

OFFICER DELEGATED DECISION 4 OCTOBER 2021

Report title: Traffic Order for Alterations to Parking Bays on Hatfields in Support of Styles House Redevelopment

Wards: Bishop's

Portfolio: Cabinet Member for Sustainable Transport, Environment and Clean Air – Councillors Dr. Mahamed Hashi and Danial Adilypour (job share)

Report Authorised by: Bayo Dosunmu: Strategic Director for Resident Services

Contact for enquiries: Rachel Sandbrook, Infrastructure and Development Coordination Lead, Tel: 07526 916 058, E-mail: rsandbrook@lambeth.gov.uk

REPORT SUMMARY

Southwark Council has granted planning permission (Southwark Reference 20/AP/0969) for the construction of a new block on the Styles House Estate which will provide 24 new council homes. The Southwark Fire Consultant has advised that, as part of the planning permission for the new homes, new standards necessitate that fire tenders can approach the estate from both north and south directions along Hatfields. For fire tenders to be able to swing in and out of the estate from both directions, it is necessary to permanently remove two Residents' (Permit Holder) parking bays and one Disabled parking bay and to reduce the length of an existing Loading bay all on the west side of Hatfields, which is under the jurisdiction of London Borough of Lambeth. To offset the loss of these parking bays, Lambeth proposes to extend a Residents' (Permit Holder) parking bay and replace existing Business and Pay-By-Phone parking bays with Shared Use Residents' (Permit Holder) and Pay-By-Phone bays further north on Hatfields. Permission is sought for an instruction to enter into a process of drafting, consulting upon and ultimately making a Traffic Order for these proposed permanent changes to the existing parking bays.

FINANCE SUMMARY

Southwark Council will meet all costs arising from this proposal. There are no further financial implications for Lambeth Council arising from this report.

