

OFFICER DELEGATED DECISION - 10 FEBRUARY 2020

Report title: Proposed Controlled Parking Zone 'H' Extension, Croxted Road

Ward: Thurlow Park

Portfolio: Councillor Claire Holland: Deputy Leader of the Council (Environment & Clean Air)

Report Authorised by: Andrew Burton, Assistant Director of Highways, Capital Programmes and Sustainability

Contact for enquiries: Caroline Stanyon, Senior Parking Engineer Capital Programmes, 020 7926 6707 cstanyon@lambeth.gov.uk

Report summary

This report considers the objections and other representations made during the statutory consultation on a southwards extension of the existing controlled parking zone along Croxted Road to its junction with Turney Road and amend permit eligibility whereby Lambeth and Southwark residents of Croxted Road would be able to park in permit bays on both sides of the road. It is recommended that none of the representations are of sufficient gravity to warrant abandoning or varying those proposals.

Finance summary

The cost of implementing the proposed measures, including the making of the relevant Traffic Management Orders road markings, signage and traffic management is estimated at £11,100. Provision has been made in the Parking Reserve Account to fund this expenditure.

Recommendations

- 1) That, after considering the representations detailed in Appendix B received during the statutory consultation in respect of the proposals, the council proceeds with the making of the relevant Traffic Management Orders to:
 - a) extend the existing Tulse Hill (Zone H) Controlled Parking Zone along Croxted Road to its junction with Turney Road as illustrated in Appendix A to this report.
 - b) amend the existing LB Lambeth Tulse Hill (Zone H) CPZ Traffic Management Order on Croxted Road to allow a Herne Hill (Zone HH) residents' parking permit issued by LB Southwark to be valid on the Lambeth side of Croxted Road, subject to LB Southwark making a reciprocal arrangement for Zone H permits to be valid for use in Zone HH parking bays on Croxted Road.

1. CONTEXT

- 1.1 Croxted Road (A2199) is a boundary road shared with Southwark Council, where the south-western side of the carriageway falls within Lambeth and the north-eastern side within Southwark. Between its junction with Norwood Road and the overhead railway bridge adjacent to the Croxted Road Garden Centre, parking is controlled 10am to noon Monday to Friday with the Lambeth Tulse Hill CPZ (Zone H) operating on the south-western side and Southwark's Herne Hill CPZ (Zone HH) on the north-eastern side. The remainder of Croxted Road is uncontrolled with the exception of double yellow line 'at any time' waiting restrictions at its junctions with Turney Road and Pymer's Mead.
- 1.2 In early 2018 the Council received a change.org e-petition with 73 signatories demanding that Lambeth and Southwark Councils extend controlled parking southwards along Croxted Road.
- 1.3 Separately, Lambeth and Southwark officers had been developing a joint proposal to simultaneously introduce parking controls on this stretch of Croxted Road that enables all of the road's residents to buy from their respective council a permit that allows them to park on both sides of the road. Under a proposed reciprocal arrangement, Lambeth Zone H permits would be valid in the Southwark Zone HH bays on the north-east side of Croxted Road; holders of Southwark's Zone HH permits would be able to park in Lambeth Zone H permit bays.
- 1.4 On 15 August 2019, the Assistant Director for Highways, Capital Programmes and Sustainability approved a Delegated Decision Report that recommended:
 - a) statutory consultation be undertaken on traffic orders to extend the existing controlled parking zone 'H' southwards on Croxted Road to its junction with Turney Road, and, subject to Southwark Council making a reciprocal amendment to their relevant traffic orders, Southwark Council's Zone HH permits be valid for use on parking bays on the Lambeth side of Croxted Road in Zone H CPZ;
 - b) that in the event of no unwithdrawn objections being received, the scheme be implemented;
 - c) that in the event of there being unwithdrawn objections, a delegated decision report be considered by the Assistant Director of Highways, Capital Programmes and Sustainability prior to a decision being made as to whether to implement, reduce or abandon the proposal.
- 1.5 A three-week statutory consultation, beginning on Friday 4 October 2019 and ending on Friday 25 October 2019 was carried out. It involved:
 - publishing the Council's intentions in the South London Press and the London Gazette;
 - attaching Notices on lamp columns in the area; and,
 - hand-delivering a newsletter to all properties on the Lambeth side of Croxted Road, both within the existing Tulse Hill CPZ (Zone H) and the proposed extension area, between the railway-bridge and junction with Turney Road, setting out the proposals and explaining how representations could be made.
- 1.6 A copy of the proposed traffic management order (TMO), detailed plans of the proposals and the Council's Statement of Reasons were available for inspection at Brixton Library. These documents were also available on the Council's website.
<https://www.lambeth.gov.uk/parking-transport-and-streets/parking/proposed-controlled-parking-zone-streatham-hill-area>
- 1.7 A simultaneous statutory consultation was also undertaken by Southwark Council with properties on the Southwark side of Croxted Road both within the existing Zone HH CPZ and also properties on the Southwark side of Croxted Road within the proposed CPZ extension area, between 3 October and 24 October 2019. The results of this consultation and decision made by Southwark's Cabinet Member for Environment, Transport and the Climate Emergency are referred to in paragraphs 2.11 to 2.12 of this report.

