

Officer Delegated Decision 26 July 2020

Report title: Collision Reduction Programme – Coldharbour Lane (Rushcroft Road / Electric Lane) and Additional Parking Bays for Holders of Business Permits in Brixton Town Centre

Wards: Brixton Hill, Coldharbour, Ferndale and Tulse Hill

Portfolio: Deputy Leader (Sustainable Travel, Environment and Clean Air), Cllr Claire Holland

Report Authorised by: Andrew Burton, Asst Director Highways, Capital Programmes & Sustainability

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Report summary

Statutory consultation carried out between 11 October 2019 and 1 November 2019 relating to the Council's proposals to improve road safety on Coldharbour Lane between Rushcroft Road and Electric Lane generated 30 responses, one of which was an objection.

This report considers that objection and recommends that it be overruled..

Finance summary

Provision was made in the 2019/20 Local Improvement Plan grant from TfL for the estimated £25,600 cost of this report's recommendations.

Recommendations

1. That, after considering the written responses to statutory consultation detailed in Appendix E to this report, the Council makes Traffic Management Orders implementing proposals to:
 - a) introduce one-way working and waiting and loading modifications on Rushcroft Road and Electric Lane (South), as detailed in Section 2 and illustrated in Appendix B (Drawing No. LBL/CBHR/RUS01);
 - b) introduce and convert on-street parking bays to increase capacity for business parking in Rushcroft Road, Porden Road, Saltoun Road, Kellett Road and Mervan Road, as detailed in Section 2 and illustrated in Appendix C (Drawing No. DES-CPZ-E-1004-100-01).
2. That statutory consultation be undertaken in respect of converting the parking bay on the western side of Electric Avenue outside Chaplin House from paid-for parking to vehicles displaying a valid "BR" permit Mon-Sat 8.30am – 8.30pm.

1. Context

Road Danger Reduction

- 1.1. Every Highway Authority has a duty to deliver measures to reduce collisions and promote road safety. The borough's Local Implementation Plan, approved in June 2019, sets the following objectives:

- a) By 2022 – reduce the number of people who are killed or seriously injured by 50% against 2005-09 levels
- b) By 2030 - reduce the number of people who are killed or seriously injured by 55% against 2010-14 levels
- c) By 2041 – eliminate all deaths and serious injuries from London’s streets

1.2. The Council's Road Danger Reduction Manager reviews reports provided by the police following collisions in which people were injured. Where a potential cluster or pattern in terms of location, vehicle-type, or manoeuvre is identified, a preliminary collision investigation study is carried out. The annual review of collisions reported between January 2014 and December 2016, identified the A2217 Coldharbour Lane as likely to benefit from collision-reduction measures (CRM).

1.3. A number of clusters were identified through detailed analysis undertaken as part of the Collision Study of the A2217 corridor. Two were at Coldharbour Lane’s junctions with Rushcroft Road and Electric Lane. Given the percentage of collisions involving vulnerable road users i.e. pedestrians, cyclists and powered two wheelers (P2W), within the section of Coldharbour Lane there is a clear justification for measures to improve this area of the road network.

Parking for Holders of Business Parking Permits

1.4. Brixton town centre has very limited parking available to holders of business parking permits, primarily due to the high population density and the restrictive highway layout with most of the roads designated by Transport for London as red routes.

1.5. When the Council constructed the new Civic Centre on Brixton Hill it permanently removed parking and through traffic on Buckner Road. This removed 28 parking spaces on Buckner Road. This consisted of 26 shared use resident/business/pay & display bays and 2 business-only bays.

1.6. During the construction of the Civic Centre 15 parking bays on Porden Road were removed to accommodate construction vehicle movements. They have not been reinstated.

2. Proposal and Reasons

Road Danger Reduction: Rushcroft Road/ Electric Lane (South) One-Way System

2.1 The proposal is part of a set of measures that have been developed to address the poor collision record along the A2217 corridor. The delivery of the measures is to be phased by consultation requirements. The subject of this report is the first of four measures proposed on the A2217.

