

**14/00903/FUL**

**132 LONDON ROAD, RAYLEIGH**

**EXTENSION OF CAR PARK LAYOUT TO PROVIDE FIVE  
ADDITIONAL CAR PARKING SPACES. WIDEN ACCESS**

**APPLICANT: TESCO STORES LTD**

**ZONING: EXISTING RESIDENTIAL**

**PARISH: RAYLEIGH TOWN COUNCIL**

**WARD: SWEYNE PARK**

## **1 PLANNING APPLICATION DETAILS**

- 1.1 The proposal is for the extension of the existing car park layout at the Tesco Express retail store located at 132 London Road, Rayleigh to provide five additional car parking spaces and to widen the access from London Road.
- 1.2 The current parking arrangement includes 6 parking spaces, 4 to the site frontage, 1 angled towards the north-eastern corner of the building and a disabled bay alongside the northern boundary with the footpath/grass verge to the corner of London Road and Vernon Avenue. The amended parking layout would include 11 parking spaces located in two rows parallel to each other with 6 spaces shown to the store frontage including a disabled bay and 5 to part of the area which is currently a grass verge frontage to the site's corner with London Road and Vernon Avenue.
- 1.3 The application shows a swept path analysis for the current delivery arrangements using a 10.35m Tesco vehicle and exiting the site using the dropped kerb into Vernon Avenue. During the course of the application additional plans were provided showing a swept path analysis for a smaller 8.4m Tesco vehicle preventing exit via Vernon Avenue. Additional plans were also provided showing the proposed removal of existing droppable bollards along the boundary with the existing footpath/crossover to Vernon Avenue and bollards surrounding the grass verge corner with London Road and Vernon Avenue. Proposed plans show the intended removal of the Vernon Avenue crossover with its formation as a footway and for a low fence to be used along the grass verge on the western side of Vernon Avenue where two concrete bollards are currently located and surrounding two sides of the remaining grass verge to the corner with London Road and Vernon Avenue. Consultation is in progress with regard to these revised/additional plans.

- 1.4 The overall intention of the application is to improve the existing parking/access arrangements at the site. The statement supplied with this application advises that it is understood that concerns have been raised by local residents that the car park is under stress and that this is causing conflicts with other road users. Tesco advise that they have engaged with the local community who support the proposals to provide further parking on site and this application is a response to local residents' concerns.

## **2 THE SITE**

- 2.1 The site is located on the corner of London Road and Vernon Avenue and forms a Tesco Express retail store, which fronts London Road. There is an existing car park to the site frontage. A grass verge is located to the southern boundary and corners London Road and Vernon Avenue. A smaller triangular grass verge also exists to the west of the site access although this appears to have been partly hard surfaced to provide a wider entranceway into the site.
- 2.2 The grass verges affected are owned by Rochford District Council. Therefore, if planning permission were to be approved for this proposal, a separate ownership matter would need to be addressed here, separate to the planning process.

## **3 RELEVANT PLANNING HISTORY**

- 3.1 The planning history for the Tesco site is as follows:-

14/00702/FUL - Application to vary condition 3 to permission granted to demolish an existing building and construct a single storey single store A1 (convenience goods) retail unit with ancillary car parking provision comprising 6 No. car parking spaces (re-submission) as approved on 9 March 2011 under application reference 11/00018/FUL. APPLICATION WITHDRAWN.

11/00515/ADV - Installation of Non-Illuminated Gantry Sign. REFUSED

11/00514/ADV - Install 1 No. Externally Illuminated Fascia Signs and 1 No. Externally Illuminated Projecting Sign. APPROVED.

11/00513/FUL - Installation of 6 No. Security Bollards Across Front of Retail Building. APPROVED.

11/00512/FUL - Installation of Wall Mounted ATM and Steel Door to Side. APPROVED.

11/00018/FUL - Demolish Existing Building and Construct Single Storey Single Storey A1 (Convenience Goods) Retail Unit With Ancillary Car Parking Provision Comprising 6 No. Car Parking Spaces (Re-submission). APPROVED.

