



**OFFICER REPORT TO LOCAL COMMITTEE**  
(Surrey Heath)

**Atrium Traffic Orders: Park Street Pedestrianisation**

**6<sup>th</sup> March 2008**

**KEY ISSUE**

In July 2007 Surrey County Council advertised new and amended traffic orders, the effect of which would be to pedestrianise Park Street, Camberley, but with exceptions. A number of representations and objections were received.

**SUMMARY**

The pedestrianisation of Park Street is a key element of the Atrium scheme. Throughout the planning and post-planning stages relating to The Atrium, Surrey County Council have consistently made it known that full pedestrianisation would not be possible; the proposed traffic orders would prohibit as many vehicles as practicable from Park Street. Access for deliveries would be restricted to certain hours.

Four representations were received requesting slight modifications to the proposed traffic orders. These modifications would have no significant effect on the operation of the pedestrian zone, and each has its own merits for the respective stakeholders.

Three objections were received – two from local bus operators and one from a local resident. Despite correspondence and negotiation with the objectors, all three intend to sustain their objections. Therefore to be able to proceed with the proposed traffic orders, Surrey County Council is bound by legislation to call a public inquiry in response to these three objections. Alternatively Surrey County Council could withdraw the proposed traffic orders, and instead promote a modified scheme that would accommodate the objectors' concerns.

Surrey County Council has an agreement with the developer of the Atrium under Section 278 of the Highways Act 1980, which provides for any reasonable costs incurred by Surrey County Council for obtaining altering and implementing the traffic orders to be fully reimbursed by the developer. This includes public inquiry costs. Unfortunately the developer is currently disputing its liability in respect of these costs. Surrey County Council should only call a public inquiry on the basis that all costs incurred would be fully reimbursed. Otherwise Surrey County Council would expose itself to an open ended liability that it has no resources to meet.

## OFFICER RECOMMENDATIONS

### The Local Committee (Surrey Heath)

- i. Agrees to proceed with the traffic orders advertised in July 2007:
  - (a) Agrees to call a public inquiry to resolve the three objections received;
  - (b) Agrees to appoint an inspector;
  - (c) Agrees that the calling of a public inquiry and appointment of an inspector be only on the basis that all costs incurred by Surrey County Council in respect of that process are fully reimbursed by the developer;
  - (d) Agrees to advertise four proposed modifications to the traffic orders first advertised in July 2007, in response to the four requests received, and that these proposed modifications should be advertised in advance of the public inquiry;
  - (e) Agrees that any objections to the proposed modifications be submitted to public inquiry for resolution.

## INTRODUCTION AND BACKGROUND

1. The Atrium is a mixed-use development, consisting of retail and leisure facilities on a site between Park Street and Southern Road, Camberley. Surrey County Council has an agreement with the developer under Section 278 of the Highways Act 1980, for the developer to provide approximately £4M investment in Highway and Transportation improvements in Camberley town centre.
2. The pedestrianisation of Park Street is a key element of the Atrium scheme. Surrey Heath Borough Council's Local Plan 2000 policy TC10 is to create a number of pedestrian-friendly areas within Camberley Town Centre. This includes the section of Park Street, between number 5 Park Street and its junction with Princess Way (west) and indicates that this will be sought through Policy TC19 entitled 'Land West of Park Street'. The quality of its pedestrian environments is a major factor in the success of any town centre. Full pedestrianisation of Park Street is not possible as varying degrees of vehicular access are required to service existing areas of the town centre.
3. Accordingly there is a planning obligation on the developer of the Atrium to pedestrianise Park Street. The principle aims are to revitalise Park Street as a retail street, to enhance the local environment, and to create linkage and integration of the new development to other parts of the town centre and the surrounding areas to the north, south and west.
4. Surrey County Council's agreement with the developer under Section 106 of the Town and Country Planning Act 1990 binds the developer to remodel Park Street to create a pedestrian environment, and the agreement under section 278 of the Highways Act 1980 anticipates that Surrey County Council will promote appropriate traffic orders to achieve pedestrianisation following a written request to do so from the developer. The agreement provides that all costs incurred by Surrey County Council for obtaining altering and implementing the traffic orders are to be fully reimbursed by the developer.
5. Accordingly in July 2007 Surrey County Council advertised its intention to pedestrianise Park Street, by means of a number of new and amended traffic orders. The proposed scheme is for a length of Park Street, between number 5 Park Street and Princess Way, together with Service Area 3, Service Area 5 and St Mary's Road to become a 'pedestrian and restricted zone'. Access to the pedestrian and restricted zone would be controlled by the use of an automated

