

<b>Committee(s):</b> Streets & Walkways Sub-Committee – For decision	<b>Date(s):</b> 07/07/2020
<b>Subject:</b> Frederick's Place – Gate and access restriction	<b>Public</b>
<b>Report of:</b> Director of Built Environment	<b>For Decision</b>
<b>Report author:</b> Sam Lee	

### Summary

The Mercers Company (the “**Company**”) has recently partnered with City Corporation and funded public realm improvements to Frederick's Place. The Company has since complained about significant anti-social activity taking place in the vicinity of Frederick's Place. To preserve the new character of Frederick's Place and to address the anti-social behaviour problems, the Company has asked the City Corporation to introduce a gate to restrict motor vehicle access from 7 pm to 7 am Mondays to Fridays (excluding Bank Holidays) (the “**Restricted Hours**”). Pedestrian access will not be blocked and will be maintained at all times.

As the Company has agreed to pay the full life cost of the gate including providing the resources to operate it under the City's requirements, and with minimal impacts for the surrounding occupiers, it is recommended that this request be supported.

### Recommendation(s)

Members are asked to:

- Agree to Option 2, to Introduce a gate and the associated TMO to prohibit motor vehicles entering Frederick's Place during the Restricted Hours.
- Authorise officers to enter into an agreement with the Company under section 278 of the Highways Act 1980 to provide for the construction, operation and maintenance of the gate at no cost to the City Corporation, as detailed in Appendix 3 (the “**s278 Agreement**”).

## **Main Report**

### **Background**

1. The Company has advised that they currently own all of the buildings in Frederick's Place. Public realm improvements paid for by the Company were recently introduced in Fredericks Place through a voluntary section 278 agreement. The improvements included raising the carriageway in granite setts, repaving the footways, removing parking bays and introducing loading restrictions operating between 7 am and 7 pm on Mondays to Fridays.
2. Frederick's Place is short cul-de-sac located just the north of Poultry and has the City-wide waiting (parking) controls (operating between 7 am and 7 pm on Mondays to Fridays and between 7 am and 11 am on Saturdays). With the recently added loading restriction during the weekday, vehicles should only enter for parking in off-street areas or for pick up and set down passengers. A location plan together with existing layout is provided in Appendix 1.
3. Before the completion of the streetscape works last year, the Company approached the City again to request that a gate be introduced to restrict motor vehicles from entering Frederick's Place during the Restricted Hours. The Company has complained that during the evenings, significant anti-social behaviour takes place on Frederick's Place and that patrons of a neighbouring business are the cause. The Company has also complained that that allowing all vehicles to access Frederick's Place is out of sync with its new character. The gate would also benefit their plans, which has planning permission, to convert some of the buildings to retail use and to provide a pedestrian route through to Ironmonger Lane.

### **Current Position**

4. Officers have assessed this request and propose that a gate could be installed to close Frederick's Place to motor vehicles during the Restricted Hours. As part of this assessment, a week's activity survey was carried out in mid-January 2020 to assess the implications.
5. The survey showed that during the weekdays, while existing waiting & loading restrictions were active, there were a total of 67 vehicles using Frederick's Place. Of this, 46 vehicles were connected to properties in Frederick's Place, with the remainder likely to be going to other nearby premises. In contrast, during the weekdays but outside of the existing waiting and loading restrictions, 44 vehicles used Frederick's Place and only two were connected to premises on the street.
6. The survey showed that during the weekend, a total of 27 were vehicles parked in Frederick's Place. The drivers of all these vehicles went to destinations outside of Frederick's Place. At the peak of vehicle occupancy (Sunday 2pm – 4pm), all available kerb-side space had been used. Although the surveys did not extend into Old Jewry, it is believed that kerbside space demand in this street would mirror that of Frederick's Place. A summary of the survey results can be found in Appendix 2.

## Options

7. There are effectively two options.

### Option 1 – Take no action

8. The City is under no obligation to make any further changes in Frederick's Place. With the Company, having secured planning permission, is likely to undertake further development of their buildings in the near future, there could be an argument that these developments could require Frederick's Place to function in a different manner and therefore taking no action could be considered appropriate.

### Option 2 – Introduce a gate and the associated TMO to prohibit motor vehicles entering Frederick's Place during the Restricted Hours.