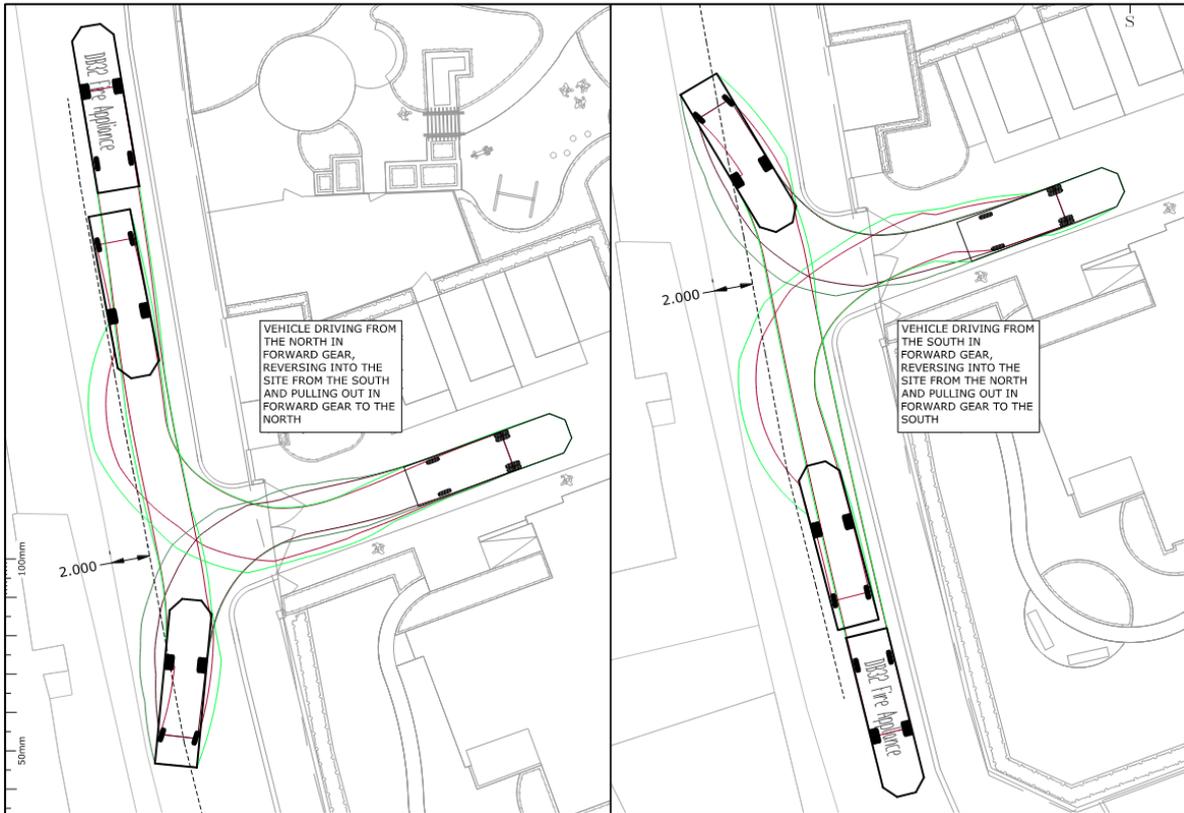
RECOMMENDATIONS

1. To issue scheme approval for proposed alterations to parking bays as presented on Lambeth drawing DES-CPZ-N-2020-Hatfields (Appendix C).
2. That, subject to the above recommendation, the scheme be implemented under sections 6, 45, schedule 1 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 and section 90A of

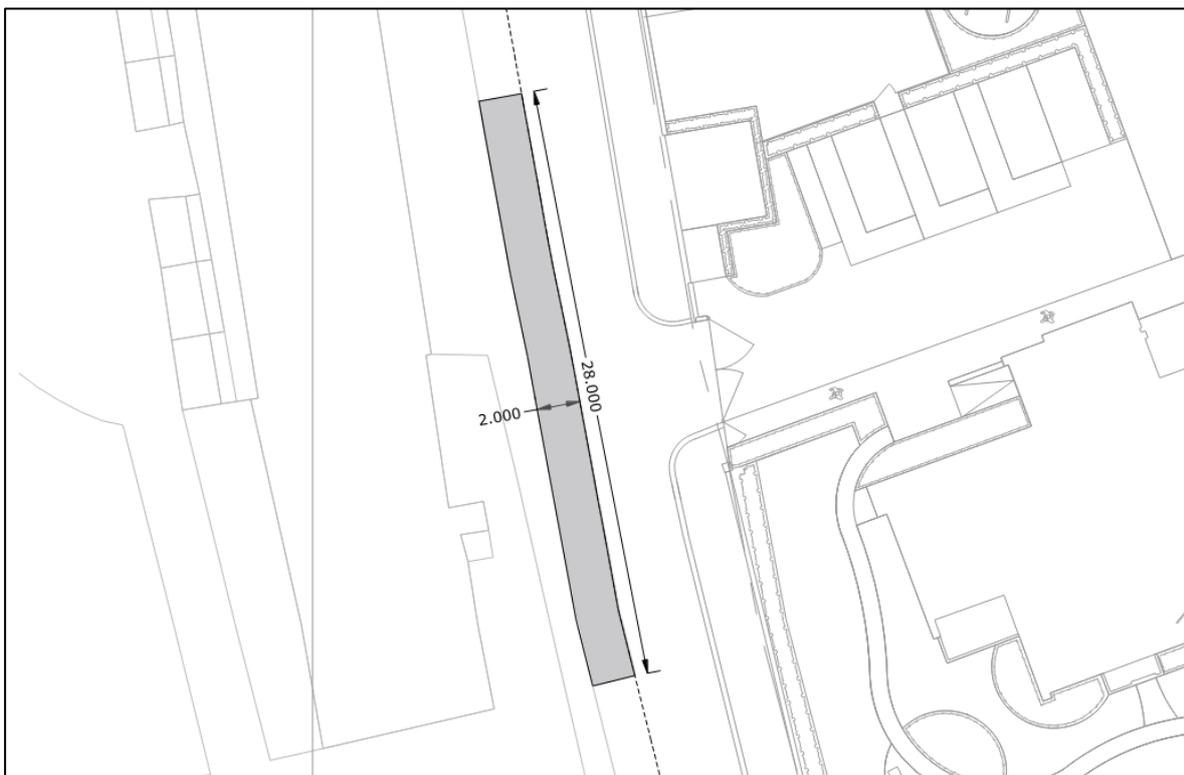
the Highways Act 1980, subject to no material objections resulting from the statutory consultation process, but that any such objections that are received are considered by the Director of Infrastructure and Capital Delivery by way of a written report before a decision is reached.

