

Meeting:	Environment and Economy Scrutiny Sub-Committee
Date:	9 <sup>th</sup> March 2006
Subject:	Parking in Stanmore
Responsible Officer:	Andrew Trehern, Executive Director, Urban Living
Contact Officer:	Steve Swain, Interim Head of Public Realm Infrastructure, extension 2538
Portfolio Holder:	Keith Burchell, Planning, Development and Housing Phil O'Dell, Environment and Transport
Key Decision:	No
Status:	Public

## **Section 1: Summary**

### **Decision Required**

To consider and note the report and identify any issues on which further information or action is required.

### **Reason for report**

The report was requested by the Sub-committee's at its meeting on 5<sup>th</sup> December 2005.

### **Benefits**

The report facilitates an overview and review of parking facilities in the area.

### **Cost of Proposals**

The cost of demolishing the multi-storey car park and laying out a replacement surface level car park is £420,000. The estimated cost of the current CPZ review is £150,000

## Risks

Parking provision is one of the factors that influences the vitality of the local centre.

## Implications if recommendations rejected

N/a

## **Section 2: Report**

### 2.1 Brief History

On 5<sup>th</sup> December, 2005, the Sub-committee resolved that “a report, including an outline of the history and concerns surrounding parking in Stanmore, be presented at the next meeting of the Sub-committee to be held on 9<sup>th</sup> March 2006.”

#### (a) Town Centre Public Parking Overview

2.1.1 A summary of on and off-street public car parking provision in Stanmore Town Centre is set out in Appendix 1 for the periods a) pre-Sainsbury, b) post-Sainsbury with the Broadway multi-storey car park, d) current and e) following completion of the demolition and replacement surface car park and controlled parking zone review (that includes additional on-street pay and display spaces).

2.1.2 The two major changes in recent years have been the construction of Sainsbury with its decked car park on land off Elm Park previously used for car parking, and closure and subsequent demolition of the multi-storey car park off The Broadway and (imminent) replacement with a surface level car park.

2.1.3 The history of the latter, the multi-storey car park, is set out in a report to Overview and Scrutiny Committee on 30<sup>th</sup> January, attached at Appendix 2.

2.1.4 When the multi-storey car park is demolished and replaced with the proposed surface level car park, there will be 386 public spaces made up as follows:

100	new surface level car park (Lidl)
59	existing on-street pay and display
10	proposed additional on-street pay and display (excl Merrion Ave)*
<u>217</u>	Sainsbury car park
386	Total

- 2.1.5 At the time of the Sainsbury planning application, the future parking demand for the centre as a whole, including Sainsbury, was assessed as 465 spaces. However, this assumed that all trips to Sainsbury were new (additional) trips, so was very much a worst case.
- 2.1.6 To review and update the estimate of future demand it would be necessary to carry out surveys of car park usage, after the new surface level car park has been provided (late April) and the CPZ amendments implemented (March 2006).
- (b) Station Car Parking
- 2.1.7 The TfL (London Underground) station car park is a long-stay car park with a capacity of 450 spaces.
- 2.1.8 London Underground (LUL) have plans to expand Stanmore Station Car Park. Stanmore Station is classified by LUL as a "Gateway" car park as it is at the end of the line. In accordance with the Mayor's Transport Strategy, all Gateway car parks are being assessed for possible expansion to facilitate more Park & Ride. A recent feasibility study carried out by LUL has indicated that the number of spaces can be increased by between 50 and 150 spaces without any significant adverse affect on the local road network. Further detailed traffic assessments will be carried out before such proposals are discussed widely. In addition, English Partnerships (national regeneration agency) have recently identified Stanmore Station as being one of 15 LUL car parks that can potentially have affordable housing constructed above the car park. LUL are expecting the feasibility report on this from English Partnerships in March 2006. A timescale for the car park expansion cannot be provided until after the English Partnerships report has been received.
- 2.1.9 Harrow's policy on station car parking in the Draft Transport Local Implementation Plan (LIP) was to not increase car parking at stations and in the longer term to explore possibilities for reducing the use of station car parks. This related to the objective of managing road congestion. However, TfL, who support park and ride using outer London stations, have sought a change in the policy. Bearing in mind the need to secure the Mayor of London's approval to the council's LIP, it is proposed to amend the policy to "Consider the local impact of additional parking for park and ride at stations including the impact on the local transport network and air quality", subject to agreement by Cabinet on 16<sup>th</sup> March.
- 2.1.10 For any proposal to increase the car parking capacity it is crucial that the impact of the extra traffic on local road congestion is assessed, particularly if it is likely to lead to increased traffic movements during the peak periods.
- 2.1.11 The station car park is the primary provision of car parking for park and ride to Wembley Stadium for events there. It is known from previous experience that parking demand for major events will overspill onto nearby residential streets. The recent review of the controlled parking zone offered residents

