

10/00730/R3FUL: CONSTRUCTION OF COMMUNITY CAR PARK WITH NEW VEHICULAR ACCESS AT LAND ADJACENT TO WERRINGTON BOWLING GREEN, STIMPSON WALK, WERRINGTON, PETERBOROUGH

VALID: 14TH JUNE 2010

APPLICANT: PETERBOROUGH CITY COUNCIL STRATEGIC PROPERTY

AGENT: PETERBOROUGH CITY COUNCIL PROPERTY DESIGN & MAINTENANCE

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: THE APPLICATION IS OF WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Loss of open space
- The safety of users of the public highway/cycle way network
- Design and visual amenity
- Security implications
- Landscaping Implications

The Head of Planning Services recommends that the application is APPROVED.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA11: Design for security** - Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.
- LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.

- LT3: Loss of open space** - Planning permission would not be given if a development would result in a loss of open space that would give rise to a deficiency.
- T1: Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T3: Access to development – Pedestrians and those with mobility difficulties** - Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties.
- T5: Access to developments – Cyclists** - Developments with significant transport implications will only be granted if safe, convenient access for cyclists is provided.
- T8: Connection to the existing Highway network** - Seeks development where vehicular access is on to a highway whose design and function is appropriate for the level and type of vehicular traffic likely to be generated.
- T20: Car Parks** – planning permission will only be granted for a car park if it would be consistent with the parking and general strategy of the Local Transport Plan.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Draft Open Space Strategy 2005

3 DESCRIPTION OF PROPOSAL

The application seeks permission for a 100 space car park, including 5 disabled parking spaces to be located on land to the east of the Werrington Bowls Club. The site would be accessed via the formation of a new vehicular access off Staniland Way which will cross two cycle routes at right angles. The access will retain priority for users of the cycle ways which run adjacent to Staniland Way and Goodwin Way. This would be achieved by providing a road ramp up to the cycleway at both junctions with rumble strips. The car park has been designed to provide pedestrian access to the adjoining playing fields, the Bowls Club, the two schools and the sports centre. The development would result in the loss of 3 semi mature specimens (2 Field Maple and 1 Lime) and 2 young trees (1 Field Maple and 1 Rowan). A height restriction barrier is proposed on the entrance to the car park. A concurrent application has also been submitted for a Skate Park on land to the north west of the application site (ref 10/00819/R3FUL).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is a triangular piece of land, approximately 0.38 ha, currently designated as open space, which lies to the north west of Werrington Centre. Directly to the west is the Werrington Bowls Club beyond which is William Law Primary School. To the south is the Werrington Sports Centre and Ken Stimpson Community School and to the north east is a residential development known as Long Pasture. The site is bounded on the western side by a 2m high dense hedge, to the north east by an avenue of mature Horse Chestnut trees with adjacent footway, on the south east by a dense hedge, and avenue of semi mature Norway Maples with adjacent footway. The immediate context comprises a verdant soft landscaping character.

5 PLANNING HISTORY

None relevant to this site

08/01471/FUL	- Phase I Redevelopment of Werrington Centre	- Approved 12 th June 2009
09/00713/FUL	- Construction of Community Car Park	- Approved 27 th August 2009
Variation of S106 Agreement	to planning consent 08/01471/FUL	- 26th January 2010

INTERNAL

Head of Transport and Engineering – No objection in principle - However, plans should indicate achievable vehicle to vehicle visibility at the entrance to the site. The drawing should be revised to show a ramp up to the cycleway. The priority at the first cycleway crossing should be altered to give vehicles priority as this will allow vehicles to pull completely off the public highway before giving way at the second cycleway crossing. Pedestrian visibility splays should be provided at both cycle way crossings and vehicle to cycle splays and giveaway marking should be provided at the second. Parking bays should be 2.5m x 5m with 6m aisle widths.

Landscape Comments - No objection - The Tree Survey should have been expanded to include an arboricultural impact assessment and method statement for the protection of existing trees. It is unfortunate that a small selection of existing trees and mature hedging will need to be removed to facilitate this development, however, the extent of landscaping lost is unlikely to have a significant negative impact on the amenity of the area. Objects to position of mounding within root protection area of trees.