1. CONTEXT

- 1.1 Southwark Underground station was opened in November 1999 and was constructed to facilitate the development of a building above. Numerous proposals have been developed over the years to construct the building but these have been hampered by the following key constraints:
 - The engineering constraints and the cost of keeping the tube station open and running during the construction above
 - The relatively small size of the tube station site which can only accommodate a small floorplate which thus impacts the business case
- 1.2 To make the project viable, the floorplates need to be bigger. To facilitate a larger floorplate, TFL acquired several adjacent properties including four units on the Styles House Estate with a view to carrying out a land swap with the council. Following some years of negotiations, Southwark's Cabinet agreed a land exchange report on 30th April 2019 which included provision of 24 new homes on the Styles House Estate, to be paid for by TfL, and the construction of employment space above the tube station on TFL land (subject to the appropriate planning approvals).
- 1.3 A planning application for the proposed council housing, based on a strongly resident-led design process, was submitted in March 2020 and granted permission by planning committee in February 2021 (Southwark Reference 20/AP/0969). Note a separate planning application for the Over-Station Development (OSD) was also submitted in March 2020 and this was granted permission by planning committee in March 2021 (Southwark Reference 20/AP/1189).
- 1.4 The above proposed planning-approved schemes, in combination, are expected by Southwark Council to deliver the following strategic benefits:
 - Deliver 25 council homes and estate improvements in Bankside and The Borough ward
 - Deliver a new community hall which is directly accessed from The Cut and can be used by all local community and cultural organisations.
 - Facilitate the redevelopment of a key development site in the London Bridge Bankside opportunity area which provides next generation green building to support green recovery post pandemic, with 2650sqm of affordable workspace.
 - Create 2100+ new permanent jobs
 - Offer improved public realm and security around Southwark Station and Isabella Street
- 1.5 As part of the planning permission for the new homes, the Southwark Fire Consultant has indicated that new standards require fire tenders to be able to approach the Styles House Estate along Hatfields from both north and south directions. For fire tenders to be able to swing in and out of the estate from both directions, it is necessary to permanently remove existing parking bays on the west side of Hatfields (which is under Lambeth Council's jurisdiction) over a 28m long stretch (approximately 14m to either side of the centreline of the Styles House Estate access road). Refer to MLM drawing 6100977-MM-ZZ-XX-DR-TP-0014; revision P01; DB32 Fire Tender - Reverse onto Site from North and South (Appendix A) and MLM drawing 6100977-MLM-ZZ-XX-DR-TP-0015; revision P01; Loss of On Street Parking (Appendix B).



Extract from MLM drawing 6100977-MM-ZZ-XX-DR-TP-0014 showing fire tender vehicle tracking analysis



Extract from MLM drawing 6100977-MM-ZZ-XX-DR-TP-0015 showing extent of loss of on-street parking