2.2 The area being addressed as part of this proposal has been subject to 13 collisions in the last 36 months. This remains consistent with the last analysed data up to December 2016 (see Table 2.1 below). The Business Case Data Table for this scheme is presented in Appendix A.

Table 2.1 Collision Data

Area between Electric Lane /Rushcroft Road	36 Months preceding 31 Dec 2016	36 Months preceding 31 May 2018
No. of Collisions	13	13
Severity	1 Serious, 12 Minor	1 Serious, 12 Minor
Trend/ Patterns	4 pedal cycles / vehicle 7 pedestrian / vehicle (1 Serious) 2 P2W / vehicle	5 pedal cycle / vehicle 6 pedestrian / vehicle (1 Serious) 1 P2W / vehicle

Data Analysis

- 2.3 Helped by both junctions of Rushcroft Road and Electric Lane (S) forming part of a raised junction, 2017 traffic data on Coldharbour Lane does not indicate an issue with speeds at these junctions.
- 2.4 South of Coldharbour Lane, Electric Lane is a very narrow road currently operating 2-way traffic road but movements are difficult and restrictive, especially with the volume of parked vehicles along Electric Avenue. The majority of local residents are understood to already use the network in a one-way direction.

Proposed Measures - See Appendix B Drawing No. LBL/CBHR/RUS01

- 2.5 By stopping vehicular entry from Electric Avenue (S) and from 1 to 12 Hereford House on Rushcroft Road, traffic will only be permitted to travel one-way south-westbound, entering the network from Rushcroft Road. This will assist in reducing the number of permissible movements on both junctions of Electric Lane (south) and Rushcroft Road, making the junctions easier to navigate as a vulnerable road user. The implementation of the one-way traffic system will reduce driver conflicts, address anti-social driver behaviour such as the use of horns.
- 2.6 Local residents wishing to enter Coldharbour Lane from Rushcroft Road will have a maximum detour of 95m. There is no detour for visitors already parked on Rushcroft Road as there are no existing turning points on Rushcroft Road and drivers already drive the length of Electric Avenue to return to Coldharbour Lane.
- 2.7 The junctions will be subject to additional loading restrictions will address waiting and loading violations and assist pedestrians crossing the carriageway.
- 2.8 It is not proposed to allow contraflow cycling due the carriageway width, visibility and associated safety implications.
- 2.9 There are no signal changes as part of these proposed measures therefore a neutral impact to bus journey time is assured.

Rate of Return

- 2.10 Good road safety interventions should be cost-effective, delivering a greater benefit than their cost. To determine this, the First Year Rate of return is calculated which considers the number of collisions estimated to be addressed by the measures per annum, factored by the Department of Transport's statistical forecast value for preventing a collision. This is then divided by the cost to deliver the scheme. The first year rate of return forecast for these measures are set out in Table 2.2 below: The FYRR for each location is tabulated below.

Table 2.2 Proposed Measures First Year Rate of Return

Location	Estimated Build Cost (£)	Estimated Annual Collisions Saved (40%)	First Year Rate of Return
Rushcroft Road	16,000	1.73	980%

Brixton Business District Parking Amendments -

See Appendix C Drawing No. DES-CPZ-E-1004-100-01 Zone B Proposed Business Parking

- 2.11 Up to 24 additional parking spaces are proposed collectively on Porden Road, Saltoun Road, Kellett Road, Mervan Road. The majority are proposed to replace existing single or double yellow lines, therefore will not have any negative impact on parking stress in these locations. These bays will not obstruct any access or impede the free movement of traffic.

ROAD	DESCRIPTION
Porden Road (replacing those removed to enable construction vehicles to access Civic Centre site)	Introducing 4 business only bays Introducing 9 residents only bays Introducing 1 Disabled bay
Saltoun Road	Introducing 3 business only bays
Kellet Road	Introducing 2 business only bays
Mervan Road	Introducing 6 business only bays
Trinity Gardens	Converting 3 shared use Res/Bus/PBP bays to business only

*All new bays are replacing existing waiting restrictions.