10/00659/FUL - Demolish Existing Building and Construct Single Storey A1 Retail Unit With Ancillary Car Parking. REFUSED.

#### 4 CONSULTATIONS AND REPRESENTATIONS

##### Rayleigh Town Council

4.1 No objection.

##### ECC Highways

4.2 From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority, subject to the following conditions:-

1. Prior to occupation of the development the existing vehicular access on London Road shall be widened, as shown in principle on planning application drawing number PL08 rev C prepared by TPA. The width of the access at its junction with the highway shall not be more than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge.
2. The existing access on Vernon Avenue as shown on planning application drawing number PL08 rev C prepared by TPA shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the kerbing, footway and highway verge immediately the proposed new access is brought into use, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented and retained in accordance with the approved details.
3. Prior to occupation of the development a vehicular turning facility, as shown in principle on planning application drawing number SP12 rev B prepared by TPA shall be constructed, surfaced and provided within the site in perpetuity.
4. Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.
5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
6. Prior to occupation of the development the provision of a low level fence along only the eastern and southern site boundary. Details to be agreed with the Highway Authority. \*
7. The provision of bollards on the retained highway verge fronting London Road and on the existing and reinstated highway verge on the

western side of Vernon Avenue. Details to be agreed with the Highway Authority.

8. Prior to occupation of the development, the developer shall provide a contribution of £3,000 for a Traffic Regulation Order to extend the existing parking restrictions on London Road along the southern site frontage and on Vernon Avenue, terminating at a suitable location. Details to be agreed with the Highway Authority.

Notes:

- Essex County Council as the Highway Authority does not object to the removal of highway rights from the area of highway verge where the proposed additional parking spaces are to be provided. However, as the consultation carried out by Essex County Council was only the first stage in the process to secure the removal of highway rights, the applicant should be advised that no works shall commence on the proposed parking spaces until the removal of highway rights process has been completed. To do this the applicant will need to apply to Rochford District Council Planning Department for planning permission for change of use from highway to private land and if planning permission is granted the applicant will need to make an application to the Department of Transport. Application forms can be obtained from them by writing to: Department of Transport, National Transport Casework Team, Lancaster House, Hampshire Court, Newcastle Business Park, Newcastle upon Tyne, NE4 7YH. The applicant will need to negotiate with Rochford District Council over the purchase of the land.
- \* The fencing shall extend along the eastern and southern site boundary, creating a clear defined boundary between the proposal site and the highway.

### Local Residents

- 4.3 6 comments have been received from the following addresses:-

134 and 136 London Road, 15, 20 and 36 Vernon Avenue, 25 Maine Crescent, Flat 7 Whitehouse Court, 158 Eastwood Road.

The comments received can be summarised as follows:-

- According to the plan submitted for the extra 5 car spaces adjoining the pavement onto the busy London Road there is no evidence of any metal bollards to be in place stopping motorists from driving across the pavement to exit and enter Tesco, thus endangering pedestrians and causing road accidents. These are major health and safety issues, which need to be addressed and implemented before you agree to the application. The area is already a death trap because of the amount of traffic and motorists backing out onto the main road.