2. PROPOSAL AND REASONS

Outcome of Statutory Consultation

- 2.1 Table 1 summarises the 51 representations generated by the statutory consultation:
- 17 supported the proposed extension;
 - 12 objected to the proposals; and,
 - 21 commented (in the main that the zone should be further extended into adjacent roads).
- 2.2 In addition, the council received an email petition signed by 26 residents of 17 properties on the Lambeth side of Croxted Road supporting a CPZ in their road. Several of these signatories had also submitted their own individual representation.
- 2.3 Details of all representations including the petitioners' demands can be found in Appendix B. Names and specific addresses have been redacted.

Table 1 – Representations Summary

ROAD NAME	NO. OF REPS	SUPPORT	OBJECT	Comment	Lambeth	Southwark	Not known
Croxted Road (within existing CPZ)	2		1	1	2		
Croxted Road (within proposed CPZ extension)	18	16	1	1	16		2
Croxted Road (south of Turney Rd)	5		3	2	2	2	1
Clive Road	1	1			1		
Dalkeith Road	11		2	9	11		
Lovelace Road	1			1	1		
Pymers Mead	1			1	1		
Rosendale Road	3		1	2	3		
Turney Road	6		3	3	3	2	1
Not provided	3	1	1	1			3
TOTALS	51	18	12	21	40	4	7

Consideration of Issues Arising from Responses to Statutory Consultation

- 2.4 Analysis of the representations received revealed recurring or similar themes within both the objections and comments. These issues have been aggregated and are responded to by officers in the following paragraphs.

Concern over displaced parking: negative impact on residents of adjacent unrestricted streets where there is already parking pressure from non-resident vehicles

Officer response

- 2.5 The August Delegated Decision report (see para 1.4) evidences that the design team considered this. While undesirable, some displacement of parking is inevitable when introducing any parking controls be they a small scale yellow line waiting restriction scheme or an area-wide proposal such as a new or extended CPZ.

- 2.6 Experience has shown that small scale expansions to existing CPZs are generally ineffective at dissuading commuters from driving and parking on-street nearby. This is due to the extra walk-distance between nearby roads still outside the CPZ and the drivers' destination being insufficient to achieve modal shift. Non-residents, who have previously been able to park on-street for free and, for whom public transport or other more sustainable modes are not available or not considered convenient, migrate to adjacent unrestricted streets. In addition, some residents living within the proposed CPZ extension, may not be prepared to purchase a parking permit and will instead choose to park for free in unrestricted streets close by.
- 2.7 Whilst these boundary effects are therefore unavoidable when expanding a CPZ, when designing this scheme, officers did seek to reduce the effect by choosing a boundary that, to some degree, deters displacement. The proposed CPZ expansion will add more than four minutes to the time a commuter must walk between their car and the station. For some, this may be sufficient to change to another mode of transport. The 2018 occupancy survey indicated that typically 40% of the maximum 60 vehicles currently parked on-street on a weekday probably belonged to Croxted Road residents. If the remaining 60% belong to non-residents (some may be visitors entitled to purchase a visitor's permit), up to 36 vehicles would be displaced.
- 2.8 From experience gained following the introduction of CPZs in other areas of the borough, it is considered that the potential impact of the vehicles displaced from this small-scale on-street CPZ extension can be absorbed in streets within the adjacent area.