bollard system, which would be monitored remotely from offices within The Mall. These premises would be contactable from the bollards.

6. It was proposed to give a number of business premises access for deliveries during permitted times, as these premises are serviced from Park Street, Service Area 3 or Service Area 5. The permitted times for access were proposed to be between midnight and 10am, and between 4pm and 6.30pm, 7 days a week.
7. It was proposed to give a number of existing premises access at any time as they have private parking or because they are residential dwellings. It was proposed to give any holder of a business-parking permit to park in Service Area 3 access at any time.
8. It was proposed to give access at all times for emergency services, and for trades vehicles to facilitate works to premises within the pedestrian and restricted zone.
9. Some existing retailers require access for customer collections for large and heavy items. It was proposed to provide access where no other option exists.
10. It was not proposed to give access to any new business premises being constructed as part of the Atrium, as these premises will have alternative service areas accessible from Lower Charles Street and Southwell Park Road.
11. Within the 'pedestrian and restricted zone' it was proposed to introduce a no-waiting-at-any-time restriction throughout. This would enable vehicles to stop for the purposes of loading and unloading.
12. A number of amendments to the Camberley Controlled Parking Zone (CPZ) were proposed, to accommodate changes in Park Street, St Mary's Road, Service Areas 3 & 5, and Princess Way.
13. It was proposed to revoke the existing one-way-traffic order for Park Street and to make a new one-way-traffic order between Service Area 1 and Pembroke Broadway. It was proposed to revoke the banned-right-turn restriction from Service Area 1. It was proposed to remove the existing Pelican Crossing from Park Street near Obelisk Way.
14. It was proposed that Surrey Heath Borough Council should remove the existing taxi rank from Park Street, and move the taxi rank in Princess Way from the north to the south side of the road, to suit the proposed new road layout.

#### **ANALYSIS AND COMMENTARY**

##### **15. Proposed modifications**

Four representations were received requesting slight modifications to the proposed traffic orders.

16. It was suggested that the layout of parking bays proposed for Service Area 3 could be improved to increase the space available for large vehicles manoeuvring within Service Area 3. This slight modification would also reduce the likelihood of conflict between large manoeuvring vehicles and any vehicle parked within a parking bay.

17. Surrey County Council originally proposed to restrict the use of the new loading bay in Princess Way only to vehicles whose maximum gross weight exceeds 5 tonnes. It was subsequently pointed out that a number of the businesses in Princess Way service their premises using smaller vehicles, including private cars. The loading bay was intended for the benefit of these businesses. Therefore it is proposed to modify the loading bay provisions, to enable vehicles of any class to use the bay for the purposes of loading and unloading.
18. The original traffic orders define a Type B permit, which enables the holder to enter the pedestrian and restricted zone during the hours of midnight to 10am, and 4pm to 6.30pm, seven days a week, for the purposes of loading and unloading goods. Eligibility for such permits is restricted to those business premises serviced directly from Park Street or Service Areas 3 and 5. It was subsequently pointed out to Surrey County Council that the land at 191 London Road, formerly known as the Sandhurst TUP, borders the pedestrian and restricted zone at the southeast corner of the land. Furthermore the no-loading-at-any-time restriction currently in operation on the west side of Park Street, to the north of the pedestrian and restricted zone, prevents any servicing of the land at 191 London Road from the length of Park Street to the north of the pedestrian and restricted zone. Therefore Surrey County Council proposes to make any business premises on “the land at 191 London Road” eligible to apply for a Type B permit, to enable such premises to be serviced from within the pedestrian and restricted zone, and to enjoy the same privilege as similar businesses in the zone.
19. The original traffic orders maintained a length of the existing no-waiting 8am-6pm Monday-Saturday restriction on the south side of Princess Way, to enable Surrey Heath Borough Council to introduce a taxi rank overlying this restriction. Surrey County Council subsequently received representations from local taxi drivers who requested that the no-waiting 0800-1800 Monday-Saturday restriction be converted to a no-waiting-at-any-time restriction. This would help in the enforcement of parking offences in the taxi rank outside of the hours of 8am-6pm Monday-Saturday. The new no-waiting-at-any-time restriction will exempt licensed hackney carriages, to enable Surrey Heath to introduce the proposed taxi rank.
20. These modifications would have no significant effect on the operation of the pedestrian zone, and each has its own merits for the respective stakeholders.
21. **Objections**