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- The proposal at first sight seems a great improvement on the existing situation, however one of the major problems has always been the delivery lorries. Lorries have been forced to reverse on to London Road, one of the major routes into and out of Rayleigh Town Centre.
  - The raising and lowering of the bollards does not always work as the staff often seem to forget to raise the bollards after delivery and also cars are invariably parked on the crossover, causing delays in allowing the lorries to exit.
  - The proposed plan seems to make the exiting by lorries much more difficult. The gap between the car parking spaces shows that more than half of the space leads onto the grass verge. This leaves a much reduced space for the lorry exit.
  - Due to car parking opposite the site the turning circle of lorries would seem to show that lorries would be forced to turn left and exit along Vernon Avenue and return to London Road via three streets, all in the residential area. (Extending double yellow lines would not work as motorists take no notice of the existing lines).
  - If the plan is approved I foresee a future application to extend the crossover to allow the lorries to turn right and exit onto London Road. The turning circle required by the lorries was proved when the previous 'improvement' of increasing the length of the crossover was needed. If a further extension of the crossover were allowed we would be left with such a small area of grass that even that would disappear.
  - Regarding the closure of the Vernon Avenue entrance when the corner was built it was in London Road in and out of Vernon Avenue for safety reasons. Now you see cars backing onto London Road, which is dangerous.
  - I would like to object to the above proposal on the following grounds, which must be considered if this application is to be approved:-
    - At no time must there be an exit/entrance from the Tesco car park towards Vernon Avenue. All traffic from the car park must be routed via London Road.
    - The car park is not fit for purpose now or under the current proposal for the popularity of the store.
    - For the proposal to be accepted, repairs must be undertaken to all grass verges and footpaths in Vernon Avenue that have been damaged by Tesco's customers and subsequently maintained going forward to a good standard.

- There has been no allowance now or under the proposal for staff parking; it has been assumed that staff will park 'in the local area'. This is not acceptable, particularly down Vernon Avenue, where there is limited off street parking for the residents, and the road is particularly narrow compared to Victoria Avenue and Pearsons Avenue, therefore all Tesco staff should be prohibited from parking down Vernon Avenue.
- Under this proposal there must be 7 days a week of the parking restrictions surrounding the Tesco store, particularly down Vernon Avenue where customers obstruct the junction of Vernon Avenue and London Road. Double yellow lines exist today, but they are not policed.
- Under this proposal there will be reduced visibility for vehicles trying to exit Vernon Avenue on to London Road with the new car park spaces. Also visibility is currently reduced with vehicles entering or exiting the car park entrance via London Road.
- When approaching Vernon Avenue from the west, customers exiting Tesco car park are becoming confused by the vehicles indicating left for Vernon Avenue assuming they are turning left into the car park when in fact they are not. There is a risk of serious collision if no steps are taken to address this problem.
- The drop down kerb in Vernon Avenue must be replaced with a raised kerb area to protect pedestrians walking along the footpath.
- 20mph speed limit for Vernon Avenue to apply to allow for when Tesco customers walk across Vernon Avenue.
- A secure non concrete low level fence must be provided to stop Tesco customers driving over grass verges at the front of the Tesco store and to help with inconsiderate parking.
- Poor pedestrian, visibility and disability access crossing the London Road entrance/exit and also through the car park. There needs to be a safer marked crossing point for school children, perhaps by a raised surface area, bobbled paving slabs or different brick work to define the pedestrian area for the visually impaired. A secondary and primary school is close by, vulnerable risk.
- Grass verge needs a pedestrian point to cross Vernon Road (Sweyne Park side) closer to the store as currently you have to walk around and cross at the junction. It would be safer to cross where the diagonal part of the footpath ends with a dropped kerb area for buggies and wheelchairs. There is a mud patch in the verge where people are doing just that.
- As a pedestrian visiting this store, I find I am in constant danger of vehicles reversing onto the London Road when exiting the car park. It

is particularly bad during dark evenings especially when using a wheelchair or buggy.