Rights of Way Officer – No objection - Application form states 'creation of new public right of way'? Platform crossings have been provided where road crosses the existing cycleways. Consideration should be given to signage warning vehicles of priority to cycles. Signage should also be considered during construction stage. Cycleways to be kept clear.

Vivacity Peterborough Culture and Leisure – Objection - There is no mention of the use of the car park for the Library. The spaces will not be sufficient, given that on an hourly basis the library alone can receive up to 30 visitors. Sports and Library Staff will be especially disadvantaged as they start work earlier and end later than the school. Parking will also be used by Bowlers, and people visiting William Law, which will require further spaces. Concern over safety issues and no indication has been given of what measures or signage will be in place to ensure cycle and pedestrian safety. It is also on a bend in the road which gets very icy in the winter. Security of customers and staff are also of concern. Lighting needs to be more than adequate leading from the Library and Sports Centre to the car park as we have many evening users. Concerned regarding positioning of MUGA. There has been no consultation on this. Its location would compromise security of the campus and should be reconsidered.

Senior Architectural Liaison Officer – No objection - The proposed lighting appears appropriate. As there would be little natural surveillance from residential properties views from the surrounding paths must be maintained. A balance needs to be struck between absorbing cars into the landscape and maintaining views in to the site from footways which is the greatest security feature. I would also agree that the proposed grass mound should be no higher than 60cm. This will enable sufficient views of car door locks to be visible from outside the parking area also tree canopy should be maintained so that the lowest branches are at least 2m above the ground to again open up the views of the parking area. The proposed height barrier will have to be of a 'Robust Design'. Access at boundaries by 'Travellers' should be considered. Cycleway safety does not appear to be an issue. Be mindful of the potential of the 'Boy Racer' showing off to mates on the nearby 'Skate Bowl', when entering and leaving the car park at speed.

Peterborough Local Access Forum – supports the provision of new car parking provision at Werrington as long as the existing cycleway is given priority over the entrance junction, as detailed in the Design & Access survey. This must also apply whilst the facility is being built as this is a much used cycleway especially for students going to the schools.

CCTV - No objections - Recommends one CCTV camera for the car park. This could be relayed back to the CCTV control by a wireless link saving ongoing transmission costs. The cost of this provision would be approximately £14,102 plus a maintenance cost of approximately £500 per annum.

EXTERNAL

WERRINGTON NEIGHBOURHOOD COUNCIL

This site has significant disadvantages to the Option 1 site on the school tennis courts, primarily due to increased distance from the uses it serves. The site is the next best option and benefit to the community outweighs loss of open space. The new entrance is a cause for concern as it crosses two footpaths. The north/south one is particularly busy at the time the use of the new car park will be greatest. All possible measures should therefore be employed to warn and slow drivers. Surfaces at the junction with the existing road and adjacent to the crossings need to be anti skid treated. The use of rolled gravel is welcomed but should not reduce the potential to stop abruptly at the crossing when necessary. The overall design of the car park is welcomed. The 100 spaces are within the range agreed and it will be an important addition to Werrington Centre as a whole. This will be particularly the case if Tesco decide to restrict their proposed new car park in spite of the long history of use by non shoppers of the existing one at the centre. Disabled spaces should be located nearer the school and bowls club entrances.

NEIGHBOURS

A total of 62 representations have been received; 58 are letters of objection raising the following issues:

- Both the school and key LA officers were unaware of the car park, skate park and MUGA was being made and the School were not consulted on plans
- Concerned that the proposed car park may be too small
- Car park is too far from school and won't be used until TESCO apply sanction.
- The security of cars and safety of staff an issue - Good lighting and a monitored CCTV system is considered to be essential.
- Vehicular access to the car park appears to compromise the safety of both pedestrians and cyclists particularly at the start and end of the school day.
- What signage and / or traffic calming measures will be put in place?
- Will cars be able to access the car park easily and without creating additional queues on Staniland Way?
- The Sundance House throws a shadow onto Staniland Way exactly coinciding with the entrance to the proposed car park. On frosty mornings this icy stretch of road has led to a number of minor accidents.
- As the road will be straight, then we would see an increase in traffic leading from the new car park and also speed would become an issue, plus also the noise for heavier traffic.
- The proposed road access is fundamentally flawed and an access road that crosses a footpath twice is wrong.
- Tesco have no need for exclusive use of an 'at present' adequate car park.
- Werrington does not need another car park.
- Available money should be spent on school/public swimming pool/other facilities
- Have the council considered all the extra traffic flow through Werrington?
- the ruining of beautiful green land that everyone uses for walks, picnics and bike rides
- Werrington is a small community and we do not need more car parks or indeed larger superstores
- the visual impact of a car park in this area would be most unpleasant
- The car park could encourage speeding therefore comprising the safety of children from the nearby schools. Along with the safety of cyclists and pedestrians.
- There is the issue of further air and light pollution and noise levels due to raised traffic volume.
- There would also be a loss of valuable safe open space for families to use
- There is already a shortage of good outdoor recreation in the area.
- The area is currently a beautiful field enjoyed by many dog walkers, joggers and families, particularly during the summer months.
- This would give a totally different feel to walking along the gorgeous tree lined path.
- Option 1 – tennis courts is preferable as already developed and there is an existing entrance.
- car park in its proposed position means people who wish to use the Library, sports centre have to walk further, up to 100m, which if disabled seems wrong.
- Adjacent houses will be affected by noise and disruption.

- Just because there were difficulties with “PFI” at the school that Option 1 has to be abandoned, I would expect the city council to push through what is best for all and not give up at the first hurdle.

COUNCILLORS

Cllr John Fox – Priority should be given to pedestrian safety especially as vehicles will be crossing part of the Green Wheel. I am confident that Highways will take this onboard. Can you also confirm that the mention of the MUGA location on the map is not set in stone and we could look at relocating this to another location if one was found. The main concern is that the school felt they were left out of the loop when it came to consultation regarding the decision to move the car park from the area of the Tennis Courts to the present location.

7 REASONING

a) Background

Planning permission was granted on 12th June 2009 for the regeneration of Werrington District Centre (ref. 08/01471/FUL). At the time Members and the Werrington Neighbourhood Council were concerned the Centre car park, which is not council owned, would no longer be available for use by the community; school, sports centre, library and so on. The planning consent was subject to a S106 agreement which included a requirement to provide an 80-100 space community car park to replace the present spaces which may potentially be lost. Prior to the implementation of planning permission for the regeneration of the Werrington Centre the owners would apply for planning permission to construct the community car park and would progress through a series of time limited options as required by the S106 agreement. The options are as follows:

Option 1 – To submit a planning application for the construction of the car park at the Ken Stimpson School. If the Council fails to determine the application within 11 weeks or refuses the application then the owners would progress to Option 2.

Option 2 – To submit an application for the construction of the community car park at the Werrington Bowls Club. If the Council fails to determine the application within 11 weeks or refuses this application then the owners would progress to Option 3.

Option 3 – To submit an application to construct the community car park on Council owned land within 500 metres of the boundary of the Werrington Centre. The Council to identify such land within 4 weeks of the owners informing it in writing that it intends exercising this option.

Option 4 – If the Council fails to identify such land within the time scale or fails to determine the application within 11 weeks or refuses the application then the owners shall pay the Community Car Park Contribution of £177,000 for the Council; to provide the car park within 5 years of its receipt.

A planning application in August 2009 for the construction of the community car park at the Ken Stimpson Community School site (Option 1) (ref. 09/00713/FUL) and would have been located on the existing tennis courts and accessed from the existing school entrance. The proposal was acceptable in all planning respects, however, the applicant has not been able to implement the scheme; primarily due to the PFI interests on the school land which was not explored at the time of drafting the S106 agreement. The provision of the car park would involve a variation of the PFI contract and would incur significant cost implications for the Council along with a lengthy negotiation process and where, there was no guarantee that the variation of the contract would be supported by those involved.

In order to avoid any further delay to the implementation of the scheme for Phase I of the Regeneration of the Werrington Centre Members of the Planning and Environmental Protection Committee in January 2010 resolved to vary the S106 agreement to allow the owner to progress to Option 4 and for the owner to make the contribution of £177,000 to the Council. The Council could then provide the car park at the Bowls Club Site (Option 2) subject to budget provision to make up the shortfall.

Internal meetings took place on an indicative scheme which was considered to be acceptable in principle. The application is broadly in accordance with the indicative scheme and has incorporated suggestions made by relevant consultees.