the option of reviewing the hours and days of control. The area west of the station has existing Monday – Friday controls and did not wish these to be extended to cover Saturdays. The area east of the station voted to reduce the existing controls from Monday – Saturday to Monday – Friday. This area was subject to a re-consultation and the opportunity was taken to remind residents of the need to consider events at Wembley Stadium. They then voted to retain the Monday – Saturday restrictions. In general there was very little concern expressed by the local community about the need to pro-actively control parking associated with Stadium events.

2.1.12 Contributory funds of £100,000 have been secured from the developers of Wembley Stadium through Brent for on-street parking controls in Harrow “which is/are necessary due to the impact of events held at the New Stadium on Event Days” upon evidence that the council has approved “the Scheme(s)”. The new stadium was due to be opened in the spring, although it is likely to be later and it is proposed to start the consultation process in the summer for a match-day parking control scheme. The funding is available for 10 years from September 2002, the commencement of the development and demolition works.

(c) Controlled Parking Zone

2.1.13 A controlled parking zone was first introduced around the local centre in 1993. It was first reviewed in 1995. Controlled parking around the station area was introduced in 1997. A comprehensive review of both the town centre and station area commenced in late 2004 and is nearing completion.

2.1.14 In the latest review the consultation area was agreed at a key stakeholder meeting. Typically, it was found following consultation that there was some support for extending the zone but considerably less than the full consultation area. Some additional consultation was carried out where the initial results were inconclusive. The proposed extension is due to be implemented in March 2006.

2.1.15 Three additional fringe issues have arisen that are being dealt with separately, namely Green Lane, Canons Corner and Howberry Road area.

2.1.16 Despite the results of the December 2004 consultation showing no majority support for parking controls in Green Lane requests for parking controls continue to be received. These include a petition that was considered by the Traffic and Road Safety Panel together with other representations resulting from advertising of the CPZ traffic order in June 2005. Following a request from members at the 21 September 2005 meeting of the Panel, traffic, safety and parking conditions in Green Lane are being investigated by consultants. The findings will be known by the summer.

2.1.17 Following a petition in the form of a letter signed by 9 businesses from Canons Corner the Traffic and Road Safety Panel instructed officers to investigate “pay and display” outside the shops and consequently, this is programmed for implementation in winter 2006-07. It may be feasible to slightly enlarge the lay-by to maximise the number of spaces. A pay and

display scheme with operational hours of 9 am to 5 pm, Monday to Friday was recommended to the Traffic and Road Safety Panel on 28<sup>th</sup> February. Subject to the Panel and Portfolio Holder approval, it is proposed that frontagers will be consulted in June 2006 in parallel with advertising the traffic order.

2.1.18 Further consultation was also carried out in the Howberry Road area where The Canons Park Residents' Association (CAPRA) and some residents preferred a yellow line scheme to a resident permit scheme. As the former discriminate against those residents who rely on on-street spaces for their parking needs, it was eventually decided to implement a resident permit scheme. The scheme is programmed for implementation in winter 2006-07.

(d) Issues and Concerns

2.1.19 The following issues and concerns have been raised through the recent CPZ consultation or otherwise. The file search focused on the last 3 years.