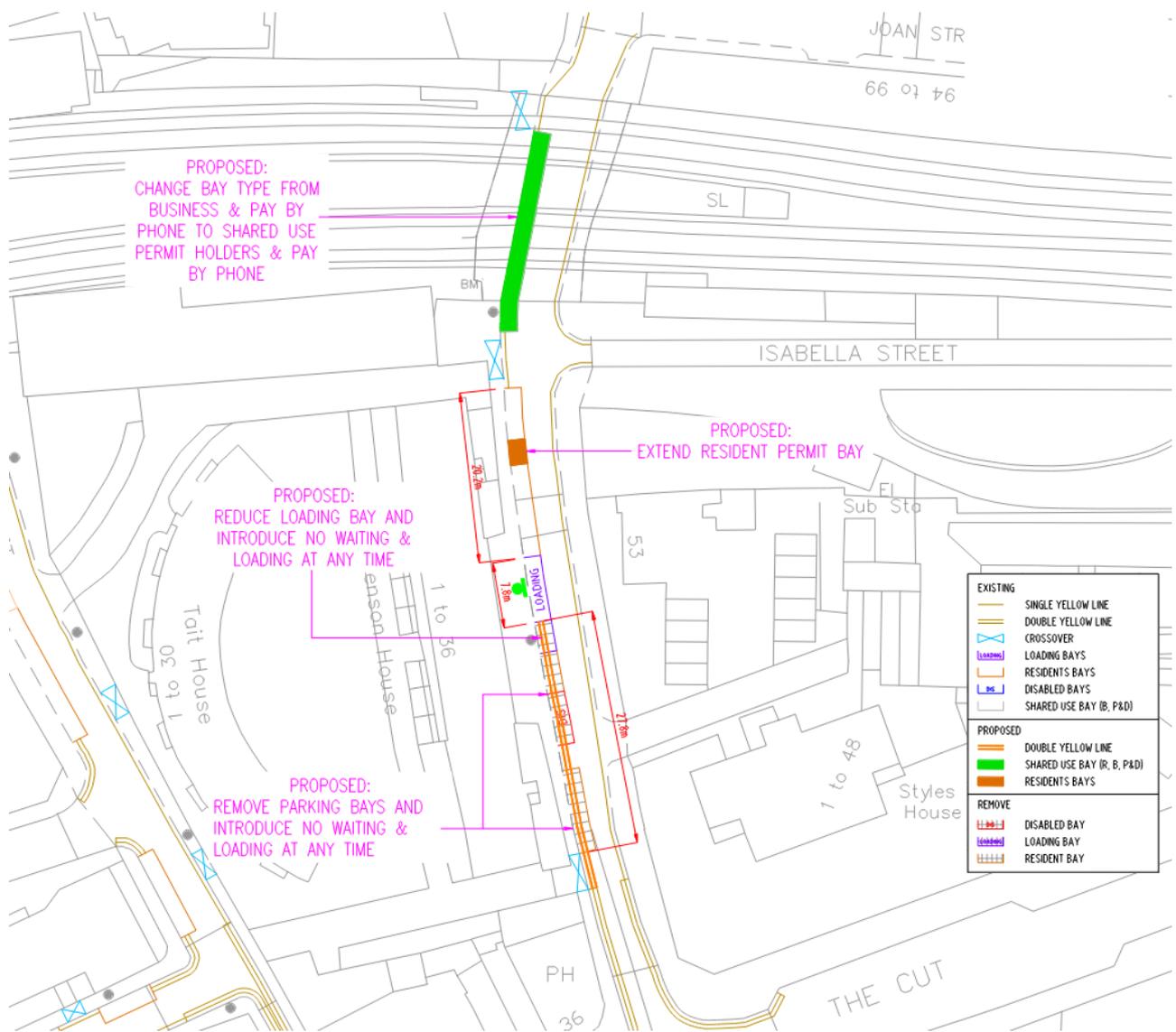
- 1.6 In order to lawfully remove the existing on-street parking as described in 1.5 above, it will be necessary for a permanent Traffic Order to be made to this effect.
- 1.7 Traffic orders, or notices, are the official documents through which temporary or permanent restrictions or physical measures on the public highway can be introduced or removed.

