maintenance.
- 3.2 It is a cul-de-sac for vehicles and thus serves primarily as a parking area for the retail units in the Parade and probably the area generally.
- 3.3 It does link to the made up path that runs in front of other commercial units and the Waitrose store. There is thus effectively a continuous pedestrian link from Glentrammon Road to Waitrose and Sevenoaks Road/High Street beyond.
- 3.4 The commercial units in the Parade are currently fully occupied having a variety of occupiers such as a newsagent, an estate agent and a betting shop. The parking is well used and there is believed to be a significant footfall along the route between Glentrammon Road and Waitrose/Sevenoaks Road.
- 3.5 There are residential units above the shops in the Parade. It would not normally be the practice to include occupiers of units fronting the street in a referendum as the legislation dictates that the costs rest with the owners of the properties. However, in this case where the Council is proposing to bear the full cost of a scheme, it seems appropriate to include all occupiers both as a way of advising them of the Council's proposals and enabling them to have a say in what, if anything, should be done to improve conditions in the street.
- 3.6 The condition of the Parade, in terms of the surface of both the carriageway and the footway has deteriorated over the years to the extent that it is now the source of regular complaint.
- 3.7 The Environment Portfolio Holder has determined that priority should be given to consideration of a number of options for improvement of the Parade, with a view to carrying out a scheme at the Council's expense rather than recharging the costs to the frontage owners.
- 3.8 Attention is drawn to the fact that should Option C be pursued it may not find favour with the businesses/residents, as it would mean that Brittenden Parade would become adopted public highway. As such it would be available to the public at large and not just visitors to the shops. This is relevant because there is a sign at the entrance to the Parade at its junction with Glentrammon Road to the effect that the parking available is for the use of customers of the Parade only, and that unauthorised vehicles will be clamped. It is considered to be unlikely that this position is enforced, it being assumed that this is intended as a deterrent to all day parking. However, it would not be possible for such a sign to be displayed following adoption of any carriageway works by the Council.
- 3.9 To this end 4 options have been drawn up and costed. The options are shown on drawing no. ESD-10542-1 A and are as follows:

Option	Details	Estimated Cost	Pros	Cons
Do nothing	Footway & parking area remain in their current unmade state	Nil	Remains within current budget provision & priorities	Continued poor quality provision for users of shops in the parade
Scheme A	make up the footway in front of the retail units and link to the existing made up path beyond	£12,000	Improves pedestrian environment for visitors to shops and through route between Glentrammon Road and High Street via Waitrose at relatively little cost to the Council	There is no specific budget provision for this within the LIP, however officers are confident this could be found from agreed schemes which do not progress or are delivered for less than the projected budget
Scheme B	as Scheme A but with the inclusion of one street light	£14,000	Further improves Scheme A again at relatively little cost	As above
Scheme C	as Scheme B but with the inclusion of the making up of the carriageway, a further street light and the provision of surface water gullies, connections and a soakaway to drain the Parade	£48,000	Improves not only the pedestrian environment but also the parking environment, giving a more comprehensive improvement to the area generally	There is no budget provision for this within the LIP and officers are not confident this could be found. Likely reluctance of shopkeepers/residents to lose the ability to control parking in front of the units. Places a greater emphasis on the recovery of some of the cost from the frontage owners

3.10 The Portfolio Holder is requested to endorse implementation of one of these options at the Council's expense.

4. POLICY IMPLICATIONS

4.1 Policy T14 of the Unitary Development Plan(UDP) adopted in July 2006 says that unadopted highways will normally be considered for making up and adoption, as resources permit, only following a referendum conducted in each road, in which the owners of the majority length of frontage are in favour.

4.2 The Policy also indicates that the Council will, however the proposal for making up has arisen, conduct a referendum of frontagers, save in exceptional circumstances. These circumstances are suggested as being where there are overriding traffic or road safety considerations but even then it is suggested that the frontagers will still be consulted.

4.3 It is not considered that such exceptional circumstances prevail in this case and consequently it is recommended that a referendum be carried out.

5. FINANCIAL IMPLICATIONS

5.1 At this stage no funding for any of the options has been set aside for this project. However, in the event that a scheme is supported by Members, residents and businesses funding options will be presented to this committee at the time approval for the First Resolution is sought. For clarification at this stage it is intended that any scheme would be funded by monies associated with the Local Improvement Plan (LIP) budget rather than from Council revenue.

6. LEGAL IMPLICATIONS

6.1 The making up and adoption of unmade highways is regulated by the Private Street Works Code contained in the Highways Act 1980. This involves the Council following the procedures set out therein requiring a First Resolution to approve the principle of an improvement scheme and subsequently a Resolution of Approval for the detailed design thereof. Following this the Council would serve Notices of Provisional Apportionment on the owners of the properties having a frontage to Brittenden Parade. As it is the Council's intention in this case to meet the full costs of any works without charge to the frontage owners, these Notices will show 'nil' street works costs. This means that the frontage owners will not be able to raise objections to the proposals on financial grounds, but may choose to pursue objections on other grounds.

6.2 Any objections which could not be resolved by negotiation would have to be referred to the Magistrates Court for determination, which could delay the scheme and thus jeopardise the availability of external financial provision.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	