

DECISION-MAKER:	CABINET		
SUBJECT:	OBJECTIONS TO WAITING RESTRICTIONS OUTSIDE 278-282 BURGESS ROAD (TRO)		
DATE OF DECISION:	15 MARCH 2010		
REPORT OF:	HEAD OF HIGHWAYS AND PARKING SERVICES		
AUTHOR:	Name:	Roger Mortimer	Tel: 023 8091 7589
	E-mail:	roger.mortimer@southampton.gov.uk	

SUMMARY

There are currently two objections outstanding to a proposed "No Waiting at Any Time" restriction outside 280 and 282 Burgess Road, in association with a loading Bay outside the Tesco Express store at 278. A modified proposal that would satisfy these objectors has met with an objection from another party. The objections are now submitted to Cabinet for consideration and determination.

RECOMMENDATIONS:

- (i) To consider the outstanding objections to the proposed "No Waiting at Any Time" restriction and determine whether the length of this restriction should be 5m or 10m.

REASONS FOR REPORT RECOMMENDATIONS

1. To fulfil the Council's obligation to consult upon proposals and consider objections.
2. To enable the proposed loading bay to proceed together with an appropriate length of "No Waiting at Any Time" restriction.

CONSULTATION

3. The proposals were originally advertised through a public notice in accordance with the legal procedure for Traffic Regulation Orders and subsequent consultations were carried out by letter and e-mail with the interested parties.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

4. Locate the loading bay across the frontages of numbers to 280 and 282 without any additional "No Waiting at Any Time" restriction. This would save two parking spaces but would add to visibility problems at the vehicular access to Swaythling Methodist Church.

Do nothing -- this would not address potential safety and congestion issues or fulfil the aims of the delivery plan for the site.

DETAIL

5. On 18 February 2008, planning permission was given for the enlargement of the former One Stop convenience store at 278 Burgess Road, together with alterations to the shop front. Later that year, the enlarged premises were reopened as a Tesco Express and a proposal was advertised to introduce a loading bay outside the store together with a short length of "No Waiting at

Any Time" restriction, as shown on the attached plan PL01. This proposal had been prepared in accordance with a delivery plan agreed by the Council with the developer.

6. The bay would be reserved for loading and unloading by goods vehicles between 8 am and 1 pm every day, while serving as an unrestricted parking area the rest of the time. The purpose of the waiting restriction was to keep the area around the Methodist Church access clear of parked vehicles and to give easier access for delivery lorries to the parking bay.
7. Two objections were received to this proposal, from Mr W Sheppard of 280 Burgess Road and C R Bayley of 381, as shown in Appendix 1. Both objectors are concerned that the proposed "No Waiting at Any Time" restriction would make the shortage of parking for residents in this area worse than it already is. They do not object to the loading bay itself.
8. C R Bayley's objection includes a suggestion that this restriction should be reduced to leave a single parking space rather than taking away two as proposed. Officers considered that the concerns of both objectors were understandable and that the suggestion of shortening the proposed restriction (so as to leave a single car space between the end of the restriction and the loading bay) was a reasonable one. However, it would require further consultation with interested parties as it would be a departure from the advertised proposal.
9. Consultations were undertaken accordingly and no objection was received from Mr Sheppard. However, there was one from Mr P Tillotson, facilities manager of Swaythling Methodist Church, who lives at 282 Burgess Road adjacent to the church. The church's vehicular access also serves his address as well as the church's 15 space car park and his concerns are set out in Appendix 2.
10. He is opposed to any shortening of the proposed restriction unless it is accompanied by a loading ban, extending for some 30m in all across the front of the church to the existing bus stop. He feels that this would help to keep the church access clear and make the situation safer for drivers emerging from it. Without an additional restriction of this kind, loading and unloading for short periods on the yellow lines would not be illegal.
11. Such a loading ban formed no part of the advertised proposals and could not be implemented without a further Traffic Regulation Order. In a situation very close to a busy convenience store, it would require a constant enforcement presence to make it effective. In practice, that would not be feasible and the restriction would fall into disrepute. Officers consider the advertised proposal, but with a reduced length of "No Waiting at Any Time" as discussed above, to be the most appropriate response to the issues at this site.
12. The need for the loading bay is supported by recent comments from Tesco themselves in the light of experience at the site. They state that loading cages are currently being pulled up the hill to the store from outside the church. "This is some 30m extra distance across a church car park crossover, up a severe gradient. Cages can weigh up to half a tonne and are prone to roll away. Greater potential for accident with pedestrians and staff. This area is very heavily populated with pedestrians (students etc)." Delivery vehicles

currently wait on the double yellow lines and block visibility for the bus stop and its passengers, as well as cars exiting from the church car park. They are unable to wait outside the store because the parking spaces there are already full at the times when deliveries are taking place.

13. However, while some loading cages have a capacity of up to half a tonne, this sort of load is unlikely to be carried in practice on a gradient of this sort and the operators have a duty to ensure that any loads carried can be safely controlled.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

14. The cost of the proposal is estimated at £4000 and funding for that amount has been received from the developer.

Revenue

15. None

Property

16. None

Other

17. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

18. The powers to make the proposed Traffic Regulation Order are given by the Road Traffic Regulation Act 1984.

Other Legal Implications:

19. None.

POLICY FRAMEWORK IMPLICATIONS

20. The proposals are consistent with the aims of the Local Transport Plan in addressing safety and congestion issues.

SUPPORTING DOCUMENTATION

Non-confidential appendices are in the Members' Rooms and can be accessed on-line

Appendices

1.	Objections to Proposed " No Waiting at Any Time " Restriction
2.	Objection to Reducing the Length of the Proposed "No Waiting at Any Time" Restriction
3.	Plan PL01

Documents In Members' Rooms

1.	None
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Background Documents

Title of Background Paper(s)

Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)

1.	None	
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Background documents available for inspection at:

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	Swaythling
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