

Item No. 14.	Classification: Open	Date: 10 September 2014	Meeting Name: Camberwell Community Council
Report title:		Local traffic and parking amendments	
Ward(s) or groups affected:		All wards within Camberwell Community Council	
From:		Head of Public Realm	

RECOMMENDATIONS

1. It is recommended that the following local traffic and parking amendments, detailed in the appendices to this report, are approved for implementation subject to the outcome of any necessary statutory procedures:
 - Dylways – install double yellow lines adjacent to a planned vehicle crossover that will provide access to No. 23.
 - Green Dale – make a permanent traffic order for the existing double yellow lines located at the junction of Wanley Road which were introduced under temporary traffic order.
2. It is further recommended that 12 objections, made in relation to proposed waiting restrictions in Crossthwaite Avenue, Woodfarrs and Dylways, are considered and rejected and that the proposals are implemented.

BACKGROUND INFORMATION

3. Part 3H of the Southwark constitution delegates decision making for non-strategic traffic management matters to the community council.
4. Paragraph 16 of Part 3H of the Southwark constitution sets out that the community council will take decisions on the following local non-strategic matters:
 - the introduction of single traffic signs
 - the introduction of short lengths of waiting and loading restrictions
 - the introduction of road markings
 - the setting of consultation boundaries for consultation on traffic schemes
 - the introduction of destination disabled parking bays
 - statutory objections to origin disabled parking bays.
5. Paragraph 17 states that the community council will determine objections to traffic management orders that do not relate to a strategic or borough wide issue.
6. This report gives recommendations for two local traffic and parking amendments involving traffic signs, waiting restrictions and road markings. It also makes recommendations to determine a number of objections made to a non-strategic traffic management order.

7. The origins and reasons for the recommendations are discussed within the key issues section of this report.

KEY ISSUES FOR CONSIDERATION

Dylways

8. The council's asset management team have received, considered and approved in principle (subject to this decision and statutory consultation) the construction of a dropped kerb and vehicle crossover leading to No.23 Dylways.
9. Double yellow lines prohibit waiting (generally referred to as parking) 'at any time' however loading and unloading is permitted.
10. It is noted that double yellow lines are now the council's standard restriction for crossovers. This is part of a wider objective to reduce sign clutter and to improve comprehension of restrictions at the point of parking.
11. At present there is a blue badge disabled bay outside No.23 Dylways, this bay was installed for a previous occupant who is no longer living there. As the bay is no longer required it will be removed by the end of September 2014.
12. It is recommended, as shown in Appendix 1, that 7 metres of double yellow line is installed outside No.23 Dylways.

Green Dale

13. A representative from Mother Goose Nursery contacted the council to highlight obstructive parking that was regularly taking place on Green Dale, south of Wanley Road, preventing access to the nursery at the southern end of the carriageway.
14. At the time of complaint, the street had no parking restrictions and vehicles were parking on both sides, reducing the effective carriageway width to approximately 2.2 metres which is insufficient for emergency or refuse vehicles to pass. This was having the immediate effect of preventing deliveries from being made to and refuse collected from the Nursery.
15. Concern was also raised by St Saviors and St. Olaves School who use the street to access their playing fields. The Head Groundsman reported that parking was preventing access into the footpath and cycle track section of Green Dale which provides the only access point to their Sports Ground and the only access point to the small field used by The Charter School. Both schools require daily access for emergency service vehicles, deliveries and access for the Groundsman.
16. In the absence of parking restrictions (yellow lines) the council does not have the power to enforce against such parking behavior. The offence occurring is known as 'obstruction of the highway' which has not been decriminalised (unlike most parking offences) and therefore enforcement rests with the police. However, the police can rarely allocate sufficient resource to enforce such matters and (as in this case) will usually ask the council to introduce yellow lines to deter parking and, if necessary, enforce the restrictions by the council's civil enforcement officers.