1.8 A standard Traffic Order process must be undertaken in order to get to a point where an order can be made:

- Notice is given by the Council of the intention to make Orders by way of a public notice being published in the South London Press and the London Gazette.
- Objections or other representations must be made within 21 days of when the public notice appears in the above publications.
- The Council undertake a statutory consultation process. Consultees include the Police, the Fire Brigade, the Ambulance Service and organisations representing road users.
- The Council may also attach notices to lamp columns or other street furniture in the roads concerned and may consult with local residents and businesses.
- The Council considers any formal objections before making a decision as to whether to make the Orders. Objectors are notified in writing of the decision.
- When the Orders are made, this is again communicated by way of a public notice in the South London Press and the London Gazette, as well as on-street. Copies of the Orders are also made available for public inspection.
- Once the Orders are made, if a person believes that the Council has acted outside of its powers or has not followed the correct legal procedure, they can apply to the High Court within six weeks of the date of the Orders and ask the court to quash the Orders.

2. PROPOSAL AND REASONS

- 2.1 To enable bi-directional fire tender access to the redeveloped Styles House Estate, existing parking bays on the west side of Hatfields are to be removed from a point approx. 27.5m north of the junction of Hatfields with The Cut, for a distance of 27.8m in an approx. northerly direction, and replaced with “No Waiting and Loading at Any Time” restrictions.
- 2.2 This will result in the permanent removal of 2no. Residents’ (Permit Holder) parking bays and 1no. Disabled parking bay. It will also reduce the length of the existing Loading bay to 7.8m.
- 2.3 By way of mitigation for the loss of residents’ parking here, the following measures are also proposed. These will be implemented at the same time as the removal of the bays adjacent to Styles House.
- A small stretch of single yellow line will be removed outside Benson House to join up two adjacent Residents’ (Permit Holder) parking places, thereby creating one single stretch of resident permit parking, 20.2m long.
 - The designation of the existing Business and Pay-By-Phone parking place on the west side of Hatfields underneath the railway bridge will be changed to Resident, Business and Pay-By-Phone.
- 2.4 Refer to Lambeth drawing DES-CPZ-N-2020-Hatfields (Appendix C) for details of the proposed changes, including critical dimensions.
- 2.5 Officers are satisfied that it is necessary to remove the existing parking bays as described above in order to enable the development to be carried out in accordance with the Planning Permission.
- 2.6 In its role as Local Highway Authority, the Council is satisfied that the proposed alterations to parking bays will have no net detrimental impact on the operation and performance of the Highway and its various functions. In assessing this, due account has been taken of the interests of traffic and of the owners and occupiers of adjoining property. It is deemed that the parking facilities resulting from these proposals remain suitable and adequate



Extract from Lambeth drawing DES-CPZ-N-2020-Hatfields showing proposed parking bay changes

- 2.7 Although these proposals will see the loss of a single Disabled parking bay outside Benson House, this parking bay, rather than an 'origin' bay having been provided to assist a local resident is a "destination" bay introduced to assist access by motorists with mobility issues to commercial premises on The Cut. Therefore it is not expected that its removal will have a negative impact on local residents. Relocation of the bay further north along Hatfields would not offer a suitable alternative for use as a 'destination' bay given the additional distance required to walk to facilities on The Cut.
- 2.8 The loss of the above bay is mitigated by the fact that Blue Badge Holders may park in any resident permit or shared-use resident permit and Pay-by-Phone bay within Lambeth free of charge and without time limit. Similar arrangements also operate in LB Southwark. In addition, they may also park on single or double yellow line waiting restrictions providing the badge and clock are clearly displayed (and subject to ensuring no obstruction is caused and to not parking where loading restrictions are in operation). There will therefore be ample parking options still available to Blue Badge Holders in the vicinity of the removed Disabled parking bay.
- 2.9 It has been recommended to LB Southwark that they may wish to implement the following changes on the east side of Hatfields, noting that the carriageway is relatively narrow and that it would be unfortunate if the proposed parking changes on the west side of the road were simply to displace

parking, especially by Blue Badge holders, onto the east side of the road, thereby causing obstruction.