Res – resident permit holders

Bus – business permit holders

PbP – pay by phone users

- 2.12 This will create up to 18 parking spaces which can accommodate business permit holders, with 3 of these shared with residents and pay by phone users.
- 2.13 Business parking permits currently cost £630 for a single zone per annum, whilst all zone permits are £1,575 per annum.
- 2.14 Currently, the council has issued 54 business permits (16 all zone and 38 single zone) in the Brixton Zone B and Brixton Inner Zone BI and currently there are limited parking spaces for which those businesses permits are valid and few are exclusively for their use. Most of these spaces are shared between residents, businesses and visitors who pay to park. The lack of dedicated parking facilities means business permit holders are frequently circling the local road network looking for a space to park.
- 2.15 As part of the Brixton Low Emission Neighbourhood project, a review of the on-street parking facilities for holders of business parking permits will be undertaken to reallocate space to those businesses who have invested in electric vehicles.

3. Finance

Expenditure

- 3.1 The cost of the measure proposed in this report is estimated to be £25,600. A summary of forecast costs is detailed below in Table 3.1. The funding for the proposal will be met by the TfL Local Improvement Plan (LIP) 2019/20 budget.

Table 3.1 Project Cost Breakdown

Scheme component	Total (£)
Construction of proposed measures	16,000
Planning and legal fees	4,500
Project Management	1,500
Staff Costs	2,000
Construction phase contingency	1,600
Total	25,600

Budget

- 3.2 The total LIP Collision reduction programme budget paying for this scheme in 2019/20 is £842,774, of which £102,700 has been allocated to the .

Revenue Implications

- 3.3 It is not expected that this expenditure will lead to material increases in revenue costs. The newly illuminated signs and road markings will be maintained throughout their lifespan under the Council's general Highways, Streetlighting and Maintenance budgets, similar to other traffic signs and road markings in the borough.

4 Legal and Democracy

- 4.1 The proposed measures form part of the Council's obligations to promote road safety in accordance with the Road Traffic Act 1988 Section 39 (2) (a)

- 4.2 Section 39 of the Road Traffic Act 1988 imposes a duty upon the Council to:

- i) prepare and carry out a programme of measures designed to promote road safety;
- ii) make contributions towards the cost of measures for promoting road safety taken by other authorities or bodies; and
- ii) carry out studies into accidents arising out of the use of vehicles on roads or part of roads, other than trunk roads, within their area and must, in the light of those studies, take such measures as appear to the authority to be appropriate to prevent such accidents, including the dissemination of information and advice relating to the use of the roads, the giving of practical training to road users or any class or description of road users, the construction, improvement, maintenance or repair of roads for which they are the highway authority and other measures taken in the exercise of their powers for controlling, protecting or assisting the movement of traffic on roads.

- 4.3 The Council's powers to implement the measures proposed in this report is principally set out in the Road Traffic Regulation Act 1984 (RTRA) and will require the making of a Traffic Management Order (TMO).

- 4.4 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 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 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 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.

- 4.6 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; to prohibit, restrict and otherwise regulate the use of a road or any part of the width of a road by all classes of traffic, or by any class or classes of traffic and to vary or revoke an existing TMO for these purposes. The requisite sign(s) or road marking(s) for this purpose (or these purposes) is specified in the Traffic Signs Regulations and General Directions 2016 (TSRGD).
- 4.7 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
 - 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).
- 4.8 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.
- 4.9 Once the abovementioned Order is made, the council is required as soon as practicable to install the necessary road markings in that location so as to adequately provide information as to the Order in place there.
- 4.10 The Council has, pursuant to Section 62 of the Highways Act 1980 (HA1980), a general power to improve any highway in its area and per Section 75 of that Act a power to vary the relative widths of the carriageway and of any footway.
- 4.11 The history and outcome of the non-statutory public consultation undertaken to date is detailed at Section 5 of this report. The following principles of consultation were set out in a recent High Court case: 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. The 1996 Regulations provides for the holding of a public inquiry in connection with a decision to approve, modify or abandon a TMO. The purpose of such an inquiry would be for the proposal to be examined and for the public to be given the opportunity to make their views known in a public forum. The Council is only obliged to hold a public inquiry if the proposal relates to the prohibition of loading and unloading of vehicles of any class in a road on any day of the week (i) at all times, (ii) before 0700, (iii) between 1000 and 1600 hours, or (iv) after 1900 hours and an objection has been made to the proposed order; or the order relates to the prohibition or restriction of passage of public service vehicles. In all other cases, the decision maker may determine at his discretion whether or not to hold a public inquiry before making an order.

