

Item No 13.	Classification: Open	Date: 25 November 2013	Meeting Name: Peckham and Nunhead Community Council
Report title:		Local parking amendment report – determination of statutory objections to proposed waiting restrictions in Chesterfield Way	
Ward(s) or groups affected:		All wards within Peckham and Nunhead Community Council	
From:		Head of Public Realm	

RECOMMENDATIONS

It is recommended that the objections received to a non-strategic traffic management matter are considered and determined as follows:

1. Chesterfield Way
 - a. Consider nine objections made against the proposal to install at any time waiting restrictions (double yellow lines) in Chesterfield Way
 - b. Partially accede to those objections by amending the design to reduce the proposed length of waiting restrictions as shown in Appendix 1 for the reasons given in paragraphs 6 to 25.
2. Instruct officers to complete the statutory traffic order procedures associated with the above recommendations, including advising the objectors of the council's decision.

BACKGROUND INFORMATION

3. Part 3H of the Southwark Constitution delegates decision making for non-strategic traffic management matters to the community council.
4. Paragraph 17 of Part 3H of the Southwark Constitution sets out that the Community Council will determine any objection to a traffic management order that does not relate to a strategic or borough wide issue.
5. This report makes recommendations to the community council to determine a number of objections made to a non-strategic traffic management order.

KEY ISSUES FOR CONSIDERATION

Chesterfield Way - determination of statutory objections - 1314Q1018

6. This item was presented to Peckham and Nunhead Community Council at the meeting of 19 June 2013. At that meeting members approved the decision to progress to statutory consultation based upon the design contained within Appendix 2.

Background to report recommendation

7. The council was contacted by Affinity Sutton Homes Limited who are the owners

of No.37 Chesterfield Way. Their property has an off-street car park area that provides parking space for their two wheel chair residents.

8. The access to their car park is via a dropped kerb and vehicle crossover from the public highway.
9. Affinity Sutton Homes Limited explained that vehicles regularly park adjacent to the crossover and therefore block access to the off-street disabled parking area. They ask that parking restrictions are installed on the highway to deter this.
10. Chesterfield Way is public highway and mostly has unrestricted parking. There are some existing restrictions and parking bays near to the junction with Old Kent Road which are associated with the red route (TLRN) which is managed and enforced by Transport for London.
11. An officer visited this location on 2 May 2013 and noted that vehicles were parked very close to the off-street car park entrance but were not obstructing access.
12. The remaining kerb space in Chesterfield Way was heavily parked including double parking occurring in the purpose-built turning head. This turning head was constructed for the very purpose of enabling vehicles to turn around in a cul-de-sac street. Vehicles parking in the turning head make such a manoeuvre impossible and force vehicles to reverse out of the street, raising substantial safety concerns and against the basic principles of highway design.
13. In view of the request from Affinity Sutton Homes Limited and the clear need to provide access to the off-street disabled parking car park it is recommended that yellow lines are installed adjacent to the dropped kerb.

Details of objections

14. The Council advertised its intention to install double yellow lines to prevent vehicles obstructing the highway on Chesterfield Way. The proposed TMO was advertised on 29 August 2013 by way of street and press notices in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
15. At the Peckham and Nunhead community council meeting held on 19 June 2013, ward members asked that officers write to residents of Chesterfield Way advising them of the statutory consultation and when it was taking place. The letter was posted on 29 August 2013.
16. During the statutory, three week consultation period 9 written objections were received and officers wrote to objectors explaining the council's reasons for the double yellow lines and if they accepted this explanation to withdraw their objection.
17. The objectors asked to maintain their objections, the details of the objections are provided in Appendix 3 and summarised in the following paragraphs.