17. In June 2014 and in view of the urgency of this access problem, the road network and parking team agreed to make a temporary traffic order under Section 14 of the Road Traffic Regulation Act for new double yellow lines. Section 14 provides the council with the power to introduce temporary restrictions without statutory consultation where it is considered that there is a likelihood of danger to the public. Approval for such orders is also delegated to officers (and not the community council) and therefore the restriction could be introduced relatively quickly.
18. The effect of the order was to introduce yellow lines at the junction of Green Dale and Wanley Road and extending (on one side only) down to the cycle track. This objective was to prevent obstructive parking and keep one side of the road clear so as to allow access for larger vehicles to Mother Goose Nursery and onto the playing fields.
19. This approach was an unusual step to be taken by the council. It is usually only applied where work is taking place on or adjacent to the highway and it reflects our concerns about ensuring access. We also considered it appropriate due to the fact that a representative from the Mother Goose Nursery has taken the correct approach in first asking the police to enforce the offence of obstruction of the highway (which has not been decriminalised and cannot be enforced by the council) and that they, reportedly, have been unable to deal with this and deferred the matter to the council.
20. Observations show that the new, temporary restrictions are having the desired effect and that access is now being maintained to the nursery and into the cycle track / footpath. No complaints have been received in relation to the temporary restrictions.
21. Section 14 only allows orders to remain in effect for a limited period of time after which they must be removed. However officers consider that these restrictions should be made permanent so as to ensure continued access throughout Green Dale.
22. It is therefore recommended that the temporary double yellow lines, as shown on Appendix 2, are made permanent.

Crossthaite Avenue – determination of statutory objections

23. This item was originally presented to Camberwell Community Council on 1 April 2014. At that meeting members approved the decision to progress to statutory consultation. The statutory consultation resulted in a number of objections which are presented here for determination.
24. It is noted that the following objection report and recommendations was presented to Camberwell Community Council on 23 July 2014. At that meeting members deferred their decision so they could consult further with residents and officers.
25. In response to the deferred decision, officers sent details to South Camberwell ward members and asked if they would like to discuss any aspects of the item with officers. No replies were received by 21 August 2014.

Background to the proposals

26. The parking design team was contacted by three Woodfarrs residents and London Fire Brigade (LFB) who all raised concerns about obstructive parking occurring in Crossthwaite Avenue and Woodfarrs. It was reported that the absence of parking restrictions was encouraging motorists to park in locations that are too narrow for larger vehicles to pass safely eg. refuse, delivery and emergency service vehicles .
27. Officers have carried out two site assessments on 27 January and 24 February. The latter took place with the Watch Manager and crew from London Fire Brigade (LFB) Brixton Green Watch. LFB attended the site in order to test and demonstrate access requirements.
28. In general, access problems for LFB will occur where vehicles park:
 - within 7.5m of a junction; and/or
 - in locations that reduce the effective carriageway width to less than 3.1 metres (ie where cars are parked on one or both sides of the road leaving less than 3.1 metres to pass).
29. Measurements made during the site assessments identified that parking was occurring on Crossthwaite Avenue and Woodfarrs that reduced the effective carriageway to 2.3 metres in some locations. Such a width would allow a car to pass but not a fire appliance.
30. During the site assessments a number of locations were identified where fire appliances, refuse or delivery vehicles would be obstructed:
 - Crossthwaite Avenue – parking on both sides reduces the width to 2.3m
 - Woodfarrs (between Crossthwaite and Nairne Grove) – parking on both sides reduces the width to 2.4m
 - Dylways – parking at its junction with Crossthwaite Avenue prevents LFB turning (Dylways into Crossthwaite Avenue)
 - Nairne Grove – parking adjacent to the traffic island at the junctions with Dylways and Woodfarrs prevents access for refuse and delivery vehicles
31. It is noted that Dylways is considerably narrower (5.3m kerb to kerb) than Woodfarrs and Crossthwaite Avenue. However it is of such a width that it is very clear that parking can only be accommodated on one side. Doing otherwise would completely obstruct the carriageway and therefore motorists will generally avoid parking here. In view of this, yellow lines are not considered necessary in Dylways except at the junction with Crossthwaite Avenue, to facilitate turning.
32. Comment has been sought from Bessemer Grange Primary School on the proposals. The Head has responded that the double yellow lines throughout Woodfarrs and down to the triangle traffic island are most welcome.