Concern that the proposed area of CPZ extension is too small, requesting that adjacent streets such as Dalkeith and Turney Road should also be included or consulted

Officer response

- 2.9 This is closely related to the preceding objection.
- 2.10 In 2008, Lambeth Council consulted residents of roads within the south Croxted area on whether they wanted a CPZ to be developed for their street. At that time the majority of respondents from Dalkeith Road, Lovelace Road, Rosendale Road and Turney Road said that they did not support a CPZ (the western side of Croxted Road southwards from Turney Road, including private roads such as Pymers Mead, within the Dulwich Estate, were not consulted as part of the 2008 consultation).
- 2.11 Since that date, although the Council has received occasional complaints from individual residents about parking pressure in these roads, there has been no significant indication that the majority of residents' views have changed and that the introduction of controlled parking would now be supported. The 2018 petition was only from residents of Croxted Road.
- 2.12 In view of the considerable support demonstrated by the residents of Croxted Road who signed the petition, it was decided to move directly to statutory consultation on the introduction of these proposals. Opting not to undertake Stage 1 informal consultation reduces costs, avoids further time delays and makes best use of the council's limited resources.
- 2.13 Majority support for a CPZ, such as displayed by this petition, enabled the borough to proceed directly to statutory consultation on the delivery of a CPZ extension into Croxted Road, reducing the project lead-in time and offering relief to affected residents sooner rather than later. This limited expansion was further justified by the parallel proposal already in train of allowing residents to park on both sides of Croxted Road (i.e. in changing Croxted Road's existing CPZ's TMO, the Council was already planning to incur some costs).

2.14 Expansion of the current project scope beyond Croxted Road, to an area where the appetite for parking controls is relatively unknown, would require the Council's full CPZ process, involving informal and formal consultation, which takes over a year to complete. This would bring any implementation very close to Transport for London's (TfL's) planned extension of the ULEZ zone to the South Circular in October 2021. The £12.50 charge levied on any non-compliant vehicle entering the ULEZ will change the travelling habits of commuters who drive non-compliant vehicles. In particular, some commuters who currently park on non-CPZ roads inside the proposed ULEZ will instead park outside, thereby reducing parking demand.

Concern at the non-alignment between the two councils' pricing structures

Officer response

2.15 The income arising from managing a CPZ such as the issuance of permits, the maintenance of signs, lines and posts, implementation of traffic orders and parking enforcement is ring-fenced for parking transport-related purposes. Within that constraint, each local authority has the ability to implement a parking charging structure that they consider is most likely to meet the outcomes embodied in their Transport Strategy.

2.16 Lambeth's permit pricing structure differs from Southwark's in that it offers a sliding scale of discounts according to a vehicle's tailpipe emissions. The average annual Lambeth resident permit for a petrol vehicle is Band 3 £164.13 (Band 3 = an engine size of less than 1550 cc or emissions of between 121-165 CO₂ g/km depending on the age of the vehicle). As public health studies have shown particulate matter from diesel vehicle emissions to be more harmful than other fuels, a £40 surcharge is applied to diesel-engine vehicles that do comply with Euro 6 Emission standards.

2.17 Southwark's pricing structure differs in that they do not currently operate an emissions-based charging regime and the annual permit fee for a resident permit is £125. The only emissions-based discount is that the annual permit price for electric and hybrid vehicles is £31.25. Lambeth's permit-fee for electric and hybrid vehicles with emissions of up to 100 CO₂ g/km is £36.59.

