

Decision Maker: Environment Portfolio Holder

For pre-decision scrutiny by Environment PDS Committee on

Date: 25 September 2012

Decision Type: Non-Urgent Executive Non-Key

Title: **BRITTENDEN PARADE, GREEN STREET GREEN - PROPOSED MAKING UP**

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Chief Officer: Nigel Davies, Director of Environmental Services

Ward: Chelsfield and Pratts Bottom

1. Reason for report

To receive the results of the referendum carried out into the making up of Brittenden Parade for adoption by the Council and to agree the way forward.

2. **RECOMMENDATION(S):** That the Environment Portfolio Holder

2.1 Approves the layout for Brittenden Parade as shown on drawing no. ESD-10542-3

2.2 Makes a First Resolution under s.205(1) of the Highways Act 1980 in respect of Brittenden Parade as follows:

The Council do hereby declare that Brittenden Parade, Green Street Green is not sewered, levelled, paved, metalled, flagged, channelled, made good and lighted to its satisfaction and therefore resolve to execute street works therein, under the provisions of the Private Street Works Code as set out in the Highways Act 1980.

Schedule of Works

From the junction with Glentrammon Road to the north to a point some 45.0m south where the street terminates outside no. 5 Brittenden Parade, as more particularly shown on drawing no. ESD-10542-3

Corporate Policy

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

1. Cost of proposal: Estimated cost £48k:
 2. Ongoing costs: Non-Recurring Cost
 3. Budget head/performance centre: TfL LIP Funding 2012/13 – Network Infrastructure and Local Transport Priorities
 4. Total current budget for this head: £405,000 for the former, of which £18k set aside for this scheme; £100k for the latter, of which £30k is set aside for this scheme
 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: Private Street Works Code contained in the Highways Act 1980
 2. Call-in: 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 5 flats
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Councillor Grainger has commented that the proposed works need to be considered in light of the Green Street Green parking review.

3. COMMENTARY

- 3.1 At its meeting on 17th April 2012 the Environment PDS Committee agreed to recommend that the Environment Portfolio Holder agree to take forward Scheme C (of the options put forward), for consultation with the landowner(s). However, the Portfolio Holder considered that an additional round of consultation was not necessary, and agreed instead to proceed with a referendum of the owners and occupiers of the retail and residential units in Brittenden Parade.
- 3.2 A referendum of the owners and occupiers of the retail and residential units situated in Brittenden Parade elicited the following responses. It should be noted that the referendum letter made it clear that the absence of a response would be treated as a vote in favour by the Council.

	No. of referendum letters sent out	No. of responses received
Frontage Owners	5 (plus 1 for information only)	3 (60%)
Shopkeepers	5	0 (0%)
Residential Occupiers	5	2 (40%)

- 3.3 The position, as far as frontage ownership in respect of the Council's interests in a scheme for making up the street for adoption, is as follows:

'Extra Commercium' frontage (payable by the Council)	11.50m	10% of total length of 117.75m
Council owned frontage (payable by the Council)	52.50m	45% of total length of 117.75m

- 3.4 This means that the Council has an overriding frontage interest (55%) in the scheme and is able to out-vote the views of other frontage holders if it so chooses.

3.5 The results of the referendum were as follows:

	No. of properties	% of total no. of properties	Length of frontage (m)	% total of frontage
Owners favouring making up	2	40	13.25	11
Owners not favouring making up	0	-	-	-
Owners not replying or expressing a view	3 (Agents acted for one property, but did not express a view)	60	38	32
Owners with flank frontage informed only	1	-	2.5	2
'Shopkeepers' favouring making up	0	-	-	-
'Shopkeepers' not favouring making up	0	-	-	-
'Shopkeepers' not replying or expressing a view	5	100	-	-
Occupiers favouring making up	2 1(20%) favoured making up subject to parking issues being addressed	40	-	-
Occupiers not favouring making up	0	-	-	-
Occupiers not replying or expressing a view	3	60	-	-

Summary

- 3.6 On the basis of the results received, and assuming the Council is in favour of the scheme, then there are no objections.
- 3.7 The conditional support of one occupier requires consideration to be given to future parking controls.
- 3.8 The Green Street Green Village Society has written to remind the Council of their long-running campaign for such improvements and expressing its support for the proposals.

4. POLICY IMPLICATIONS

- 4.1 The referendum has been carried out so as to accord with the policy adopted by the Council for Private Street Works.

5. FINANCIAL IMPLICATIONS

- 5.1 At this stage it is anticipated that the funds for this scheme (estimated at around £48k) will be met from the 2012/13 LIP budget, which is funded by Transport for London.
- 5.2 More specific details will be provided when approval is sought for the Resolution of Approval, together with a detailed estimate of the cost of constructing the scheme and funding.

6. LEGAL IMPLICATIONS

- 6.1 The Council must proceed under the requirements of the Private Street Works Code, which will involve serving Notices of Provisional Apportionment on the frontage owners. Because of the intention that the full cost of the scheme will be met 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 proposal 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.

Non-Applicable Sections:	Personnel
Background Documents: (Access via Contact Officer)	Environment PDS Committee 17/04/2012 report and minutes; Portfolio Holder for the Environment Executive Decision 09/05/2012