- This plan doesn't allow for pedestrians to safely access the store when approaching from the Victoria Road side. They have to cut through the busy car park. There should be a condition for the gravel area on the left boundary leading from the London Road to the cashpoint facility to be paved and made into a safe footpath.
- Visual impact: The refuse bins should be enclosed or moved to the rear of the store for environment, fire safety and visual purposes and to allow space for safer access to the store for pedestrians.
- There are already 14 bollards at the Victoria Road junction, and another 9 on the Tesco site. Bollard planters need to be replaced on the remaining grass verge with vegetation planting, i.e. roses etc., that matches the junction of Louis Drive East and Pearsons Avenue, to make this junction aesthetically pleasing and more in keeping with other junctions close by. This will prevent cars parking there and will not make the Tesco store look like bollard city! In my opinion, although it is a convenient store it is a blight on that junction. From Victoria Road to the Tesco store the area has altered since Tesco has arrived. Parking seems to be the priority and the footpaths and kerbs up Vernon and leading from the bus stop by Victoria Road are damaged due to delivery lorries mounting the curb.
- I have not found any evidence of a pedestrian route survey or vehicle count accessing this site.
- Lighting: The road entrance should be better lit, Led lighting.
- Tesco has been a nightmare with 5 bays with people parking on the grass, churning up the grass and parking on the pavements as well if they could not get into the car park. They want to put 5 more in, more people will come to the store and more cars will park on the grass and pavements. If Tesco gets this bigger car park are they going to repair the damage which the cars have done? The store should never have been allowed.
- There are major problems with this store, particularly at peak times. I can't understand why as this is a traffic problem along Vernon Avenue/London Road there isn't a comprehensive traffic survey, to determine the traffic flow which the cars from this car park are entering into. There should be a zebra crossing across Vernon Avenue to give pedestrians priority. The store should have limited opening hours, and its alcohol and tobacco licences limited to stop the continual in and out car movements onto such a busy highway. Police/traffic wardens should monitor the traffic and parking periodically to enforce existing

regulations/restriction, and if it is a question on cost, that should be met by Tesco.

## 5 MATERIAL PLANNING CONSIDERATIONS

- 5.1 The Parking Standards document requires parking bays to meet the preferred bay sizes of 5.5m x 2.9m with the minimum bay sizing of 5m x 2.5m to be used only in exceptional circumstances, as determined by the Local Planning Authority. The bay sizes proposed measure 4.8m x 2.5m. The existing bays, as shown on the layout plan, measure 4.8m x 2.4m. The 4.8m length adheres to the Manual for Streets advisory minimum length, which is a Communities and Local Government and Department for Transport document. The revised plan achieves a greater number of spaces with an increase in bay size over the existing. Furthermore, the proposed bay sizes adhere to the Manual for Streets minimum bay size and that being the case it is concluded that the proposed arrangement is acceptable. It should be borne in mind that in a recent adverse appeal decision, the inspector considered the minimum bay sizes were acceptable and there is no overriding reason to argue to the contrary in this instance,.
- 5.2 The proposed swept path analysis shows how a Tesco vehicle could manoeuvre on the site using the proposed parking arrangement and a proposed disabled bay. This is considered to be an acceptable arrangement and an improvement to the current situation.
- 5.3 The 2011 plan showed provision for cycle parking and the current application explains that such cycle parking shall be retained. However, it is not clear that such cycle parking is actually in place on site due to the siting of metal cages within this area. The requirement for cycle parking to the rear of the parking spaces and to the side of the building should be controlled by planning condition.
- 5.4 The proposed parking layout would form a more logical arrangement in which to park at the site and would enable a greater quantity of parking to be made available. ECC Highways does not object to the proposal, but suggests planning conditions be attached to an approval which can be imposed where reasonable. ECC Highways does seek a contribution of £3,000 for a Traffic Regulation Order to extend the existing parking restrictions on London Road along the southern site frontage and on Vernon Avenue, terminating at a suitable location. Such a contribution would need to be dealt with by legal Agreement and the Council is awaiting a response from the agent with regard to the contribution sought.
- 5.5 The revised plans supplied during the course of the application show a proposal for low-level fencing to the remaining southern and eastern verges to prevent indiscriminate parking. ECC Highways seeks by planning condition to require both fencing and bollards to be installed to prevent such indiscriminate parking, including bollards to the reinstated highway verge within Vernon Avenue. Such bollards would also prevent customers trying to exit the car

park across the reinstated Vernon Avenue verge. Such fencing and bollards should be controlled by planning condition.