- 4.12 Section 149 of the Equality Act 2010 sets out the new public sector equality duty replacing the previous duties 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.
- 4.13 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.
- 4.14 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.
- 4.15 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.
- 4.16 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.

- 4.17 The Council's Constitution requires that all key decisions, decisions which involve resources between the sums of £100,000 and £500,000, and important or sensitive issues must be published on the website for five clear days before the decision is approved by the Director. This report does not fall into any of these categories and will therefore not be published on Officer Decisions.

5 Consultation and co-production

- 5.1 Following initial discussions with the Cabinet Member on 17 January 2019, the local Business Investment District (Brixton BID) has been engaged regarding the one-way traffic system on Electric Avenue / Rushcroft Road. The BID fed into the final proposals and assisted in communicating positively about the proposals to its members. Following this, the Council undertook engagement and consultation with businesses and residents within a 50 metre radius in addition to the statutory consultation process.
- 5.2 A three week statutory consultation was carried out between 11 October and 1 November 2019 and included the erection of Notices on lamp columns in the area; the publication of Council's intentions in the Local paper and the London Gazette. The documents were also available on the council website, www.lambeth.gov.uk/bbd.
- 5.3 Newsletters were sent to properties in the consultation area detailing the proposals under statutory consultation including how to make a representation by post or email for or against the proposals.

Written Representations Arising from Statutory Consultation

- 5.4 Table 5.1 details the category of the 30 written responses to the statutory consultation.

	Support	Comment	Stakeholder Representation	Objection	Total
Rushcroft Road 1-way	12	6	6	0	24
Brixton Business District Parking Proposals	1	3	1	1	6
Total	13	9	7	1	30

- 5.5 Details of the sole objection are attached as Appendix E, as is the project officer's response. On the basis of measures having largely been taken mitigate the basis of objection, this objection is considered insufficient to modify or abandon the proposals. Nonetheless, to help alleviate some respondents' concerns it is recommended that, when resources allow, statutory consultation be undertaken to allow vehicles displaying a valid "BR" permit to park in the parking bay on the western side of Electric Avenue outside Chaplin House without further payment Mon-Sat 8.30am – 8.30pm.

6 Risk management

- 6.1 Table 6.1 explains how risk severity is calculated. Risks associated with the implementation and outcomes of the proposed scheme are outlined in table 6.2 below.

Table 6.1: Calculation of Risk Rating

		Impact			
		Minor (1)	Significant (2)	Serious (4)	Major (8)
Likelihood	Very likely (4)	4	8	16	32
	Likely (3)	3	6	12	24
	Unlikely (2)	2	4	8	16

Table 6.2 Risk Management

Risk	Likelihood	Impact	Score	Mitigation
Actual costs exceed budget.	2	2	4	Quotations have been received from Contractor; a 10% contingency figure has been accounted for in the project budget.
TfL funding expires.	2	1	2	The full cost of these works has been accounted for in the 2019/20 accounts submitted to TfL.

7 Equalities Impact Assessment

7.1 The Project Manager has screened the scheme’s likely effect on people who have one or more of the protected characteristics (race, sex, disability, age, sexual orientation, religion or belief, pregnancy or maternity, marriage or civil partnership and gender reassignment). The screening looked at how the scheme might:

- 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

None of the protected characteristics have been identified as being disproportionately affected by the scheme.

7.2 The ability for Blue Badge holders to park convenient to their chosen destination will not be materially affected by this scheme.

