

WIRRAL COUNCIL

HIGHWAYS AND TRAFFIC REPRESENTATION PANEL – 8 JULY 2010

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

PETITION – REQUEST TO BAN ARTICULATED VEHICLES FROM USING BERWYN DRIVE AND HILLFIELD DRIVE, HESWALL

1.0 EXECUTIVE SUMMARY

- 1.1 This report considers a 65 signature petition requesting the introduction of an articulated vehicle restriction to prevent such vehicles utilising Berwyn Drive and Hillfield Drive, Heswall when gaining access to and egress from Huws Gray Builders Merchants located in Berwyn Drive.
- 1.2 The report concludes that an articulated vehicle restriction would not normally be introduced without the inclusion of an exemption for deliveries within the road. An exemption would fail to resolve residents' concerns.
- 1.3 The report further concludes that it is not considered that the Council has a strong enough case to take the matter to a Public Inquiry. This would almost certainly result from the advertisement of any intent to remove an exemption for deliveries to businesses within Berwyn Drive, as the Council would probably be in receipt of unresolvable objections. The report recommends no further action be taken in respect of the petition.

2.0 BACKGROUND

- 2.1 A 65 signature petition from 48 separate addresses within Berwyn Drive and Hillfield Drive, Heswall was submitted in September 2008.
- 2.2 The petition calls for traffic regulation and appropriate signing to specifically ban the articulated vehicles that service the operation of Huws Gray Builders Merchants in Berwyn Drive. Plan number B.Eng/23/10 refers.
- 2.3 Berwyn Drive and Hillfield Drive are mainly residential roads of some 5m and 5.5m in width respectively. Berwyn Drive has a junction with Pensby Road to the east and Hillfield Drive to the west. Kylemore Drive links Hillfield Drive back to Pensby Road to form a Crescent.
- 2.4 Huws Gray Builders Merchants are situated on the north side of Berwyn Drive accessed between the residential properties of No. 6 and No. 10 Berwyn Drive.
- 2.5 Deliveries by articulated vehicles access the site from Pensby Road and, following unloading, reverse out onto Berwyn Drive toward Pensby Road using a banksman. The vehicles then proceed along Berwyn Drive, Hillfield Drive, Kylemore Drive and back onto Pensby Road. The nature of the site does not make it possible for articulated vehicles to turn within the site or to reverse out in the opposite direction and access Pensby Road directly from Berwyn Drive.
- 2.6 The Builders Merchants has operated for many years in this location and is well utilised within the local area.
- 2.7 The business under its previous owners 'Fabricums' has generated complaints from nearby residents associated with alleged dangerous manoeuvres by large vehicles, damage to property and parked vehicles. The Council erected a series of bollards on the footway opposite the entrance to the business, which have required replacing on a number of occasions.

- 2.8 The Council has corresponded with the businesses on many occasions going back some 20 years with a certain level of co-operation being achieved. The businesses have by and large attempted to keep the manoeuvring of large vehicles within the boundary of the business premises.
- 2.9 There is no course of action available under existing planning legislation that would allow the Council's Development Control/Enforcement Section to act to resolve the amenity issues created by the servicing of the business.
- 2.10 The current method of servicing the site is using larger articulated vehicles. This has resulted in further allegations of damage to property, parked cars and concerns of highway safety issues resulting from vehicles overrunning the footway as outlined in the residents' petition.
- 2.11 Officers have observed articulated vehicles using Hillfield Drive and there have not been any undue problems.

3.0 REPORT

- 3.1 Any restrictive traffic order will generally have a scheduled exemption in it by model order "Except for Access". This means access to any premises served by the road. In this particular case it would include access to Huws Gray.
- 3.2 However, should there be overwhelming evidence that the current situation could not be tolerated because of existing personal injury accidents, major congestion and a complete undermining of any decent standard of expected enjoyment of the local environs by the residents then a pathway to action could be via advertisement of a traffic regulation order to physically stop all articulated HGV's entering the road including servicing vehicles. This procedure does invite objections to the intent to regulate this class of vehicle and if such objections cannot be resolved then the arbitration on this would be via a full Public Inquiry.
- 3.3 Huws Gray would almost certainly oppose any move to ban articulated vehicles servicing their business and would also engage support from Freight Transport Groups.
- 3.4 From the authority's past experience in the situation I could not recommend to the Council that it had a strong enough case to go down this path. I do not think that a case for a ban on the relatively low numbers (a maximum of ten) articulated vehicles per day could be made.
- 3.5 The use of larger vehicles and part load drop offs is encouraged by the Department for Transport as a more economic and efficient system of distributing goods. European rules allow HGV's up to 44 tonnes to use the public highway.

4.0 FINANCIAL IMPLICATIONS

- 4.1 There are no implications under this heading arising from the recommendation of this report.

5.0 STAFFING IMPLICATIONS

- 5.1 There are no implications under this heading arising from the recommendation of this report.

6.0 EQUAL OPPORTUNITIES/EQUALITY IMPACT ASSESSMENT

- 6.1 There are no implications under this heading.

7.0 HEALTH IMPLICATIONS/IMPACT ASSESSMENT

- 7.1 There are no implications identified under this heading for this report and its recommendation.

8.0 COMMUNITY SAFETY IMPLICATIONS

- 8.1 The officers believe that there are no implications under this heading arising from the recommendation of this report, although the residents do express community safety concerns.

9.0 LOCAL AGENDA 21 IMPLICATIONS

- 9.1 There are no implications under this heading arising from the recommendation of this report.

10.0 PLANNING IMPLICATIONS

- 10.1 There are no implications under this heading arising from the recommendation of this report.

11.0 ANTI-POVERTY IMPLICATIONS

- 11.1 There are no implications under this heading arising from the recommendation of this report.

12.0 SOCIAL INCLUSION IMPLICATIONS

- 12.1 There are no implications under this heading.

13.0 LOCAL MEMBER SUPPORT IMPLICATIONS

- 13.1 This report has implications for Members in the Pensby and Thingwall Ward.

14.0 BACKGROUND PAPERS

- 14.1 A petition and email correspondence with the lead petitioner have been used in preparation of this report.

15.0 RECOMMENDATIONS

- 15.1 The Highways and Traffic Representations Panel is requested to recommend to the Sustainable Communities Overview and Scrutiny Committee that the petition be noted and no further action is taken in respect of the request to introduce an articulated vehicle restriction in Berwyn Drive and Hillfield Drive, Heswall.

DAVID GREEN, DIRECTOR
TECHNICAL SERVICES