- 5.6 The site has limited space for the storage of metal cages. A visit confirmed that limited storage appears to occur to the rear of the building with most occurring to the frontage within an existing parking space. A planning condition ensuring that spaces be retained solely for the parking of vehicles should also be imposed to prevent any storage obstruction. It is not clear why so many metal cages are kept on site for this scale of retail store but Tesco will need to consider alternative arrangements to ensure that parking provision is not obstructed.
- 5.7 The grass verges would need to be reduced in size to allocate for the enhanced parking proposed. As some element of verge would still remain retaining a soft landscaped edge to Vernon Avenue and visibility to those exiting Vernon Avenue, the loss of some element of the grass verges here is not considered objectionable.
- 5.8 It should be noted that this application cannot reasonably require work to be undertaken to repair damage caused to verges as a result of potential indiscriminate parking by customers of Tesco.

## 6 CONCLUSION

- 6.1 The proposal is considered not to cause undue demonstrable harm to any development plan interests, other material considerations, to the character and appearance of the area or residential amenity such as to justify refusing the application; nor to surrounding occupiers.

## 7 RECOMMENDATION

- 7.1 It is proposed that the Committee **RESOLVES**

That planning permission be approved, subject to the following planning conditions:-

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) Prior to first use of the development hereby approved the existing vehicular access on London Road shall be widened, as shown on drawing number PL08 rev C date stamped 5 February 2015. The width of the access at its junction with the highway shall not be more than 6 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway and highway verge.

REASON: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

- (3) The existing access on Vernon Avenue, as shown on drawing number PL08 rev C date stamped 5 February 2015, shall be suitably and permanently closed incorporating the reinstatement to full height of the kerbing, footway and highway verge immediately the proposed new access is brought into use. Details of such closure incorporating the reinstatement to full height of the kerbing, footway and highway verge shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented and retained in accordance with the approved details.

REASON: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety.

- (4) Prior to first use of the development, a vehicular turning facility, as shown on drawing number SP12 rev B date stamped 29 January 2015 shall be constructed, surfaced and provided within the site in perpetuity.

REASON: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- (5) Prior to commencement of the development, details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to first use of the development and shall be retained at all times.

REASON: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

- (6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

REASON: To avoid displacement of loose material onto the highway in the interests of highway safety.

- (7) Prior to commencement of the development, details shall be submitted to and agreed in writing with the Local Planning Authority for a low level fence to be installed along the eastern and southern site boundary creating a clear defined boundary between the proposal site and the highway. Once agreed, such fencing shall be installed prior to first use of the development hereby approved and be permanently retained thereafter.

REASON: To provide an appropriate boundary treatment to prevent indiscriminate parking.

- (8) Prior to works commencing details for the provision of bollards on the retained highway verge fronting London Road and on the existing and reinstated highway verge on the western side of Vernon Avenue shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such bollards shall be installed prior to first use of the development hereby approved and be permanently retained thereafter.

REASON: To prevent indiscriminate parking on the highway verge.

- (9) Prior to works commencing details for the provision of cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. Once agreed, such cycle parking shall be installed on site and be permanently retained and used solely for the parking of bicycles.

REASON: To ensure that sufficient cycle parking provision is provided on site.

- (10) The spaces shown for the parking of vehicles on drawing no. SP12 Rev B date stamped 29 January 2015 and PL08 Rev C date stamped 5 February 2015 shall be laid out on site and used permanently for the parking of vehicles and for no other purpose that would impede vehicle parking.

REASON: To ensure that parking provision is not obstructed on site.