- Upgrade yellow lines on east side of Hatfields from single to double, potentially from the junction with The Cut up to the junction with Isabella Street
- Introduce “at any time” loading restrictions here

2.10 The proposed alterations will reduce the magnitude of potential future parking revenues since there will now be scope for Resident Permit Holders to park in a length of bay that was designated for Business and Pay-By-Phone. Legal advice has been sought and there is currently no known legal route by which compensation for these lost revenues can legitimately be sought from the developer, noting that planning permission has already been granted and S106 terms have already been agreed.

3. FINANCE

Budget

3.1 Southwark Council has undertaken to meet all costs arising from these proposals.

Expenditure

3.2 The estimated cost of delivering this report’s recommendations is £13,000 (maximum).

Table 1 – Forecast Expenditure (Revenue)	Spend (£)
1. DRW Officer Time	Between £1,000 and £1,500
2. Parking and TRO team Officer Time	Between £1,000 and £1,500
3. Traffic Order Process, including drafting, consulting upon and making the order	Between £2,000 and £5,000
4. Lines and Signs Costs	Up to £5,000
TOTAL FORECAST EXPENDITURE (MAXIMUM)	£13,000

The change of a portion of parking bay from shared use Business and Pay-By-Phone to shared use Residents’ (Permit Holder), Business and Pay-By-Phone will result in potential future parking revenue losses. Refer to paragraph 2.10.

Income

3.3 No net income will be generated by these proposals.

4. LEGAL AND DEMOCRACY

4.1 The Council's powers to implement the measures proposed in this report are principally set out in the Highways Act 1980 (HA80) and Road Traffic Regulation Act 1984 (RTRA) and will require the making of Traffic Management Orders (TMO).

4.2 In making such Orders, the Council must follow the statutory consultation procedures set out in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations). The said Regulations, prescribe inter alia, specific publication, consultation and notification requirements that must be strictly observed. It is incumbent on the Council to take

account of any representations made during the consultation stage and any material objections received to the making of the Order, must be reported back to the decision maker before the Order is made.

- 4.3 By virtue of section 122 of the RTRA, 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. 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) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles.
 - (e) Any other matters appearing to the Council to be relevant.

The Council must have proper regard to the matters set out in s 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.

- 4.4 Sections 6, 45, 124 and Part IV of Schedule 9 of the RTRA, enable the Council to implement by Order (TMO) the changes in those roads to which this report refers. The exercise of this power requires the making of a Traffic Management Order. The requisite sign or signs for these purposes is specified in the Traffic Signs Regulations and General Directions 2016 (TSRGD). Section 6(3)(d) of the RTRA provides that the Council may make a TMO for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).
- 4.5 Once the abovementioned Orders are in place, the council is required to make the necessary amendments to the road markings and signage as soon as practicable to adequately provide information as to the Order that is in place in the area.
- 4.6 The Council has, pursuant to Section 62 of the Highways Act 1980, a general power to improve any highway in its area. The Council has several powers in relation to tree planting and maintenance, such as Sections 64 and 96 of the Highways Act 1980 and Section 10 of the Open Spaces Act 1906. Section 75 of the Highways Act 1980 extends a power to vary the relative widths of the carriageway and of any footway.
- 4.7 The history and outcome of the non-statutory public consultation undertaken to date is detailed in Section 5 of this report. The following principles of consultation were ruled on by the High Court: First, a consultation had to be at a time when proposals were still at a formative stage. Second, the proposer had to give accurate and sufficient reasons for any proposal to permit of intelligent consideration and meaningful response. Third, adequate time had to be given for consideration and response, and finally, the product of consultation had to be considered with a receptive mind and conscientiously taken into account in finalising any statutory proposals. The process of consultation had to be effective and looked at as a whole it had to be fair. Fairness might require consultation not only upon the preferred option, but also upon any discarded option(s). The proposals detailed in this report require the making of a TMO. The statutory procedure to be followed in this connection (detailed above) includes a consultation stage. The Council is obliged to take account of any representations made at that stage, and any material objections received will need to be reported back to the decision maker before an Order is made. All objections received must be properly considered by the decision maker in the light of administrative law principles, Human Rights law and the relevant statutory powers.