Objections

18. All objectors used a template letter that raised two points:

- a. The proposals will add to the congestion in Chesterfield Way by reducing the number of parking spaces by up to 7 cars
- b. The proposals will not make any difference to any safety concerns

Reasons for report recommendations

19. An officer carried out another site visit on 4 November 2013 which showed very similar parking patterns as those identified on the 2 May 2013. The November visit showed high levels of parking occupancy including parking occurring within the turning head and in front of the gates leading to the off-street disabled parking.
20. The council has a legal duty to secure the “expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway”.
21. It is clear from site observations that parking within the turning head is preventing proper use of this highway feature in a cul-de-sac street. In turn, this results in vehicles having to reverse down the street or make a multiple-point turn between parked cars; both of which are undesirable from a road safety perspective.
22. The council also has a duty to maintain reasonable access to premises. It is clear that the existing parking patterns are preventing access into the off-street areas.
23. It is, however, recognised that the proposals would result in a reduction of parking capacity and this may be of concern to those who wish to park in the street.
24. Officers have reevaluated the initial proposals and consider that the amount of double yellow line can be reduced whilst still achieving the aim to enable access and safe turning. The modified plan which provides space for approximately 3 more parked cars is detailed in Appendix 1.

Recommendation

25. In view of the above explanation, it is recommended that the community council:
 - a. consider the objections
 - b. partially accede to the objections by reducing the amount of double yellow line,
 - c. instruct officers to make the traffic order,
 - d. instruct officers to write to the objectors to inform them of the decision
 - e. instruct officers to implement the double yellow lines in the Chesterfield Way as shown in Appendix 1

Policy implications

26. The recommendations contained within this report are consistent with the policies of the Transport Plan 2011, particularly

Policy 1.1 – pursue overall traffic reduction

Policy 4.2 – create places that people can enjoy.

Policy 8.1 – seek to reduce overall levels of private motor vehicle traffic on our streets

Community impact statement

27. The policies within the Transport Plan are upheld within this report have been subject to an Equality Impact Assessment.
28. The recommendations are area based and therefore will have greatest affect upon those people living, working or traveling in the vicinity of the areas where the proposals are made.
29. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
30. There is a risk that new restrictions may cause parking to be displaced and, indirectly, have an adverse impact upon road users and neighboring properties at that location. However this cannot be entirely preempted until the recommendations have been implemented and observed.
31. With the exception of those benefits and risks identified above, the recommendations are not considered to have a disproportionate affect on any other community or group.
32. The recommendations support the council's equalities and human rights policies and promote social inclusion by:
 - Providing improved access for key services such as emergency and refuge vehicles.
 - Improving road safety, in particular for vulnerable road users, on the public highway.

Resource implications

33. All costs arising from implementing the recommendations will be fully contained within the existing public realm budgets.

Legal implications

34. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
35. Should the recommendations be approved the council will give notice of its intention to make a traffic order in accordance with the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996.
36. These regulations also require the council to consider any representations received as a result of publishing the draft order for a period of 21 days following publication of the draft order.
37. Should any objections be received they must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.

38. By virtue of section 122, the council must exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and the provision of suitable and adequate parking facilities on and off the highway.
39. These powers must be exercised so far as practicable having regard to the following matters
- a) the desirability of securing and maintaining reasonable access to premises
 - b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity
 - c) the national air quality strategy
 - d) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers
 - e) any other matters appearing to the council to be relevant.

Consultation

40. Statutory (public) consultation has been carried out as detailed in paragraphs 14 to 16 of this report.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Transport Plan 2011	Southwark Council Environment and Leisure Public Realm projects Parking design 160 Tooley Street London SE1 2QH Online: http://www.southwark.gov.uk/info/200107/transport_policy/1947/southwark_transport_plan_2011	Tim Walker 020 7525 2021

APPENDICES

No.	Title
Appendix 1	Chesterfield Way - amended proposed at any time waiting restrictions
Appendix 2	Chesterfield Way – original proposed at any time waiting restrictions
Appendix 3	Chesterfield Way - Objection detail

AUDIT TRAIL

Lead Officer	Des Waters, Head of Public Realm	
Report Author	Tim Walker, Senior Engineer	
Version	Final	
Dated	8 November 2013	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Director of Legal Services	No	No
Strategic Director of Finance and Corporate Services	No	No
Cabinet Member	No	No
Date final report sent to Community Council Team	8 November 2013	