

Item No. 7.	Classification: Open	Date: 6 December 2022	Meeting Name: Cabinet
Report title:		Deputation requests	
Ward(s) or groups affected:		All / Nunhead and Queen's Road	
From:		Proper Constitutional Officer	

RECOMMENDATION

1. That cabinet considers whether or not to hear a deputation request from Astbury Road Area Residents' Association (ARARA) in respect of the movement of extremely large vehicles in the Astbury Road, Colls Road, Dayton Grove, York Grove, Regal Row and section of Queens Road, SE15 area.

BACKGROUND INFORMATION

2. When considering whether to hear deputation requests, cabinet can decide:
 - To receive the deputation at this meeting or a future meeting; or
 - That the deputation not be received (if the matter is not dealt with by cabinet, the matter shall be referred without debate to the relevant cabinet member who shall after consideration, respond with an open reply to the sender); or
 - To refer the deputation to the most appropriate committee/sub-committee.
3. A deputation shall consist of no more than six people, including its spokesperson. Only one member of the deputation shall be allowed to address the meeting for no longer than five minutes. After this time cabinet members may ask questions of the deputation for up to five minutes. At the conclusion of the questions, the deputation will be shown to the public area where they may listen to the remainder of the open section of the meeting.

KEY ISSUES FOR CONSIDERATION

4. The deadline for receipt of deputation requests for this cabinet meeting was midnight 30 November 2022. This request was received before this constitutional deadline.

Deputation request

Astbury Road Area Residents' Association (ARARA) - movement of large vehicles in the Astbury Road, Colls Road, Dayton Grove, York Grove , Regal Row and section of Queens Road, SE15 area.

5. The deputation would like to address cabinet in respect of the movement of vehicles in the above area identifying the following issues that are affecting local residents:
 - The working pattern of the huge articulated lorries as well as many large vans from 2 a.m. until 10 pm at night
 - The movement of the vehicles have increased traffic through the road/s which it is felt is not suited for the small narrow roads
 - Causing health problems, pollution, noise, congestion, traffic flow, parking disruption to lives and living standards
 - Residents vehicles being damaged
 - Trees being knocked down, damaged and then removed completely
 - Not being able to have windows open.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Environment and Leisure

6. The Astbury Business Park is located on Astbury Road. The industrial estate is normally accessed via Queens Road and Astbury Road although residents advise of significant large vehicle movements on surrounding roads including Colls Road, Dayton Grove, York Grove and Regal Row (see Appendix 1). The roads are relatively narrow and predominantly residential.
7. Currently it is understood that the industrial estate is being used as a distribution centre with 44 tonne articulated lorries delivering daily from 2.30am followed by a large number of smaller vehicles collecting from the estate throughout the day. There appears to be inadequate parking areas within the site, which leads to many vehicles parking and waiting on the public highway until there is space within the site.
8. Planning commenced an investigation at the site in August 2021. It was concluded that no breach of planning control exists at the land. The General Permitted Development Order (GPDO) 2015 allows the change of use of a premises falling in one use class to another, without the need for planning permission.
9. This site at Astbury road benefits from these changes and does not require planning permission. Permitted changes of use such as these have been included in planning legislation for a number of years and it is commonplace for this to occur. As this is the case, the council as the planning authority has no control over the daily use at the land. The planning situation at the land has not changed since the case was closed in 2021. Planning are unable to enforce any aspects of the use via planning legislation.

10. The council contacted London Councils who enforce the London Lorry Control Scheme (LLCS) in September 2022 regarding the 44 tonne articulated lorries. London Councils have a specific network of roads (usually Transport for London route network) that more than 18 tonne vehicles should stick to when travelling through London. If they deviate from the network to deliver then they have to apply to London Councils for a permit and they must take the most direct route in order to make that delivery.
11. The LLCS enforcement team reported back their findings following a number of early morning visits which showed that two vehicles had LLCS permits and three vehicles did not. The vehicles that did not were issued Penalty Charge Notices (PCNs) by the LLCS enforcement team. The company who were issued PCN's for not having permission have since applied and have been successful in acquiring LLCS permits. Both hauliers observed at this location are now operating compliantly within permit conditions and LLCS and therefore London Councils cannot take any action against them.
12. Parking services has tasked APCOA, the council's parking enforcement contractor, to visit Astbury Road on a daily basis and issue PCNs to vehicles parked in contravention of the regulations. Increased early morning visits by civil enforcement officers (CEOs) has been taking place to tackle the obstructive parking from 6.30am. Residents have since cited that the delivery drivers were returning not long after the CEOs had left Astbury Road.
13. As a consequence of the above, APCOA are deploying some ad-hoc CEO return visits 5-10 minutes after CEOs leave. CEOs has noted a reduction in traffic since the increased enforcement began, however, vehicles are still parking in contravention and there is currently no plan to reduce enforcement to Astbury Road at this time.
14. From a highways legislation perspective (outside of parking), there are currently no areas of potential enforcement. Potential actions that the council could look into include:
 - Addition of no loading blips to facilitate enforcement on junctions
 - Weight restriction
 - Width restriction
15. The council is currently obtaining a legal opinion on the potential for weight/width restrictions. Any vehicle weight restriction may have a financial effect on the industrial estate businesses. Also a width restriction could impede emergency services and waste collection vehicles.

16. With respect to noise enforcement, it is appreciated that the constant vehicle movements within the site outside of normal hours are intrusive. However, the use of reversing beepers cannot be enforced against, as this is a safety requirement. However, to foster good local relationship, it can be recommended that the reversing beeper for lorries visiting the site be changed to a softer pitch which is likely to be less intrusive. It should be noted that this option cannot be required or enforced.
17. From an air pollution perspective, the traffic on this small industrial area is not sufficiently dense to make a measurable difference to overall air quality.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Cabinet procedure rule 2.12 on deputations:	160 Tooley Street London SE1 2QH	Paula.thornton@southwark.gov.uk
Link (copy and paste into browser): http://moderngov.southwark.gov.uk/documents/s80630/Cabinet%20procedure%20rules%20November%202016.pdf		

APPENDICES

No.	Title
Appendix 1	Location plan
Appendix 2	View from junction of Colls Road/Astbury Road

AUDIT TRAIL

Lead Officer	Chidilim Agada, Head of Constitutional and Members Services	
Report Author	Paula Thornton, Constitutional Officer	
Version	Final	
Dated	2 December 2022	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Director of Law and Governance	No	No
Strategic Director of Finance and Governance	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		2 December 2022