2.1.20 Local ward members, residents and businesses have raised the need to replace the multi-storey car park with another. This issue has been considered several times at Cabinet. The decision was taken to replace the multi-storey car park with a surface level car park on an interim basis. It is proposed that the longer-term replacement will be considered as part of a comprehensive solution to the whole site incorporating the existing surface level car park, the site of the multi-storey car park and the other council owned sites including Anmer Lodge. It is not possible at this stage to provide a time scale as there are issues in relation to the use of Anmer Lodge and the leasees on the car park site that still have to be resolved.

2.1.21 There was little support in the recent CPZ consultation for changes to the existing CPZ controls apart from one or two roads near the college indicating the need for all day restrictions.

2.1.22 There was strong opposition in the recent CPZ consultation to wider expansion of the zone to that about to be implemented.

2.1.23 In the CPZ consultation, businesses raised the need to be accommodated in the zone. In addition to the proposed increase in the number of pay and display spaces, business permits will be made available for businesses to park their operational vehicles in the zone.

2.1.24 A hairdressing business has requested that the maximum stay at pay and display spaces is extended by an hour to 4 hours. The purpose of limiting the length of stay is to promote turnover of the prime spaces. This is especially important where parking spaces are heavily used such as Buckingham Parade. The advantage of facilitating a longer stay needs to be balanced against the disadvantage of reducing the availability of prime convenient spaces.

2.1.25 It has also been requested that yellow lines be suspended during the period that the multi-storey car park is being demolished pending a replacement. Yellow lines only exist where parking would be unacceptable because of safety, servicing or capacity considerations. For these operational reasons it would not be appropriate to suspend the restrictions. Pay and display parking has been provided wherever possible. The demolition works were deferred to avoid the busy pre-Christmas trading period.

## 2.3 Consultation

2.3.1 Extensive consultation was carried out in association with the CPZ review.

## 2.4 Financial Implications

2.4.1 The cost of demolishing the multi-storey car park and construction of the new surface level car park will be borne by the council. This is expected to be met from existing 2005/06 budgets.

2.4.2 The cost of the CPZ review is £150,000 which is to be met from a combination of TfL funding (£25,000), Sainsbury (£20,000) and the council's CPZ budget (£105,000)

2.4.3 Contributory funding of £100,000 has been secured from the developers of Wembley Stadium through Brent for on-street parking controls in Harrow "which is/are necessary due to the impact of events held at the New Stadium on Event Days" upon evidence that the council has approved "the Scheme(s)". The new Stadium is due to be opened in the spring (although it is more likely to be the summer) and it is proposed to start the consultation process in the summer, subject to approval of the programme by the Traffic and Road Safety Panel on 28<sup>th</sup> February and the Portfolio Holder for Environment and Transport. The funding is available for 10 years from September 2002, the commencement of the development and demolition works.

## 2.5 Legal Implications

2.5.1 There are no specific legal implications arising out of this particular report. The legal implications in respect of the Stanmore Multi-storey Car Park are set out in the Overview & Scrutiny Committee report at Appendix 2.

## 2.6 Equalities Impact

2.6.1 The new surface level car park, which will replace the multi-storey, will facilitate access for all customers.

## 2.7 Section 17 Crime and Disorder Act 1998 Considerations

2.7.1 The new surface level car park is an open space that will be well lit.

### **Section 3: Supporting Information/Background Documents**

Appendix 1: Stanmore Town Centre – Summary of Car Parking Provision (Public Spaces)

Appendix 2: Report of Overview and Scrutiny Committee, 30<sup>th</sup> January 2006, re: Stanmore Multi-storey Car Park.