4.8 Section 149 of the Equality Act 2010 sets out the public sector equality duty in relation to race, sex and disability and extending the duty to all the protected characteristics i.e. race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment. The public sector equality duty requires public authorities to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations between those who share a protected characteristic and those who do not.

Part of the duty to have “due regard” where there is disproportionate impact will be to take steps to mitigate the impact and the Council must demonstrate that this has been done, and/or justify the decision, on the basis that it is a proportionate means of achieving a legitimate aim. Accordingly, there is an expectation that a decision maker will explore other means which have less of a disproportionate impact.

4.9 The Equality Duty must be complied with before and at the time that a particular policy is under consideration or decision is taken – that is, in the development of policy options, and in making a final decision. A public body cannot satisfy the Equality Duty by justifying a decision after it has been taken.

4.10 In addition to the above, Section 175A of the Highways Act 1980 extends a specific duty upon local authorities to have regard to the needs of disabled and blind in the execution of certain street works (namely the placing of lamp-posts, bollards, traffic signs, apparatus or other permanent obstructions) which may impede such persons.

4.11 The Council's constitution delegates to Directors and Assistant Directors (Delivery) the authority to consider objections received from statutory consultation as part of the TMO making process, (subject to a formal report setting out the objections, with clear recommendations, being submitted for approval) and the power to make, amend or revoke traffic orders, following the consideration of such objections.

4.12 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear days prior to the decision being taken (Constitution, Part 2, Section 3) by the Cabinet Member or officer concerned. It is suggested that this proposed decision is published online in the interests of transparency. Any representations received during this period must be considered by the decision-maker before the decision is taken.

5. CONSULTATION AND CO-PRODUCTION

5.1 Consultation is yet to be undertaken. Prior to the making of the Order, the Council will undertake a consultation process as detailed in the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations 1996 (the 1996 Regulations) as described in Section 4 above.

6. RISK MANAGEMENT

6.1 The main risks associated with the proposals detailed in this report are summarised below.

Table 2 – Risk Register

Item	Risk	Likelihood	Impact	Score	Control Measures
1	Objections are submitted during the consultation process.	3	2	6	Consult with key parties prior to formal consultation process.
2	Objections are raised within 6 weeks of the making of the Order, leading to possible High Court challenge.	2	4	8	Ensure any parties with likely interest are fully consulted during formal consultation process period.

Key

Likelihood	Very Likely = 4	Likely = 3	Unlikely = 2	Very Unlikely = 1
Impact	Major = 8	Serious = 4	Significant = 2	Minor = 1

7. EQUALITIES IMPACT ASSESSMENT

- 7.1 An Equalities Impact Assessment has not been undertaken for the development. However, the construction of 24 new council homes, the provision of a new community hall, and the creation of employment and enterprise opportunities will have clear positive equalities outcomes for the local community.
- 7.2 Irrespective of the construction of the new homes, there is clear technical advice from Southwark's fire consultant to provide better fire tender access into the existing estate for the safety of all residents.
- 7.3 Although these proposals will see the loss of a single Disabled parking bay outside Benson House, this parking bay, rather than an 'origin' bay having been provided to assist a local resident is a "destination" bay introduced to assist access by motorists with mobility issues to commercial premises on The Cut. Therefore it is not expected that its removal will have a negative impact on local residents. Relocation of the bay further north along Hatfields would not offer a suitable alternative for use as a 'destination' bay given the additional distance required to walk to facilities on The Cut.
- 7.4 The loss of the above bay is mitigated by the fact that Blue Badge Holders may park in any resident permit or shared-use resident permit and Pay-by-Phone bay within Lambeth free of charge and without time limit. Similar arrangements also operate in LB Southwark. In addition, they may also park on single or double yellow line waiting restrictions providing the badge and clock are clearly displayed (and subject to ensuring no obstruction is caused and to not parking where loading restrictions are in operation). There will therefore be ample parking options still available to Blue Badge Holders in the vicinity of the removed Disabled parking bay.
- 7.5 On the basis of the above, it is deemed that the proposals outlined in this report will have no net negative impact on those with one or more of the protected characteristics outlined in Section 149 'Public Sector Equality Duty' of the Equality Act 2010 (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment).