Three objections were received – two from local bus operators and one from a local resident. The bus operators made similar objections to the Atrium planning application and these objections were reported to the appropriate committee of Surrey Heath Borough Council.
22. Legislation<sup>1</sup> states that if the effect of a traffic regulation order is to prohibit or restrict the passage of public service vehicles along a road, and the operator of a local (bus) service makes an objection that is not subsequently withdrawn, the Highway Authority must cause a public inquiry to be held before making the order. The traffic orders advertised in July 2007 prohibit access to Park Street by local buses.

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<sup>1</sup> The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) made under the Road Traffic Regulation Act 1984

23. Similarly a public inquiry is mandatory if the effect of the traffic orders is to prohibit the loading or unloading of any vehicle during certain prescribed hours, and if an objection is made to the order and not subsequently withdrawn. The traffic orders advertised in July 2007 would prohibit the loading or unloading of vehicles during the prescribed hours. The third objector's principle objection is the loss of access and perceived inconvenience for people wishing to load and unload to premises in Park Street.
24. Therefore as neither the two bus operators nor the local resident have withdrawn their objections Surrey County Council must call a public inquiry if it wishes to proceed with the original traffic orders. With the agreement of the developer of the Atrium, Surrey County Council has sought Counsel's advice on the question of whether a public inquiry is mandatory in the current circumstances. Counsel was unequivocal: a public inquiry is mandatory to enable the Council to proceed further with the original traffic orders unless all three objectors withdraw their objections.
25. A number of meetings were convened between the local bus operators, the developer, Surrey Heath Borough Council, and Surrey County Council, to discuss the bus operators' concerns, and to explore whether any improvements could be provided that would compensate for loss of access to Park Street. The hope was that if such improvements could be identified, the bus operators would withdraw their objections, and avoid the need to hold a public inquiry.
26. Unfortunately despite a number of improvements being identified, the bus operators did not consider that these improvements amounted to sufficient compensation for loss of access to Park Street. The bus operators' business is in direct competition with the private car. A bus service cannot compete with a private car parked on a driveway at the "home" end of a journey. However if a bus service can penetrate into the heart of a town centre, this gives the service a tangible competitive advantage over private cars, which are parked in car parks on the perimeter of a town centre. This means that at the "town" end of the journey, the bus passenger is much closer to their final destination than the driver. This convenience, together with the respective cost of a bus ticket compared to a car park tariff, is critical to attracting and retaining bus patronage.
27. If bus services were to be removed from Park Street, buses would instead use Charles Street, a new road to be constructed on the western perimeter of the Atrium development. The use of Charles Street would offer the advantage of being able to run a two-way service – this is not possible in Park Street as Park Street is one-way. A two-way service in Charles Street could simplify the service pattern through Camberley town centre, and could simplify the interchange in Pembroke Broadway. Furthermore the proposed provision in Charles Street would be immediately outside the main entrance to the Atrium, which would provide a covered walkway through to Park Street.
28. Surrey County Council's correspondence with the bus operators is in Annex A. This correspondence includes details of the various measures offered to the bus operators in the course of negotiations.
29. The bus operators requested that bus provision be provided in High Street, to compensate for loss of access to Park Street. Their case was that if they could not enter the town centre on Park Street, access to the High Street would be a suitable alternative, with no loss of competitive advantage over the private car. Unfortunately it would not be possible to provide a bus stop in High Street