A substantial number of objections received have been made by the School and associated representatives. Reference is made to the lack of consultation with the school prior to the car park proposal being submitted as a formal application. The Case Officer is content that all statutory consultations have been undertaken. The school was aware of the difficulties of implementing Option 1 of the S106 and that land subject to this application was the second option.

Furthermore, whilst the issues raised by the objectors will be discussed within the content of the following report Members are reminded that the proposed car park will serve the community as a whole and its purpose is not to provide a school car park per se.

b) Loss of Open Space

The site lies within the general open space of Werrington township and is therefore subject to local plan policy LT3 which seeks to retain an adequate amount of open space within the local area. The Policy Section were consulted on the proposal and although reluctant to the loss of this piece of open space there is no shortage of open space provision in Werrington North when compared with the minimum standards as set out in the local plan, and indeed, the draft Open Space Survey confirms that there is an overall surplus of amenity open space in Werrington. With regards to accessibility to the remaining open space this will not be significantly affected by the proposal. The proposal therefore is not considered to conflict with policies LT3 and LT6 of the Adopted Peterborough Local Plan (First Replacement).

c) Highway implications

There have been a number of concerns regarding the proposed access to the car park which would be achieved via a 90 degree turn off Staniland Way. This will involve vehicles crossing two cycle routes, however, it has always been the intention that priority for users of the cycle route would be maintained. The Highways Section felt a better solution would be for cars to have priority over the cycleway at the first crossing from Staniland Way to avoid cars overhanging the highway. Subsequent to the original submission, consultations have taken place with the Local Highways Section and the scheme has been amended to ensure priority and safety for users of the cycle way. This includes a change in surface material to tegula blocks to denote change in speed of road and upstands both sides of the cycle way, cycle priority give way signage on approach to the cycleway and give way signage to be incorporated within the tegula blocks. In addition, the area of cycle way which would be crossed will be blocked out as 'no waiting' to prevent cars obstructing the cycleway. The access will achieve appropriate vehicle to pedestrian and vehicle to cycle visibility splays.

Concern has been raised regarding the impact on Staniland Way caused by vehicles accessing the car park, particularly at the beginning and end of the school day. However, this is a normal occurrence at these specific times of the day where for a relatively short part of the day there is an increase in traffic and vehicular movements and indeed this is the case at the present time with the existing arrangements. It is acknowledged that there may be some waiting for vehicles on Staniland Way while vehicles enter and exit the proposed access road at these times of the day. It is considered that the increase in the number of vehicles ensures an awareness by vehicle users, users of the footway/cycle way, pedestrians of the potential conflict at these busy times. With sufficient measures in place, the safety of all highway users will be ensured and hence the proposal accords with policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

The parking layout has been slightly amended since the original submission primarily to minimise incursion into the root protection areas of trees. This will be discussed further along in the report. Two disabled parking spaces have also been relocated near to the Bowls Club. The car park is approximately 300m from Ken Stimpson School and it is argued that the car park is located too far from the school. On the day of the site visit the Case Officer walked this distance which took approximately 3 minutes. It is considered that this is not an unreasonable distance.

The construction access will be from Staniland Way and hence this part of the development would be implemented first. For the avoidance of doubt there will no creation of a new public right of way.

d) Design and Visual Amenity

The immediate context comprises substantial semi mature trees and hedges and the car park has been designed as far as reasonably practicable to assimilate with the soft landscaping of the area. The

amount of hard surfacing has been kept to a minimum and restricted to the main aisles. The parking areas will be formed by cellular contained gravel and grass mounds to the centre and at the peripheries of the site will help visually absorb the cars into the landscape. It is proposed that areas of hedging will be removed to provide better surveillance into the site and additional tree planting is proposed. It is considered that the proposal will not result in an adverse impact on the visual amenity of the area and hence the proposal accords with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

e) Design for security

There is currently a wide hedge between cycleway/footway and the site which effectively block direct views into the site. It is proposed that this hedge is removed and replaced with a low level grassed mound. This is supported by the Architectural Liaison Officer as direct views would be gained by users of the adjacent public footway and this would be a significant aspect in terms of natural surveillance. Concern has also been raised regarding the lack of CCTV provision and further views on this matter have been sought from the Architectural Liaison Officer. He is also concerned that the skate park will draw youths to this area and that the provision of CCTV would serve to provide security for users of the car park and users of the skate park. It is proposed that this provision is secured through a condition. It is considered that the design of the car park has considered the vulnerability to crime and therefore accords with policy DA11 of the Adopted Peterborough Local Plan (First Replacement).