Appendix 3: Key map of area

Background Documents: None

## Appendix 1

### Stanmore Town Centre – Summary of Car Parking Provision (Public Spaces)

	<b>Off-street (1)</b>	<b>On-street (2)</b>	<b>Total</b>
Pre-Sainsbury (3)	322	59	381
Post-Sainsbury with Broadway Multi-Storey Car Park	464	59	523
Current - temporary during demolition of MSCP and construction of replacement surface level car park (4)	217	59	276
Proposed following completion of replacement surface level car park and CPZ review	317	69	386

#### Notes:

1. Excludes business and leased spaces but includes Lidl customer parking
2. Pay and display spaces
3. Sainsbury opened in March 2001
4. January - April 2006



## Appendix 2

Meeting:	Overview & Scrutiny Committee
Date:	30 <sup>th</sup> January 2006
Subject:	Stanmore Multi-Storey Car Park
Responsible Officer:	Andrew Trehern Executive Director Urban Living
Contact Officer:	Andrew Trehern Executive Director Urban Living
Portfolio Holder:	Keith Burchell Planning Development & Housing
Key Decision:	No
Status:	Public

### **Section 1: Summary**

#### **Decision Required**

Overview and Scrutiny Committee are asked to: -

- (1) consider the contents of this report
  
- (2) Identify any issues on which Members require either further information or action

#### **Reason for report**

Environment & Economy Scrutiny Sub-Committee on 5<sup>th</sup> December 2005 asked

for a report to the Overview and Scrutiny Committee in January 2006

### **Benefits**

Consideration of this matter provides an opportunity for Officers within the Urban Living Directorate, to significantly improve the approach to the management and development of Section 106 Agreements and procedures surrounding their approval

### **Cost of Proposals**

Reimbursement of £300k plus interest earned to J Sainsbury plc. In addition costs in respect of the demolition of the multi storey car park and construction of a replacement surface level car park, with associated costs and compensation, will be incurred.

### **Risks**

Potential legal action by Sainsburys for recovery of money if not reimbursed

### **Implications if recommendations rejected**

An opportunity for improvement will be lost

## **Section 2: Report**

### **3.1 Brief History**

The Executive Director Urban Living submitted a report on this subject at the request of the 5th October 2005 Cabinet to the Overview & Scrutiny Committee on the 22<sup>nd</sup> November 2005 and subsequently to the Environment and Economy Scrutiny Sub committee on the 5<sup>th</sup> December 2005.

The intent of this report is to present a chronology of events, procedures and authorities obtained which various departments have held separately. In further investigating this matter Officers have been hampered by two principle factors A) missing historic files and information which are assumed to have either been mislaid or destroyed and B) The two lead officers who were originally principally involved are no longer with the authority and therefore not available to discuss background issues.

**1960's-** The Stanmore (Broadway) multi-storey car park was constructed. The design and construction being carried out by the developer of the adjacent supermarket and office building. Subsequently three leases were granted of 150 spaces with the repairing liability for the maintenance of the structure resting with the council without any provision to recharge costs. Officers have been unable to trace any relevant background information relating to the granting of these leases.

**1<sup>st</sup> April 1998-** The Development and Planning Committee considered an application from J Sainsbury to build a new supermarket and decked car park, fronting Church road, The Broadway and Elm Park Stanmore. The committee resolved to defer the application to enable officers to enter into further detailed negotiations with regard to a section 106 agreement to fund and implement maintenance and improvements to the Broadway multi storey car park.

**23<sup>rd</sup> April 1998-** the Policy and Resources Committee (Special) considered the funding of works of improvement to the Broadway multi storey car park contained in a report from the Chief Executive and Director of Finance. It was noted that J Sainsbury had offered to pay a maximum of £300,000 towards improvements as it was acknowledged that the new development was deficient in parking and would continue to rely on the Broadway multi storey car park .It was resolved to make up the shortfall by a maximum contribution of £280,000 by way of provision in the capital investment plan. Officers were instructed to produce a specification that would minimise costs and to involve J Sainsbury in this process

**23<sup>rd</sup> April 1998** Council- report of committees – sec C575- VOL.2 CL637

Development and Planning Committee- Head of Environment ,Planning and Transportation be authorised to refer the application to the DETR and subject to no new material objections being received to determine the application- an amendment was carried making this an Executive action.

Vol.2 CL647 Appendix details the full terms including under item 18 £300,000 towards works of improvement to the Broadway multi storey car park- to be returned with accrued interest if such works are not carried out with in 5 years.

**30<sup>th</sup> June 1999** Development Control Committee DP 64 VOI.2 items 111 and 112. Resolved to vary the use mix of parking on the new development and to grant a 4 month extension to the original 12 month period for concluding the section 106 agreement which would enable the simultaneous completion of the sale of the council held land.