without removing existing 30-minute parking. Surrey County Council's experience is that any such proposal would more than likely be met with substantial opposition from local businesses. Therefore Surrey County Council could not offer any guarantee to provide a bus stop in High Street. Furthermore Surrey Heath Borough Council has long-term aspirations to pedestrianise High Street fully, in accordance with their Local Plan 2000. Surrey County Council has no objection to this aspiration, and any provision of bus access should be considered in this context.

30. The bus operators' final position is that without access to the High Street, they would continue to sustain their objection to loss of access to Park Street.
31. Annex B contains Surrey County Council's correspondence with the third objector – the local resident. The objector's concerns, and Surrey County Council's answer to those concerns are well documented in this correspondence. The objector's conclusion is that he will sustain his objection.
32. The third objector's opposition to the pedestrianisation of Park Street dates back to 1982, when Surrey Heath Borough Council published its Deposit Draft edition of the Surrey Heath Local Plan. This Deposit Draft became the Surrey Heath Local Plan 1985 and was then subject to a First Alteration comprising an amendment to just one policy. This First Alteration is entitled the Surrey Heath Local Plan 1987. The objector objected to a reference in the supporting text to the pedestrianisation of Park Street even though such pedestrianisation was not a policy proposal. This reference refers to parts of Park Street being pedestrianised even though it does not expect this to come forward in the "initial Plan period". The objector's objection was considered explicitly by a public inquiry at the time. The Inspector disagreed with the objector and recommended that no change be made to the Plan, and considered that pedestrian priority should eventually be achieved in Park Street.
33. The pedestrianisation of Park Street has been established in subsequent planning policy ever since, with no objections to this policy in subsequent local plans. Therefore the principle of pedestrianisation is very well established in planning policy. For example an individual objected to the pedestrianisation of Park Street when the developer of the Atrium applied for planning permission. This objection was dismissed by Surrey Heath Borough Council simply by reference to established planning policy.
34. However to be able to proceed with the proposed traffic orders, Surrey County Council is bound by legislation to call a public inquiry in response to these three objections. The calling of a public inquiry has a number of highly undesirable consequences:
  - It would delay the pedestrianisation of Park Street by a number of months.
  - There is a temporary road closure order currently in force controlling access to Park Street. This order will terminate on 27<sup>th</sup> June 2008 and, for legal reasons, cannot be extended without leaving a time gap of several months. As the public inquiry will not be held until June or July, and the decision will most probably not be known until after the summer break, there would be no legal basis to prevent access to Park Street once the temporary order has expired. Park Street would therefore have to be opened to all traffic until such time as either a favourable inquiry decision is received and the current orders can be made, or alternative closure arrangements are put in place; this has serious road safety implications as the road layout is no longer suitable for any significant volume of traffic.

