

August 2012	ITEM
Delegated Decision Report	
TANK LANE , PURFLEET – NEW ACCESS ROAD AND RESIDENTS PARKING AREA FROM ST CLEMENTS COURT, PURFLEET.	
Portfolio Holder: Councillor Andrew Smith – Housing & Environment	
Wards and communities affected: West Thurrock and South Stifford Ward	Key Decision: NO
Accountable Head of Service: Andrew Millard, Head of Planning and Transportation	
Accountable Director: Corporate Director of Sustainable Communities	
This report is Public	
Purpose of Report: To approve funding for the construction of a new access road and residents only parking area to properties one to six Tank Lane, Purfleet.	

EXECUTIVE SUMMARY

1. RECOMMENDATIONS:

- 1.1 It is recommended that land currently in the ownership of the Council Housing Department is used for the purpose of providing a residents only parking area and new access road to properties one to six Tank Lane.**
- 1.2 A new parking area and access road be constructed and linked to St Clements Court, Mardyke Park Estate.**

2. INTRODUCTION AND BACKGROUND:

- 2.1 Tank Lane is situated at the top of a cliff face adjacent to a disused chalk quarry that has been developed for housing by Bellway Homes Ltd. As part of the development Bellway Homes carried out some remedial measures to the cliff face in the form of meshing and rock bolts to try and maintain its integrity. Church Hollow Management Ltd maintains the cliff face and annual inspections are carried out to effectively manage the chalk face.**

- 2.2 In February 2010, following poor weather conditions, the chalk face adjacent to Tank lane suffered two separate failures which resulted in chalk falling into the Church Hollow housing area.

The Council as Highway Authority with responsibility for public safety on the highway, temporarily closed Tank Lane to vehicular traffic. Pedestrian access has been maintained along Tank lane but residents are inconvenienced because they do not have the normal vehicular access for refuse collection, deliveries and car access to their property.

- 2.3 Preliminary investigation has shown that Tank Lane is in close proximity to the cliff face and the road is overlaid on soil of approximately 1.5 metres on top of the chalk. The overlying soil that supports the road is undermined by voids at the cliff edge and geotechnical expert opinion has confirmed that Tank Lane should be closed to vehicular traffic as the long term stability of the cliff face cannot be assured.

Discussions with the developer and management Company responsible for the cliff face has not provided the Council with any certainty regarding the safety of Tank Lane. The Council's view is that in the long term it is anticipated that the chalk face will gradually retreat over time with the potential loss of Tank lane unless further engineering measures are undertaken.

- 2.4 Land is currently in the ownership of the Council Housing Dept and the proposal is for the land to remain as Housing land but that rights of access be granted to residents of 1 to 6 Tank Lane to use the access road and parking area. Legal will prepare a deed of grant to be formally agreed with residents .

3. ISSUES AND/OR OPTIONS:

- 3.2 The Council has taken legal advice on how best to proceed with the view of restoring vehicular access for the residents of Tank Lane. Potential legal action was an option that Counsel advised against due to the potentially very high legal cost of pursuing this in the courts estimated at £0.5 million. Engineering measures to the cliff face are considered to exceptionally expensive (> £1 million) and therefore this option was not taken up. The recommendation from Counsel was to take the less costly option, of providing an alternative access.
- 3.3 Alternative access from the nearest public highway has been investigated and the most suitable road access is via St Clements Court, Mardyke Park Estate Purfleet. A number of options were prepared with varying cost associated and the Option, Layout 1.0 minimal scheme was chosen.
- 3.4 The proposed residents only parking area and access road are shown on plan D12650-C-105 in Appendix 1.0. Parking is provided for 12 cars with access principally to the rear of the properties. Refuse vehicles will be able to access the parking area for normal refuse/recycling collections. This option provides the minimum in terms of surface requirements and is not illuminated. Footway

access to the frontages of 1 to 6 is not provided as part of the minimal scheme.

- 3.5 Maintenance of the access road will be the responsibility of Highways and transportation and will be funded from revenue funds for highway maintenance.
- 3.6 Street lighting is not proposed as part of the scheme to reduce the overall cost, however Council Officers will discuss an alternative with residents whereby the Council will provide £500 of funding to the property owner to install lighting to the rear of properties.
- 3.7 Planning approval is required for the proposed access road and parking area. Environmental concerns identified by planning require assessments for Protected Species and Arboriculture. It is anticipated that measures will be carried out to mitigate the affects of the new access road and parking area as part of the planning process.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

Meetings with Residents of 1 to 6 tank lane
Pre meeting with Planning to discuss proposals and concerns
Discussions with Housing regarding the land necessary for the project.

5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT

None

6. IMPLICATIONS

6.1 Financial

Based on providing the minimal scheme the construction of the parking access road is estimated at £114,000. Funding for lighting will amount to further £3,000 for the owners of 1 to 6 (£500 per property) to procure external lighting to the parking area.

Excluding land, legal costs, compensation, Utility costs
It is anticipated that the funding will be from capital under spend from the 2012/13 programme.

6.2 Legal

The measures taken by Bellway to improve the stability of the cliff have not been the subject of any design warranty, indemnity or assurance. Bellway wish to transfer responsibility to residents but the company and the residents would wish to rely on the Council's own assurance.

In these circumstances the Council is taking a proactive initiative which will reduce risk. A private easement granted to the six affected residents and their successors over a private right of way will protect the cliff from traffic movement and vibration and give security in the long term. The re-opening of Tank Lane for general highway use is not considered in the public interest.

There are Planning procedures and negotiations with the six affected residents to be concluded. It is hoped that a consensus can be achieved without undue delay or additional expense.

The Council has a permanent responsibility for public highway and to repair any damage cause to or by highway works. The indemnity to the Council by Bellway Homes regarding the stability of the cliff is of limited comfort in a risk assessment long term, particularly as Bellway wish to transfer the liability to residents.

Implications verified by: Philip Cunliffe-Jones
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6.3 **Diversity and Equality**

Implications verified by: Samson DeAlyn
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There are no direct diversity & equality implications noted in this report.

6.4 **Other implications**

NONE

7. **CONCLUSION**

The access to properties 1 to 6 Tank Lane has been restricted to pedestrian access since the Chalk falls of February 2010 and this has caused inconvenience and concern to residents. The Legal Counsel advice to the Council was to consider providing an alternative access which would be less costly than proceeding with a potentially long court case against the Developer or Church Hollow Management Co Ltd. The construction of the resident only parking and access road will provide a suitable access for the longer term.

BACKGROUND PAPERS USED IN PREPARING THIS REPORT:

- Graham Dawes Report 1999

- Pell Frischmann letter report
- Counsels Advice 4th December 2011
- Tank Hill Purfleet, Protected Species Assessment

APPENDICES TO THIS REPORT:

- Appendix 1 Layout Plan D12650-C-105

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