**29<sup>th</sup> July 1999** Section 106 agreement sealed-the relevant clauses are: -

- Payment to the council of £300,000 towards the cost of works of improvement to the multi storey car park.
- That the contribution shall apply exclusively towards works of improvement to the Broadway multi storey car park.
- The Council shall use its reasonable endeavours to commence the works of improvement before the food store is open.
- If the contribution has not been applied by the Council as provided by the relevant clauses of the agreement, within 5 years from the date of the development of the supermarket the Council will at the request of Sainsburys, repay the contribution with such interest as may have been earned thereon. The development commenced on the 1<sup>st</sup> June 2000.

#### Parking Considerations

At the time of the Sainsbury application it was estimated that parking for the centre as a whole was 465 spaces. However this assumed all trips to Sainsburys were additional. A subsequent survey in 2001 identified a need for 150 off-street spaces, split between long and short stay. This will be met by the current proposal for a 150 space surface level car park. In addition

there are 59 existing on-street pay and display, 8 proposed additional on-street pay and display plus 217 Sainsbury spaces.

To review and update the 2001 estimate and reflect future demand it would be necessary to carry out surveys of car park usage, after the new surface level car park has been provided (late April) and the CPZ extensions implemented (March 2006)

**2001-** A detailed structural survey of the multi storey car park was undertaken. At this time the structure was found to be in need of extensive repair and was declared unsafe. The first and second floors were closed leaving only the ground floor covered spaces.

The estimated cost of refurbishment was £650k to £1m

**13<sup>th</sup> November 2001** Cabinet- The Director of Environmental services reported on the situation including the investigations that had been carried out. It was resolved to: -A) request a further report for December Cabinet setting out funding options and exploring options of bringing forward demolition B) Provide temporary alternative parking as soon as possible.

**17<sup>th</sup> December 2001** Cabinet- Update from Director of Environmental Services. 5 possible partners had been identified of whom 2 had responded. It was resolved to note that A) the intention to demolish the multi storey car park B) to submit a planning application for 50 temporary spaces in Stanmore Recreation Ground C) To report if possible to February 2002 Cabinet on construction costings for a new 350 space car park

Subsequent negotiations took place with Britannia, Universal and CP Plus for provision of a new larger multi storey. Reconstruction costs were in the region of £2m. all the proposals contained provision for 10/20,000 sf of new commercial space and a Council contribution of C. £700k

**29<sup>th</sup> May 2002** Cabinet- Report of Head of Property and Development- It was Resolved that

- A) Officers conclude arrangements with Lidl and other lessees on a temporary basis
- B) The demolition of the multi storey car park be approved together with a replacement 150 space surface level car park
- C) That the use of monies from the commuted car park fund for Stanmore be agreed, pro tem, to finance the temporary replacement provision
- D) The Director of Environmental Services submit an update report to the next Cabinet.

It is unclear as to whether the Councils legal position and obligations with regard to the 3 lessees and their respective strength of position and potential complexities were known or fully appreciated at this stage or when earlier discussions and decisions were made in respect of the multi storey.

**September 2002-** A planning application was submitted for the demolition of the multi storey and the replacement with a permanent surface car park. The planning committee amended this to a temporary consent for 2 years. In view of the strength of position of the tenants this effectively made it impossible to conclude negotiations with them

Two tenants were subsequently moved to a site immediately to the west of the multi storey on a temporary basis but without the ultimate surrender and regrant requirements

**11<sup>th</sup> November 2004** Cabinet- report of Executive Director Urban Living.

This report identified the history and problems and highlighted under Financial Implications the fact that it was highly unlikely the Sainsburys section 106 monies could be used for this replacement car park and that the agreement was due to expire in June 2005 with the potential return to Sainsburys of all money including interest.