Consultation

33. The traffic management order was advertised in accordance with legislation . Statutory consultation commence on 5 June 2014 and ended 26 June 2014.

34. During that period, the council received 16 objections. Four objections were subsequently withdrawn (when the proposal was further explained) but 12 objectors asked to maintain their objection. The objections are provided in Appendix 3. They can be summarised as:
- Parking is already difficult, additional restrictions will make it worse
 - Parking pressure is caused by commuters (going to Kings College Hospital or onto trains and buses) and from displacement as a result of a new parking zone on the Lambeth side of Herne Hill
 - A controlled parking zone should be introduced
 - There is no problem, fire appliances and large vehicles can get round.

Reason for report recommendations

35. The original recommendations to install double yellow lines were made so as to meet the duty placed upon the authority to secure the expeditious, convenient and safe movement of vehicular and other traffic.
36. It is clear from the observations made and the support by the London Fire Brigade that restrictions are, unfortunately, necessary so as to discharge that duty. This may result in parking being prevented in locations that motorists previously selected to park.
37. The consultation has, however, generated objections and therefore officers have looked carefully at each objection and at the design to see if those objections can be resolved. Unfortunately this does not seem possible and officers consider that the original proposal should be maintained as the locations cannot accommodate parking without impacting upon access or safety (with particular regard to fire brigade).

Recommendation

38. In view of the above reasons, it is recommended that the community council
- consider the twelve objections
 - reject those objections and
 - agree to the original design shown in Appendix 4

Policy implications

39. 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

40. The policies within the Transport Plan are upheld within this report have been subject to an equality impact assessment.
41. 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.

42. The introduction of yellow lines at junctions gives benefit to all road users through the improvement of inter-visibility and therefore road safety.
43. 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.
44. 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.
45. 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

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

Legal implications

47. Traffic Management Orders would be made under powers contained within the Road Traffic Regulation Act (RTRA) 1984.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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

53. Where public or stakeholder consultation has already been completed, this is described within the key issues section of the report.
54. The implementation of changes to parking requires the making of a traffic order. The procedures for making a traffic order are defined by national Regulations which include statutory consultation and the consideration of any arising objections.
55. Should the recommendations be approved the council must follow the procedures contained within Part II and III of the Regulations which are supplemented by the council's own processes. This process is summarised as:
- publication of a proposal notice in a local newspaper (Southwark News)
 - publication of a proposal notice in the London Gazette
 - display of notices in roads affected by the orders
 - consultation with statutory authorities
 - making available for public inspection any associated documents (eg. plans, draft orders, statement of reasons) via the council's website or by appointment at 160 Tooley Street, SE1
 - a 21 day consultation period during which time any person may comment upon or object to the proposed order.
56. Following publication of the proposal notice, any person wanting to object must make their objection in writing, state the grounds on which it is made and send it to the address specified on the notice.
57. Should an objection be made that officers are unable to resolve so that it is withdrawn, it will be reported to the community council for determination. The community council will then consider whether to modify the proposals, accede to or reject the objection. The council will subsequently notify all objectors of the final decision.

Programme timeline

58. If these items are approved by the community council they will progressed in line with the following approximate timeframe:
- Traffic orders (statutory consultation) – October to November 2014
 - Implementation – December 2014 to January 2015.

Reasons for urgency

59. The parking amendments in the report were sent to the Camberwell Community Council for consideration in April 2014 and July 2014. A timeframe for consultation has been agreed for October to November 2014. Further delay would push the consultation back further.

Reasons for lateness

60. The published agenda contains an incorrect version of this report, therefore this is being published outside of the five clear days required for agendas.

Background Documents

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

APPENDICES

No.	Title
Appendix 1	Dylways – install double yellow lines
Appendix 2	Green Dale – make temporary double yellow lines permanent
Appendix 3	Crossthwaite Avenue / Woodfarrs / Dylways – objections
Appendix 4	Crossthwaite Avenue / Woodfarrs / Dylways – install double yellow lines

AUDIT TRAIL

Lead Officer	Des Waters, Head of Public Realm	
Report Author	Tim Walker, Senior Project Engineer	
Version	Final	
Dated	1 September 2014	
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 Constitutional Team	1 September 2014	