8. COMMUNITY SAFETY

8.1 The proposals detailed in this report will have no significant community safety impacts.

9. ORGANISATIONAL IMPLICATIONS

Environmental

9.1 None.

Health

9.2 None.

Corporate Parenting

9.3 None.

Staffing and accommodation

9.4 The proposals outlined in this report will be delivered as part of the current portfolio of work of Development Related Works staff within the Infrastructure and Capital Studio team and the Parking and Street Management Business Unit within the Parking and Enforcement team. There will be no net impact, therefore, on staffing and accommodation.

Responsible Procurement

9.5 None.

10. TIMETABLE FOR IMPLEMENTATION

10.1 The table below details the stages and deadlines for implementing the recommendations.

Table 3 – Timetable for Implementation

Activity	Proposed Date
ODDR issued for comment	06/08/2021
Officer Decision, TRO team instructed	01/10/2021
Start of Traffic Order process (drafting, consultation, preparing to make Order)	04/10/2021
Completion of Traffic Order process, target date for making Order	10/12/2021
Update Council records	07/01/2022

10.2 The above are target timescales only. In practice, it is noted that the Traffic Order process can take considerably longer than these proposed timescales, particularly if significant objections are received.

Audit Trail				
Name and Position/Title	Lambeth Directorate	Date Sent	Date Received	Comments in paragraph:
Councillors Mahamed Hashi and Danny Adilypour (job share)	Sustainable Transport, Environment and Clean Air	06.08.21	16.08.21	-
Bayo Dosunmu, Strategic Director	Resident Services	06.08.21	06.08.21	Section 3
Sandra Roebuck, Director	Resident Services (Infrastructure and Capital Delivery)	06.08.21	17.05.21	Section 3
Michael Munnely, Assistant Director	Resident Services (Infrastructure and Capital Delivery)	06.08.21	-	-
Bala Balaskanthan, Traffic Manager	Resident Services (Infrastructure and Capital Delivery)	06.08.21	-	-
Hamant Bharadia, Finance	Finance and Property	04.08.21	17.08.21	Section 3
Jean-Marc Moocarme, Legal Services	Legal and Governance	04.08.21	19.08.21	Throughout
Marianna Ritchie, Democratic Services	Legal and Governance	04.08.21	10.08.21	Throughout

Report History	
Original discussion with Cabinet Member	None
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	N/A
Background information	Southwark Planning Permission 20/AP/0969 Southwark Planning Permission 20/AP/1189
Appendices	Appendix A: MLM drawing 6100977-MM-ZZ-XX-DR-TP-0014; revision P01; DB32 Fire Tender - Reverse onto Site from North and South Appendix B: MLM drawing 6100977-MLM-ZZ-XX-DR-TP-0015; revision P01; Loss of On Street Parking Appendix C: Lambeth drawing DES-CPZ-N-2020-Hatfields; Controlled Parking Zones: Hatfield Road Proposed Measures

APPROVAL BY CABINET MEMBER OR OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

I confirm I have consulted Finance, Legal, Democratic Services and the Procurement Board, and taken account of their advice and comments in completing the report for approval:

Signature:

Date:

Post: Rachel Sandbrook
Infrastructure and Development Coordination Lead

I approve the above recommendations:

Signature: _____ **Date:** _____

Post: Sandra Roebuck
Director of Infrastructure and Capital Delivery

Any declarations of interest (or exemptions granted): None

Any conflicts of interest: None

Any dispensations: None