

Report for: Head of Highways and Parking in consultation with the Cabinet Member for Climate Action, Environment and Transport, and Deputy Leader of the Council

Title: Myddleton Road - Public Realm Parklets - Statutory Consultation

Report authorised by: Simi Shah, Group Engineer Traffic and Parking
Simi.shah@haringey.gov.uk

Report Author/s: Yavuz Kalayci - Streetspace Manager
Yavuz.Kalayci@haringey.gov.uk

Beth Girma - Senior Engineer Traffic & Parking
Bethlehem.Girma@haringey.gov.uk

Ward(s) affected: Bounds Green

**Report for Key/
Non-Key Decision:** Non-Key decision

1 Describe the issue under consideration

- 1.1 To report on the feedback of statutory consultation carried out from 18 July 2023 to 9 July 2023, on the proposal to introduce Parklets at three locations in Myddleton Road, outside no. 81 Renaissance Café, 107 La Bottega and 120 Bohem Tap Room. And also to make small changes to waiting and parking restrictions at the locations to facilitate physical measures.
- 1.2 To request approval to proceed to implementation of these Parklets, having taken objections into consideration.

2 Cabinet Member Introduction

- 2.1 N/A

3 Recommendations

- 3.1 It is recommended that the Head of Service for Highways and Parking in consultation with Cabinet Member for Climate Action, Environment and Transport, and Deputy Leader of the Council.
- 3.2 Considers the objections raised during the statutory consultation on the proposals, and officer responses to each objection.
- 3.3 Having considered the proposals, the responses to the statutory consultation and officer comments, and having due regard to the needs set out in Section 149 of the Equality Act 2010, approve:
 - 3.3.1 the implementation of the Parklets outside no. 81 Renaissance Café, 107 La Bottega and 120 Bohem Tap Room in Myddleton, as shown and outlined in the plans in Appendix 1; and:
 - 3.3.2 to make some changes to the existing parking restrictions at the locations to facilitate the physical measures.

- 3.3.3 to introduce additional waiting and loading restrictions at appropriate locations.
- 3.3.4 Approve the total estimated implementation cost of £70k, which includes consultation, inventory survey, design, traffic management orders, supply, and installation of the Parklets. This will be funded from the Council's 2023/24 approved 5.1m Strategic CIL under the Low Traffic Neighbourhood program.

4 Reasons for decisions

- 4.1 Parklets are structures and planters that typically occupy carriageway or footway space to provide additional space for outside seating. As part of the borough wide interventions to support business to recover from COVID-19 restrictions, the carriageway in Myddelton Road adjacent to Renaissance Café and Bohem Tap Room was widened to increase seating area by using water-filled barriers and were introduced under Temporary Traffic order in June 2021.
- 4.2 The temporary legislation which governs these temporary measures has now been extended until September 2024. There is also impending permanent legislation of the Levelling Up Act which will replace the temporary legislation, to support hospitality businesses through more permanent interventions. It therefore has become necessary to introduce these measures in permanent bases to ensure business sustainability through increased covers and takings, protecting jobs and increasing the sense of place for the Myddelton Road high street. The council therefore proposed to introduce these permanent measures in Myddelton Road at the locations outline.
- 4.3 As this is a pilot for moving forward and building on the positive work undertaken as part of the response to the pandemic and with a limited budget, the businesses were selected on a first come first served basis and for this reason there was no open application process. Should the pilot be successful and funding being secured there will be potential for a roll-out of boroughwide parklet programme.
- 4.4 A total of 136 responses were received to the statutory consultation with 2 objections, and 133 in favour and 1 comment.

Of the objections received, the main concern was about the disabled bay at the location and the impact that may have to the business next to the Tap Room. The concerns have been considered and addressed.

The objections received, and officer recommendations are detailed in the Table 1, in section 6 of this report.

- 4.5 The proposal impact only one ward, however in assessing the proposals officers conclude that the overall objective of the introduction of the Parklets is to create more pavement spaces for pedestrians, promoting active travel, stimulating economic growth and encouraging community engagement and the proposed changes are not likely to be significant in terms of its effects on communities living or working in the area. Therefore, approval can be sought through Delegated Authority in consultation with the Cabinet Member for Climate Action, Environment and Transport, and Deputy Leader of the Council to make the relevant traffic management orders and implement the recommendations.

5 Alternative options considered

- 5.1 An alternative considered was to ‘not’ undertake the introduction of the Parklets. However, this is not recommended as it would be against the Councils objectives in supporting the local businesses in the borough.