- There is no guarantee of a positive outcome.
35. Notwithstanding these undesirable consequences, the traffic orders advertised in July 2007 would minimise traffic in Park Street, and therefore represents the ideal technical solution.
36. Alternatively Surrey County Council could withdraw the proposed traffic orders, and instead promote a new scheme that would accommodate the objectors' concerns.
37. The alternative scheme would be very similar to the scheme advertised in July 2007 – the differences are highlighted in *italics*:
- A restricted zone would be created throughout St Mary's Road, Service Area 3 & 5, and part of Park Street, with a no-waiting-at-any-time restriction throughout. This would enable vehicles to stop for the purposes of loading and unloading.
  - The existing business parking places in Service Area 3 would be preserved for the benefit of existing permit holders.
  - A pedestrian zone would be created by introducing a prohibition of traffic order to prevent any vehicle entering Park Street, *with two key exemptions*:
    - *except for the purposes of loading and unloading*
    - *except local bus services*
  - In addition permits would be provided for holders of business parking permits for Service Area 3, for premises with private parking, and for residents, to be able to gain access into the pedestrian zone.
  - Rising bollards could be installed to control access. *Vehicles wishing to enter the pedestrian zone would alert the operator of the rising bollard via an intercom, and request access through the bollard for the purposes of loading or unloading. Although this would be difficult for the operator of the rising bollard to verify, the operator could alert the Parking Attendants, who could check the activity of any vehicle suspected of not loading or unloading, and if necessary issue a Penalty Charge Notice.*
  - *Local bus service operators could be allowed through the rising bollard by means of a transponder.*
  - Access would be provided at all times for emergency services and for trades vehicles to facilitate works to premises within the pedestrian and restricted zone.
  - The amendments to the Camberley CPZ proposed in July 2007 would be proposed again, but modified to accommodate the four representations received.
38. This alternative scheme would result in a pedestrian zone, although access would be permitted at any time for vehicles for the purposes of loading and unloading and for local bus services. It is anticipated that if this option were implemented, the number of vehicles entering Park Street would be small. With approximately 13 buses per hour, it is anticipated that the local bus services would constitute the majority of vehicles using Park Street.
39. It is likely that this alternative scheme could be introduced without any obligation on Surrey County Council to call a compulsory public inquiry to resolve objections. It could be implemented as early May or June 2008.
40. This alternative scheme is not as good as the original scheme from a pedestrian point of view. The original scheme was designed to reduce the number of

vehicles in Park Street to the bare minimum, and to restrict the times of access for permitted vehicles. The new alternative scheme would result in greater numbers of vehicles entering Park Street, and would not restrict the times of access for permitted vehicles. This could increase the risk of conflict between pedestrians and vehicular traffic. The alternative scheme has advantages from a public transport point of view, as it would provide local bus operators greater flexibility to serve their passengers, and it would provide a bus route into the heart of the town centre. The alternative scheme would remove the vast majority of traffic from Park Street, and it would most probably avoid a compulsory public inquiry.

### **CONSULTATION**

41. A number of stakeholders have been consulted in the preparation of this paper:

- Crest Nicholson Regeneration Ltd, the developer of the Atrium
- Surrey Heath Borough Council
- Surrey County Council's Passenger Transport Group
- Surrey County Council's Transportation Development Control Department
- Surrey Police
- Surrey Fire and Rescue
- The Mall
- The Camberley Town Centre Manager

Responses from these stakeholders will be reported to Committee verbally.

### **FINANCIAL IMPLICATIONS**

42. Surrey County Council's agreement with the developer under Section 278 of the Highways Act 1980 provides that all Surrey County Council's costs incurred with the obtaining altering and implementing of the traffic orders are fully funded by the developer. This includes the cost of a public inquiry. Unfortunately the developer is currently disputing its liability in respect of these costs. It is recommended that Surrey County Council should only call a public inquiry on the basis that Surrey County Council's costs are fully reimbursed by the developer. Otherwise Surrey County Council would be exposed to an open-ended liability that it has no resources to meet.

### **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

43. If Park Street is pedestrianised as proposed in July 2007, local buses would be moved to Charles Street. The local bus operators believe that this would make their services less competitive as their route and bus stops would be on the edge of the town centre area, rather than within it. They believe this would be damaging for the sustainable transport objectives of Surrey County Council's Local Transport Plan.

44. In the wider context of promoting alternative modes of transport to the private car within the town centre, the Atrium development as a whole, including the pedestrianisation of Park Street, is intended to support the Local Transport Plan and the ethos of promoting sustainable travel.

45. If bus services were permitted to use Park Street, this would result in there being approximately 13 buses per hour entering Park Street. Some pedestrians may feel uncomfortable sharing Park Street with buses on a regular basis. Regular interruption by buses may be detrimental to the prospects for outdoor seating areas at restaurants and cafes in Park Street. On the other hand bus access to Park Street would provide local bus operators greater flexibility to serve their passengers, which would help promote sustainable transport.