f) Landscape Implications

A tree survey, arboricultural impact assessment, method statement and tree protection plan has been submitted in support of the application. Initial concerns were that a significant number of trees would have to be felled to enable the access to be made. After survey it became apparent that this could be minimised and the proposal includes for the removal of only 3 semi mature specimens and 2 young trees. The initial layout would have resulted in the proposed grassed mounds impacting within the root protection areas of the trees. The layout has been amended to reduce this incursion. Where footpaths are proposed adjacent to trees a 'no dig' solution using a geoweb construction is proposed. Protective fencing to all retained trees is also indicated on drawing ref. 0581/04/(9)/03a. New tree planting will provide a visual enclosure to the Bowls Club site and new tree planting within the site. The proposed grass mounds have been designed so as not to impinge in any significant way on the root protection area of any of the retained trees. It is considered that the scheme makes adequate provision for landscaping and for the retention and protection of trees within the site that make a positive contribution to the surrounding character. Hence the proposal accords with policy LNE9 of the Adopted Peterborough Local Plan (First Replacement).

g) Residential Amenity

The car park and access road would be located a sufficient distance (55m and 21m respectively) from the closest neighbouring properties in Long Pastures to avoid any adverse impact on the residential amenity currently afforded by the occupiers of these properties. The proposal therefore accords with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

h) Miscellaneous

Many of the points raised by objectors are covered in the report above. The following are comments on those points raised which may not be covered above:

- Concerned that the proposed car park may be too small. A survey of school use of the current car park produced an average of 85 spaces per day. This does not include visitors to the school neither staff nor customers of the Sports Centre and Library – the level of car parking accords with the S106 agreement.
- The Sundance House throws a shadow onto Staniland Way exactly coinciding with the entrance to the proposed car park. On frosty mornings this icy stretch of road has led to a number of minor accidents – This is a highway issue and not relevant to this planning application. This year saw a prolonged period of cold weather and icy roads present problems for all areas.
- Tesco have no need for exclusive use of an at present adequate car park. That said I am sure the council could use the money for some more fountains in the city centre – The provision of a car park was a requirement of the S106 agreement.

- Werrington does not need another car park – At the time of the application for the redevelopment of Werrington Centre (08/01471/FUL) Members resolved that additional community parking was required.
- Available money should be spent on school/public swimming pool/other facilities – The proposal accords with the S106 agreement.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

- The proposed siting for the community car park accords with variation of the S106 agreement for planning consent for the phase I regeneration of Werrington Centre (08/01471/FUL)
- Appropriate measures have been implemented to ensure the priority and safety of users of the cycleway/footway network adjacent to the proposed access
- The siting of the car parking will not result in a significant loss in open space and would not give rise to a deficiency of open space
- The design of the car park will assimilate with the surrounding open and verdant character while allowing for the material surveillance by users of the adjacent footways
- The proposal will not result in an adverse impact on the amenities of occupiers of neighbouring residential properties.

Hence the proposal accords with policies DA1.DA2, DA11, LNE9, LT3, T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the cycleways. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 30m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).**
Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).
- C3 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 70m measured along the channel line of the public highway from the centre line of the proposed access road. (N.B. The channel line comprises the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access).**
Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C4 Before the car park is brought into use, pedestrian visibility splays of 2m x 2m shall be provided on both sides of the accesses and shall be maintained thereafter free from any obstruction over a height of 600mm.

Reason: In the interests of Highway safety, in accordance with Policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C5 The vehicular access hereby approved shall be un gated.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C6 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of CCTV coverage shall be submitted to and approved in writing by the Local Planning Authority. The approved CCTV scheme shall be provided prior to the car park being brought into use.

Reason: In the interests of community safety and amenity in accordance with policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

Informatives

- 1** The development involves extensive works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. **It is essential that prior to the commencement of the highway works**, adequate time is allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport & Engineering - Development Team on 01733 453421.
- 2** It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 3** If any thing is so deposited on a highway as to constitute a nuisance, the local authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors John Fox, Judith Fox, Stephen Lane

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