

Item No. 9.	Classification: Open	Date: 13 March 2018	Meeting Name: Cabinet
Report title:		Response to deputation request from local residents in respect of CPZ Zone L – Northern end of Grove Lane, SE5	
Ward(s) or groups affected:		Brunswick Park	
Cabinet Member:		Cllr Ian Wingfield, Cabinet Member for Environment and Public Realm	

FOREWORD - COUNCILLOR IAN WINGFIELD, CABINET MEMBER FOR ENVIRONMENT AND PUBLIC REALM

Firstly, on behalf of the Council we apologise for omitting the permit free requirement into the S106 Planning obligation for the Former Mary Datchelor School, 17 Grove Lane, London, SE5 8RD (planning ref 07/AP/0020).

From the officer information and legal advice it is not possible to retrospectively alter that agreement. Therefore I have requested officers to identify options to mitigate for this omission.

Officers advise that currently they have not exhausted all options of mitigation at this stage and therefore the information below is the current status of the progress of the officer investigation.

RECOMMENDATION(S)

Recommendation(s) for the Cabinet

1. To note the information contained in the officer report. Currently officers have not completed their investigation into all the options to address the issue referred to in the petition this report contains the progress and next steps.

BACKGROUND INFORMATION

2. The cabinet received a deputation from local residents on 4 February regarding CPZ Zone L (Northern end of Grove Lane) relating to a planning issue connected with street parking rights for the Mary Datchelor development. The deputation claimed that the council had failed to implement its own decision regarding the removal of on street parking rights for residents in this development in 2008 resulting in a worsened situation for local residents.
3. The deputation refers to the following development site, the Former Mary Datchelor School, 17 Grove Lane, London, SE5 8RD (07/AP/0020). The application was approved in 2008 and included a parking provision of 50% and an Agreement to fund an amendment to the Traffic Order to prevent new residents of the development from securing parking permits should deter car ownership within the development and thus reduce car use.

4. Following issues raised by local residents in 2017, officers investigated the situation and it was found that this recommendation was omitted through human error in the S106 planning obligation contract. Therefore there is no legal mechanism for the council to prevent residents of the former Mary Datchelor School applying for a parking permit for CPZ L.
5. Officers also investigated issues raised by local residents regarding parking stress in Grove Lane. The appropriate Parking Zone (PZ)– L comprises of 540 spaces made up of 481 permit bays 59 pay and display and disabled. In September 2017 there were 436 permits issued of which 11 were registered to the former Mary Datchelor School site. At the weekends when the zone is not in operation there is parking on the single yellow lines (most of which are Monday to Friday only).
6. The current status of the officer investigation is that at the request of local councillors, officers are in the process of preliminary communication with the management companies of the residencies on the former Mary Datchelor School site to open up avenues of negotiation in respect to the on street parking issue.

KEY ISSUES FOR CONSIDERATION

7. Considering the issues above a number of options have been investigated;
 - **Option 1.** Amend the S106 agreement to reflect the permit free obligation. This was deemed not possible for several reasons including the length of time that has passed from the signing of the original agreement.
 - **Option 2** Write to the residents requesting to voluntarily give up parking permits and the council to retrospectively applying the permit free status to the site..

This was also deemed not possible largely due to the fact the residents have no legal obligation to comply with this unprecedented request and therefore unlikely to comply. Also as only 11 of the possible 90 residential units have permits by drawing attention to the situation a further 79+ permits could be requested.
 - **Option 3** Await responses to letters sent to the management companies of the Mary Datchelor School site requesting car park usage rates and open a dialogue with the management company to determine if there is capacity that could accommodate the current 11 CPZ permit holders identified. Depending on the results of the response received, set up a meeting with the management company and the petitioners to further investigate resolutions.
 - **Option 4** Review the CPZ for efficiencies. To identify possible extra spaces and extend the hours of operation to include all or part of the weekend to reduce parking stress. This would require a public consultation and may attract objections to any proposed changes.

Legal implications

8. Legal officers advise that there is no real prospect of being able to amend the terms of a section 106 Agreement from 2008. The ownership will have changed from a single developer to 90 separate units. Only 11 of these have permits and there is no compelling reason why these residents would accept a change.

9. Whilst not directly relevant to this site, it should be noted that the issue of parking permits has been considered by the courts in recent years. Most recently in the Court of Appeal decision in R (Khodari) v RB Kensington and Chelsea in 2017, it was confirmed that “permit free” obligations do not fall within section 106 Town and Country Planning Act and therefore restrictions cannot be imposed under section 106 Agreements. If such restrictions are to be sought, then alternative legislation needs to be followed and this is the current approach adopted when drafting such provisions (details of relevant legislation to be added under director of law and democracy comments).

Policy implications

10. Current policy¹ states that most residential developments inside controlled parking zones are required to be car free, from 2006, meaning that residents of these developments are not eligible for parking permits. Some properties are subject to a car free development agreement under Section 106 of the Town and Country Planning Act 1990. Disabled blue badge holders do not need permits. The proposed submission version of the New Southwark Plan also states that development within existing or planned CPZs will not be eligible for on street resident and business car parking permits;

Resource implications

11. If the Cabinet decide to request that officers review Parking Zone L this will require prioritization of the parking zone review programme and impact of officer resource.

Financial implications

12. If the Cabinet decide to request that officers review Parking Zone L, any cost implications will be reviewed for funding from current revenue budgets.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Finance and Governance (FC17/080)

14. This report is updating cabinet on the options being reviewed by Officers to address the issues referred to the petition as detailed in the report.
15. The strategic director of finance and governance notes that there are no immediate financial implications arising from this report and any cost implications emerging following the review and decision by cabinet will need to be contained within existing departmental revenue budgets.
16. Staffing and any other costs connected with this report to be contained within existing departmental revenue budgets.

¹ The Council’s Transport Plan (2011), Policy 1.2 – advocates car free development in areas of good access to public transport and that are located in a controlled parking zone. Table 15.4 of the current Southwark Plan (2007) states that, in the Central Activity Zone, housing should normally be car-free. Car free locations should have a high Public Transport Accessibility Level value (5 or 6) be within a Controlled Parking Zone have good access by walking, cycling and public transport to services and facilities such as shops, schools, health and leisure facilities, and offices.

Strategic Director of Environment and Social Regeneration

17. Officers from Parking Management team will continue to work with Planning and Transport to investigate the issues in the petition and report back to Cabinet.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Transport plan 2011	Planning and Transport, 5th Floor, Tooley Street	Pip Howson 020 7525 2952
Link: http://www.southwark.gov.uk/info/200107/transport_policy/1947/transport_plan		

AUDIT TRAIL

Cabinet Member	Cllr Ian Wingfield, Cabinet Member for Environment and Public Realm	
Lead Officer	Simon Bevan, Director of Planning	
Report Author	Pip Howson, Team Leader Transport Policy	
Version	Final	
Dated	5 March 2018	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Law and Democracy	Yes	No
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Social Regeneration	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		5 March 2018