2.18 In conclusion, the difference in pricing structure is considered insufficient grounds to abort the proposed scheme.

Concern that Lambeth permit holders within the existing CPZ will be disadvantaged by the proposed 'shared approach'.

Officer Response

2.19 There are 52 residential properties in the section of Croxted Road in which parking controls are proposed: 25 in Lambeth and 27 in Southwark. If implemented as advertised, there will be space for approximately 22 cars to park on the Lambeth side of the road and 18 on the Southwark side

2.20 Neither council considered car ownership rates within CPZs when designating where drivers can and cannot park. At present, to determine where bays are marked, both apply established design principles relating only to where a parked car may cause an obstruction to other road users. Although there are more properties on the Southwark than the Lambeth side of the road, this does not necessarily mean there will be greater competition for space on the Lambeth side. This is because more Southwark properties have access to off-street parking facilities so may as a result not require a permit to park on-street.

2.21 Where the ability to park on both sides of a boundary road has been in operation for some years (e.g. Hazelbourne Road in Clapham), residents have valued the flexibility, if for some reason they were prevented from parking on their own (road works, bay suspensions, visitors, etc).

3. FINANCE

- 3.1 If the proposal is implemented as advertised in the statutory consultation, the implementation cost is estimated to be £11,100, including the making of the relevant TMOs, road markings, signage and traffic management. Included in this are costs in respect of software upgrades to ensure GDPR compliant sharing of permit data between both boroughs which are in the region of £6,200 (cost to be split equally between Lambeth and Southwark).
- 3.2 Provision for all the above costs has been made in the CPZ programme budget for 2019-20

Estimated revenue from the proposed zone

- 3.3 The estimated revenue generation from this zone extension is £5,000 per annum (excluding PCN's).

4. LEGAL AND DEMOCRACY

- 4.1 Sections 6, 45, 46, 124 and Schedule 1 and Part IV of Schedule 9 of the RTRA provides the Council with the power to implement the changes proposed in this report. This legislation gives a local authority the power to make Traffic Management Orders (TMO) for the purpose of designating on-street parking places and to charge for the use of such places; imposing waiting and loading restrictions on vehicles of all or certain classes, at all times or otherwise, and to vary or revoke an existing TMO for the purpose.
- 4.2 Section 6 of the RTRA provides that the Council may make a TMO for any of the following purposes (mentioned at paragraphs (a) to (g) of section 1(1) of the Act) namely:
- a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising; or,
 - b) for preventing damage to the road or to any building on or near the road; or,
 - c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians); or,
 - d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property; or,
 - e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot; or,
 - f) for preserving or improving the amenities of the area through which the road runs; or,
 - g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of section 87 of the Environment Act 1995 (air quality).
- 4.3 When determining what paying parking places are to be designated on the highway, section 45(3) of the RTRA requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to:
- (a) the need for maintaining the free movement of traffic;
 - (b) the need for maintaining reasonable access to premises; and,
 - (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.
- 4.4 In making such Orders, the Council must follow the procedures set out at Schedule 9, Part III of the Road Traffic Regulation Act 1984 and detailed 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.