Resolved to:

- A) authorise Director of Professional Services to conclude compensation arrangements with the tenants
- B) Total costs to be met from commuted car park fund and balance from the Councils capital programme

**8<sup>th</sup> December 2004** Development Control Committee

Consent was granted for demolition of the multi storey car park and replacement with surface level car park. The temporary consent on the land to the rear of 56/58 Church Road Stanmore was also renewed for a period of 2 years to enable its use a temporary decant during the works.

**December 2004/ early 2005** Officers held meetings and discussions with Sainsburys to see if a variation could be agreed. However it became clear they were not prepared to entertain this and subsequently a letter was received .dated 17<sup>th</sup> May 2005, requesting repayment with interest in accordance with the agreement.

**16<sup>th</sup> June 2005** Legal Services who are responsible for handling the repayment wrote to councillors Bath, Ashton, Bednell, & Burchell explaining the situation.

**7<sup>th</sup> October 2005** All legal formalities were completed contemporaneously clearing the way for works to commence. These were subsequently held back to January 2006 to avoid the Christmas period.

The Section 106 agreement did not provide any flexibility to utilise the contribution should the multi storey need to be demolished. Negotiations with Sainsburys should have commenced earlier to try and agree a variation but there is no indication that an earlier intervention would have led to a more positive outcome.

The new organisational arrangements within Urban Living require Planning and other professional officers to take a more robust approach to options appraisal and risk assessment when negotiating section 106 agreements.

As a result of this case, the need to improve performance in this area of the Councils business has been recognised. All relevant departments are included within consultations at the planning application stage and pre application discussions where applicable.

### 3.3 Consultation

None.

### 3.4 Financial Implications

The cost of demolishing the multi storey car park and construction of the new surface level car park will be borne by the council. This is expected to be met from existing 2005/06 budgets.

### 3.5 Legal Implications

There is a continuing legal obligation to repay the £300K with interest, and a risk of legal action by Sainsburys to recover in default. There is no apparent justification for withholding repayment of these monies.

Planning obligations must for the moment satisfy the test set out in ODPM Circular 05/2005 namely that they must be: (i) relevant to planning; (ii) necessary to make the proposed development acceptable in planning terms; (iii) directly related to the proposed development; (iv) fairly and reasonably related in scale and kind to the proposed development; and (v) reasonable in all other respects.

Planning obligation agreements often dictate when, where and how monies received are to be spent. Developers very often seek to include specific provisions dealing with precisely how monies are to be applied and inevitably insist on a provision for the repayment of monies not applied for the stated purposes within the period specified. There is therefore a general need to ensure that planning obligation agreements are properly addressed at all stages of the process. This includes negotiation and drafting as well as post completion monitoring and enforcement.

The Government (Treasury, Revenue & Customs and ODPM) issued a consultation paper on 5<sup>th</sup> December 2005 entitled "Planning-gain Supplement: a consultation". This document forms part of the Government's response to Kate Barker's review of housing supply and launches a consultation on the Government's proposal for a Planning-gain Supplement. The focus of this paper is how increases in land value created by planning decisions can be released more effectively to help finance the infrastructure needed to stimulate and service growth and ensure that local communities better share in the benefits that growth brings. The closing date for responses to this consultation paper is Monday 27<sup>th</sup>

February 2006 and the resulting proposals may have a considerable impact on the approach the Council will be permitted to adopt in the future.

### 3.6 Equalities Impact

The new surface level car park, which will replace the multi storey, will facilitate access for customers.

### 2.7 Section 17 Crime and Disorder Act 1998 Considerations

The new surface level car park is an open space, which will be well lit .

## **Section 3: Supporting Information/Background Documents**

Background Documents:

- 1<sup>st</sup> April 1998 Report of development and Planning committee
- 23<sup>rd</sup> April 1998 Report of Policy and Resources committee (special)
- 23<sup>rd</sup> April 1998 Council Reports of Committees
- 30<sup>th</sup> June 1999 development Control Committee
- 13<sup>th</sup> November 2001 Cabinet Report
- 17<sup>th</sup> December 2001 Cabinet
- 29<sup>th</sup> May 2002 Cabinet
- 11<sup>th</sup> November 2004 Cabinet Part 11
- 8<sup>th</sup> December 2004 Development Control Committee