**CRIME & DISORDER IMPLICATIONS**

46. None.

**EQUALITIES IMPLICATIONS**

47. The pedestrianisation of Park Street is ultimately for the benefit of all pedestrians.

**CONCLUSION & REASONS FOR RECOMMENDATIONS**

48. Committee has two options:

**EITHER**

- i. Agrees to proceed with the traffic orders advertised in July 2007:
  - a) Agrees to call a public inquiry to resolve the three objections received;
  - b) Agrees to appoint an inspector;
  - c) Agrees that the calling of a public inquiry and appointment of an inspector be only on the basis that all costs incurred by Surrey County Council in respect of that process are fully reimbursed by the developer;
  - d) Agrees to advertise four proposed modifications to the traffic orders first advertised in July 2007, in response to the four requests received, and that these proposed modifications should be advertised in advance of the public inquiry;
  - e) Agrees that any objections to the proposed modifications be submitted to public inquiry for resolution.

**OR**

- ii. Agrees to withdraw the traffic orders proposed in July 2007:
  - a) Agrees to advertise a similar scheme, but which accommodates the objectors' concerns;
  - b) Agrees that the new scheme be designed to accommodate the four requested modifications;
  - c) Agrees that the drafting and advertising of traffic orders for the new scheme proceed only on the basis that all costs incurred in respect that process are fully reimbursed by the developer;
  - d) Agrees that if there are no objections to the new scheme, that the new traffic orders be made;
  - e) Agrees that Committee meet to resolve any objections to the new scheme.

49. Committee must decide either to proceed with the traffic orders advertised in July 2007, including the holding of a public inquiry, and with the modifications described above, or to withdraw the original traffic orders, and promote a similar scheme that would permit access into Park Street for local bus services, and for the purposes of loading and unloading at any time of the day or night seven days a week.

50. The main benefit of the original scheme would be that it would minimise the number of vehicles permitted to enter Park Street, and restrict access for deliveries to certain times.

51. The main benefits of the alternative scheme is that it is likely that it could be introduced without any prospect of a compulsory public inquiry, which would delay the process by a number of months, and that it would be simpler to operate and understand. However the alternative scheme would result in more vehicles being permitted to enter Park Street, and there would be no restriction on the time of access for permitted vehicles. There is a remote possibility that

the strength of opinion in relation to the alternative scheme would lead to Surrey County Council exercising its discretion to call an inquiry in any event. This is a most unlikely possibility based on current knowledge.

52. Surrey County Council has no “do nothing” option. The layout of Park Street no longer matches the existing traffic orders, which therefore cannot be enforced.
53. It is recommended to proceed with the original traffic orders, to advertise the modifications described above, and to call a public inquiry. Officers believe that the original scheme would be the most beneficial, as it would minimise the number of vehicles entering Park Street, and restrict the times of access for permitted vehicles. However Committee should note that there is no guarantee that a public inquiry would result in a favourable outcome. An inspector could recommend substantial changes to the original scheme in response to the three objections, or indeed any other matter raised during the inquiry.

#### **WHAT HAPPENS NEXT**

54. If Committee agree to proceed with the original traffic orders, Surrey County Council will first of all advertise its intention to modify the traffic orders first advertised in July 2007, in response to the four representations received. Then Surrey County Council will advertise notice of the public inquiry. It is anticipated that a public inquiry would be held in June or July 2008, and the inspector’s recommendations would probably be known in August or September 2008. If the inspector recommends that the draft traffic orders should be made, they could then be made in October or November 2008. If the Inspector recommends changes to the orders before they are made, a further advertising process may need to be carried out first.
55. If Committee agree to withdraw the original traffic orders, Surrey County Council would advertise the new alternative orders in April 2008, and could make the alternative orders as early May or June 2008.

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**BACKGROUND PAPERS:** None

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