- 4.5 By virtue of section 122 of the RTRA, the Council must exercise its powers under that Act 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:
- the desirability of securing and maintaining reasonable access to premises;
 - 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;
 - the national air quality strategy;
 - 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; and,
 - any other matters appearing to the Council to be relevant.
- 4.6 The High Court has ruled that the Council must have proper regard to the matters set out at sections 122(1) and (2) and specifically document its analysis of all relevant section 122 considerations when reaching any decision.
- 4.7 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 discarded options. The proposals detailed in this report require the making of a TMO.
- 4.8 The statutory procedure to be followed in this connection is detailed above and includes a statutory 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 representations received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory principles.
- 4.10 GDPR implications surrounding the sharing of permit data between both boroughs have been thoroughly investigated with Lambeth's Data Protection Officer and colleagues in Parking Services. If following consultation this proposed CPZ extension is approved, the necessary updates to the relevant privacy notices will be made.
- 4.11 The Council's Constitution requires that issues of an important or sensitive nature will be published on the Council's website for five clear working days prior to the decision being taken (Constitution, Part 2, Section 3), where this is required by the Cabinet Member or Director concerned. It is suggested that this proposed decision is published on Officer Decisions 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 Public consultation responses are considered in paragraph 2 of this report.
- 5.2 No representations were received from Metropolitan Police.
- 5.3 In a joint response from Thurlow Park councillors Anna Birley, Fred Cowell, and Peter Ely, “We support the recommendations and would support any future proposal to consult residents in Dalkeith, Lovelace, Turney and Rosendale Roads on whether they wanted a CPZ to be considered for their street”.
- 5.4 In their parallel statutory consultation, London Borough of Southwark received 44 representations on their proposal to extend Southwark’s ‘HH’ CPZ southwards on Croxted Road to Turney Road. Of these, 16 were classed as objections, 26 as being supportive of the proposals and two as either comments or questions. A report detailing the officer response to each of the objections and comments was submitted to their Cabinet Member for Environment, Transport and the Climate Emergency and approval to proceed with the installation of a parking zone on the section of Croxted Road between the Railway Bridge and Turney Road obtained 14 January 2020. A copy of the report and accompanying appendices can be found at the following link on Southwark’s website: <http://moderngov.southwark.gov.uk/mgIssueHistoryHome.aspx?IId=50022066&Opt=0>

6. RISK MANAGEMENT

This is considered in paragraph 2 of this report.

7. EQUALITIES IMPACT ASSESSMENT

None arising from this report’s recommendations; the equalities impact assessment formed part of the August 2019 Decision.

8. COMMUNITY SAFETY

None arising from this report’s recommendations; the implications formed part of the August 2019 Decision.

9. ORGANISATIONAL IMPLICATIONS

None arising from this report’s recommendations; the implications formed part of the August 2019 Decision.

10. TIMETABLE FOR IMPLEMENTATION

Activity	Proposed Date
This report cleared for publishing on the Council’s website	February 2020
Install traffic signs and road markings	March 2020
Publish “Has Made” Notice	March 2020
Zone Operational	April 2020
Reciprocal arrangement allowing Croxted Road residents to park on both sides of that road	April 2020, subject to LBS agreement

AUDIT TRAIL				
Consultation				
Name/Position	Lambeth directorate/ department or partner	Date Sent	Date Received	Comments in para:
Andrew Ramsden, Assistant Director, Finance	Finance and Property	27.01.20	07.02.20	3
Jean-Marc Moocarme, Senior Prosecution Lawyer	Legal & Governance	27.01.20	03.02.20	4
David Rose, Democratic Services Officer	Legal & Governance	27.01.20	31.01.20	4

REPORT HISTORY	
Original discussion with Cabinet Member	Ongoing since July 2018
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Background information	<p>Petition (www.change.org) Lambeth Petition reference PT18-CPZ005</p> <p>Officer Delegated Decision Report 15 August 2019</p> <p>LB Southwark CPZ 'HH' Extension – Croxted Road Report http://modern.gov.southwark.gov.uk/mglIssueHistoryHome.aspx?lId=50022066&Opt=0</p>
Appendices	<p>Appendix A – Proposed Zone H CPZ Extension Area (Croxted Road between the railway bridge and Turney Road)</p> <p>Appendix B – Statutory Objection Representations/Comments</p>

APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

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



Signature:

Date: 10 February 2020

Post: Caroline Stanyon, Senior Parking Engineer

I approve the above recommendations:



Signature:

Date: 10 February 2020

Post: Andrew Burton, Assistant Director of Highways Capital Programmes & Sustainability

Any declarations of interest (or exemptions granted): None.

Any conflicts of interest: None.

Any dispensations: None.