9. The gate would be installed near Old Jewry and operated by an employee of the Company through an agency agreement with the City. The gate would physically prevent access by vehicles from 7 pm to 7 am Mondays to Fridays (excluding Bank Holidays) (the "**Restricted Hours**"), but those requiring vehicular access to premises within Frederick's Place, and vehicles used for servicing the buildings and carrying out utility works as well as emergency services and local authority vehicles would be granted access. The existing waiting and loading restriction will remain in force and pedestrian access will be blocked and will be maintained at all times.
10. The traffic survey has shown that there are fewer vehicles using Frederick's Place during the Restricted Hours and those that do, access other premises. The traffic survey would suggest that over an average five day working week, (between midnight to 7am and 7pm to midnight), 9 vehicles would be displaced to other locations. This is not considered to represent a significant traffic implication.
11. The total estimated cost to deliver Option 2 is £48,000, of which £8,000 is staff cost, £17,000 fees and £23,000 for works and supervision. These costs and all ongoing operational costs would be met entirely by the Company.
12. For these reasons, this option is considered to be appropriate.

## Corporate & Strategic Implications

13. The restriction on motor vehicle access in Option 2 supports the Corporate Policy of improving the experience of arriving in and moving through our spaces, creating and transforming buildings, streets and public spaces for people to admire and enjoy, maintaining our buildings, streets and public spaces to high standards.
14. It would also help to deliver elements of the Transport Strategy including to put the needs of people walking first when designing and managing our streets, promoting and celebrating walking, taking a proactive approach to reducing motor

traffic, using times and temporary street closures to help make streets safer and more attractive places to walk, cycle and spend time.

15. However, the Local Plan aims to safeguard listed buildings and their settings, preserving and enhancing the character of conservation areas. Frederick's Place is a conservation area and the proposed gate would be contrary to the adopted Local Plan policies CS12 and DM12.1, and to the draft City Plan 2036 policy HE1. The proposed gate could undermine pedestrian permeability in a space where improvements for pedestrians have recently been made and which enhances the historic character of the City. This would be contrary to the Local Plan policy DM12.1 and to draft City Plan policies S8 and DE4. It should be noted that, pedestrian access will not be blocked but be maintained at all times, this impact is therefore not envisaged to be material, especially during the Restricted Hours, where pedestrian flows are much lower. With the final design of the gate yet to be decided, if it deviates from the design in the City's streets manual then it may require planning permission.
16. There is a concern that this proposal could set a precedent for making a section of the public highway effectively private during certain times. The City has several other similar arrangements in place on other streets and concerns around setting a precedent have not materialised to date in respect of those arrangements as each request is considered on a case by case basis and put to Members before proceeding.

## Implications

17. The Company has paid an upfront cost of £16,000 to cover the City's initial costs. The Company's solicitors have also provided an undertaking to meet the City's legal fees incurred in negotiating and drafting the s278 Agreement. The Company has also agreed to fund the full life cost of the gate; including any costs associated with its ongoing operation, maintenance and removal.
18. The total estimated cost to deliver option 2 is £48,000 and would be paid by the Company. The Company would also be obligated to pay any excess works costs incurred in delivering Option 2. A voluntary agreement under section 278 of the Highways Act 1980 has therefore been drafted by the City Solicitor and a copy of this draft agreement is attached at Appendix 3. Works will not begin until this agreement has been approved and executed, and full payment for the works has been received. There is therefore no financial risk to the City Corporation associated with Option 2.

In order to restrict the entry of motor vehicles to Frederick's Place the City Corporation must make a Traffic Management Order (**TMO**) under section 6 of the Road Traffic Regulation Act 1984 (the **Act**). The Act requires a TMO to be considered expedient to achieve an appropriate purpose. In the case of Frederick's Place, it is for:

- a. preventing damage to the road or to any building;

- b. preventing the use of the road having regard to the existing character of the road or adjoining property;
- c. preserving or improving the amenities of the area through which the road runs

19. When deciding to make a TMO, the City, as highway authority, must have regard to the matters contained in section 122 of the Act, i.e. it must exercise its powers so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians, and consider the provision of suitable and adequate parking facilities on and off the highway. The City must have 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;
- facilitating the passage of public service vehicles and securing the safety and convenience of their passengers;
- any other matters appearing to the City to be relevant.

20. The proposal in Option 2 has considered the above requirements in that it maintains reasonable access, improves amenity, has minimal impacts and has no impact on public service vehicles or air quality.

## **Conclusion**

21. The public realm in Frederick's Place has recently been improved and to protect this new character, the Company has requested that a gate be introduced to restrict motor vehicles from entering during the Restricted Hours. After carrying out an assessment of the use of Frederick's Place and weighing the implications of the gate, officers consider that the benefits outweigh the disbenefits and given that there will be no financial implications for the City, this request appears appropriate. Officers therefore recommend that Members approve the recommendations.

## **Appendices**

- Appendix 1 – Existing layout plan
- Appendix 2 – Summary of survey data
- Appendix 3 - Draft s.278 agreement

## **Sam Lee**

Group Manager, Network Performance, Department of the Built Environment

T: 020 7332 1921

E: [sam.lee@cityoflondon.gov.uk](mailto:sam.lee@cityoflondon.gov.uk)