8 Community safety

8.1 The implementation of a one-way traffic system parallel to Coldharbour Lane will reduce the number of conflicts on the main road, making it safer for pedestrians and vulnerable road users crossing the side roads. In addition, it will create a more pleasant environment for residents in the Electric Avenue and Rushcroft Road side streets by providing additional controls for enforcement in the area and targeting anti-social driver behaviour e.g. parking too close to the junction on the raised table at Rushcroft Road.

8.2 The balance of supporting growth and aspiration for more walking and cycling, while focusing on reducing casualties, are central to the Mayor’s Safe Streets for London plan. The number of casualties must be reduced, while recognising that London’s population is growing, the economy is changing and people are changing their travel choices.

8.3 More people may be encouraged to walk and cycle if they perceive these ways of travelling to be safe, bringing environmental and health benefits. Road safety interventions can unite communities by making roads more like places and less like routes, and promote social inclusion.

- 8.4 The proposed measures are considered to improve the current collision record, with a forecast reduction of 40% collisions per location, tackling the issues that affect vulnerable road users as a priority.
- 8.5 The Department for Transport's publication LTN 1/04 - Policy, Planning and Design for Walking evidences how a highway network that is in good condition encourages people to walk and cycle. The improved natural surveillance that this provides a neighbourhood is to the benefit of community safety. Children, older people, and disabled people particularly benefit from a safer street environment.

9 Organisational implications

Environmental

- 9.1 The proposed one-way traffic system works with the MTS Healthy Streets 10 indicators of minimising the noise impacts of vehicular traffic on streets by discouraging poor driver behaviours such as rapid acceleration and braking. Rushcroft Road is already a busy road with users travelling in both directions getting stuck due to vehicle two-way manoeuvres, performing U-turns or remaining stationary with the engine running. The proposals will streamline traffic in one-direction and expedite the movement of vehicles through Rushcroft Road in the permitted direction.

Staffing and accommodation

- 9.2 None arising from this report's recommendations

Procurement

- 9.3 None arising from this report's recommendations

Health

- 9.4 The proposal will lead to an increased sense of personal safety for pedestrians and cyclists. Associated personal health benefits can be expected from safer, well managed roads that encourage a modal shift to more sustainable and healthier modes of travel, i.e. walking and cycling.

10 Timetable for implementation

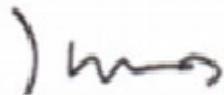
Action	Date
Publish "Has Made" Notice of TMO	August 2020
Traffic order in force (5 weeks after ODDR)	September 2020
Construction	September 2020

Audit Trail				
Consultation				
Name/Position	Lambeth directorate / department or partner	Date Sent	Date Received	Comments in paragraph:
Andrew Ramsden, Assistant Director of Finance	Corporate Resources	12.07.19	15.07.19	
Jean-Marc Moorcambe, Senior Prosecution Lawyer	Corporate Resources	12.07.19	19.07.19	

Report History	
Original discussion with Cabinet Member	23.05.2019
Report deadline	N/A
Date final report sent	N/A
Part II Exempt from Disclosure/ confidential accompanying report?	No
Key decision report	No
Background information	Mayor's Transport Strategy MARCH 2018 TfL Healthy Streets for London Safe Streets for London The Road Safety Action Plan for London 2020
Appendices	Appendix A - Business Case Data Table Appendix B - Drawing No. LBL/CBHR/RUS01 Appendix C - Zone B Proposed Business Parking Appendix 1 Collision Reduction Consultation Response (Belinda Road & Rushcroft Road) Appendix 2 Brixton Business Parking Consultation Response.

APPROVAL BY OFFICER IN ACCORDANCE WITH SCHEME OF DELEGATION

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



Signature:

Date: 11 February 2020

Post: Jay Ward, Environment Project Manager

I approve the above recommendations:



Signature:

Date: 26 July 2020

Post: Andrew Burton, Assistant Director Highways, Capital Programmes and Sustainability

Any declarations of interest (or exemptions granted): none

Any conflicts of interest: none

Any dispensations: none