Shaun Scrutton

Head of Planning and Transportation

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### **Relevant Development Plan Policies and Proposals**

CP1, T6 and T8 of the Core Strategy 2011

DM1 and DM30 of the Development Management Plan 2014

Parking Standards: Design and Good Practice Supplementary Planning Document adopted December 2010

Manual for Streets 2007

Allocations Plan 2014

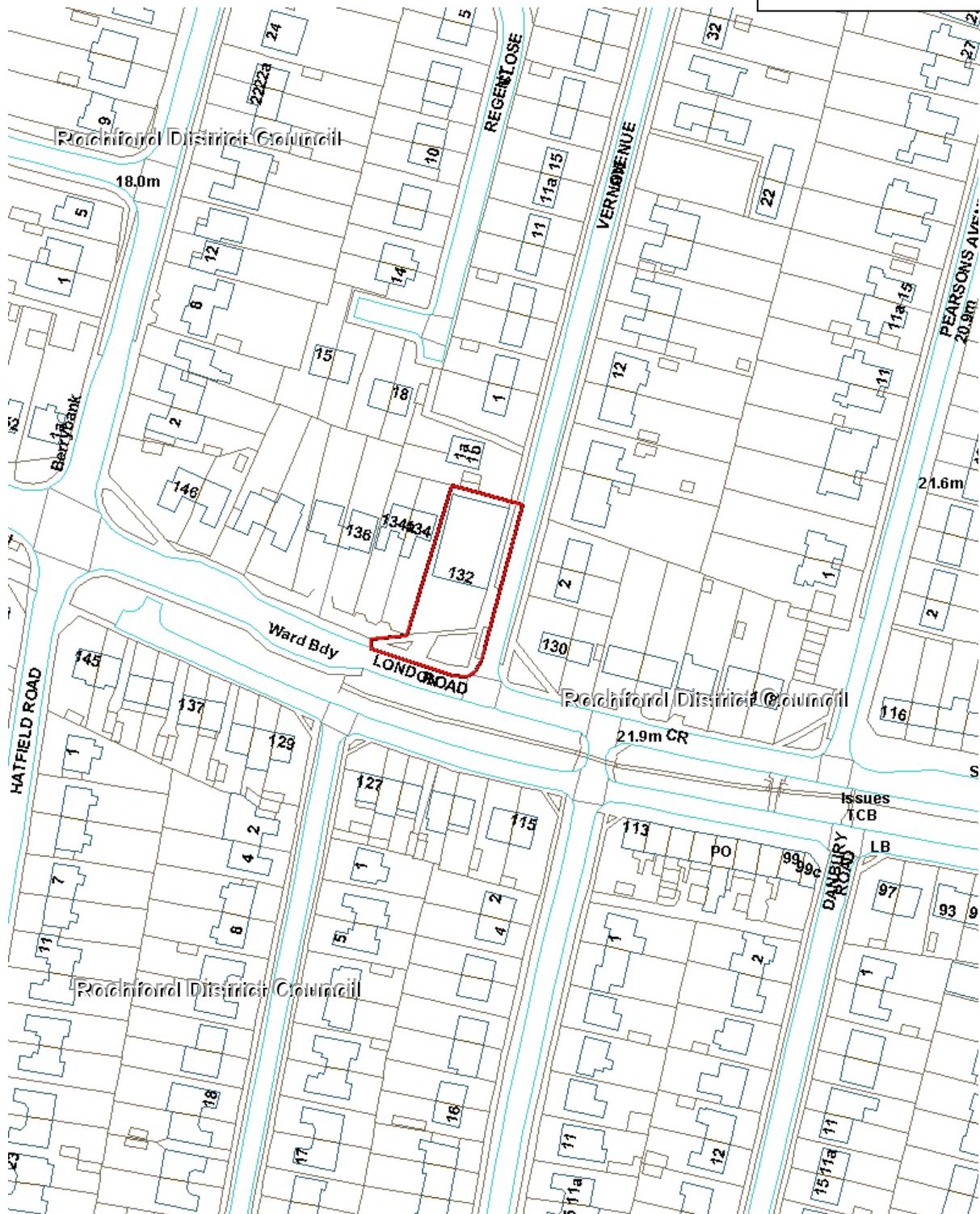
For further information please contact Claire Buckley on:-

Phone: 01702 318096

Email: [claire.buckley@rochford.gov.uk](mailto:claire.buckley@rochford.gov.uk)

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