6 Background Information

- 6.1 In March 2021, the Secretary of State for Business Energy and Industrial Strategy wrote to local authorities regarding expectations for supporting the reopening of outdoor hospitality that had been closed due to Covid-19 pandemic. When hospitality businesses were allowed to reopen, there were still social distancing restrictions in place for indoor venues, thus reducing the number of spaces/covers a hospitality business could provide. To increase the number of covers hospitality businesses could provide despite social distancing restrictions, the Government introduced emergency legislation called the Business and Planning Act. The act gave licence for hospitality businesses to place outdoor seating on the footway or in the highway.
- 6.2 The expectations put on councils by Government included a simplified route for businesses to obtain a temporary pavement licence to place furniture including outdoor tables and seating on the highway and a capped application fee of £100 and a 10 working day consultation and determination period.
- 6.3 A cross service Reopening Working Group identified 28 potential sites across the borough where outdoor seating/dining could facilitate the reopening of hospitality venues. Some of these sites required varying degrees of intervention. The identified sites included 2 in Myddleton Road, N22 and as part of the borough wide interventions, the carriageway was widened adjacent to Renaissance Café and Bohem Tap Room to increase seating by using water-filled barriers that were functional but were a temporary intervention. Due to the extension of the temporary legislation to September 2024 and the impending permanent legislation of the Levelling Up Act which will replace the temporary legislation, supporting hospitality businesses through more permanent interventions has become necessary and will ensure business sustainability through increased covers and takings, protecting jobs and business rates revenue, and increasing the sense of place for the Myddleton Road high street.
- 6.4 Three locations have been identified on Myddleton Road, outside no. 81 Renaissance Café, 107 La Bottega and 120 Bohem Tap Room. The proposals include converting carriageway space into footway space, creating areas to support these three businesses, their use, and maintenance will be discussed with businesses as part of their licence agreement.
- 6.5 Plans, which shows the layout of the proposals are provided in **Appendix 1** of this report.

Statutory Consultation

- 6.6 Statutory notification commenced on **18 July 2023** for a period of 21 days. The process consisted of a Notice of Proposal published in the London Gazette, Enfield, and Haringey Independent and the notice was erected on site in the affected street. The closing date for representations and comments was **9 August 2023**.
- 6.7 Although not a legal requirement, statutory notification letters, informing of the proposals and process, were also posted to all frontages in the street.

Appendix 2 contains copies of the statutory notification letter delivered to affected frontages.

- 6.8 As part of the statutory process, the following statutory bodies were also notified:
- AA
 - London Transport
 - Police (local)
 - Fire Brigade
 - London Ambulance Service
 - Freight Transport Association
 - Road Haulage Association

- RAC
- Metropolitan Police (traffic)
- London Travel Watch
- Haringey Cycling Campaign

Responses to Consultation

- 6.9 A total of 320 properties were written to notifying their occupants of the statutory consultation and how they could object should they wish to. A total of 136 representations from residents and businesses were received, comprising 2 objections, 133 submissions in favour and 1 comment.
- 6.10 Prior to the council conducting the statutory consultation, officers have approached the businesses affected and stakeholders and have sought their comments on the proposals.
- 6.11 The table below summarises the objections received; these have been grouped by the reasons provided for the objections and an officer response to each reason for the objection is provided.

Table 1

Reason for objection.	Objections received to the proposal	No. of objectors cited this reason	Officer response
we would like to object to the moving of this space. Currently my uncle resides at 120 as it stands, it is already difficult for him to enter and exit his home, due to customers spilling into door entrance area and part of the bay being used by the tap room. His health is declining, and we need to be able to park as close as possible to the front door. Already the space occupied by the tap room spills over onto the disabled bay, making life harder for my uncle, as parking can be a squeeze. Ideally the tap room outdoor space should move towards 122 locations to allow better access for the disabled resident living there and not cause obstruction.	Disable bay Outside No.120 Tap Room	1	The bay will still be in line with the entrance to No. 120 and will not be affect significantly by the installation of the Parklet. We however have considered the concern and have redesign the Parklet to shift by 1 metre towards No. 122. With regards to anti-social behavior, our guideline is to install the parklet directly outside the business so customers and staff can have access to the parklet which means having to use less space on the footway, causing minimal disruption to other footway users. If the resident feels uncomfortable about the use of the parklet i.e. people drinking near the premises, they can report this separately as we would need to understand if it is deemed as ASB.

Reason for objection.	Objections received to the proposal	No. of objectors cited this reason	Officer response
On the east side of the Tap Room is Barnet Brake and Clutch. The man who owns that business has been working there for 23 years, and he mends cars on the street outside his business. He did not object to the existing seating etc when it was proposed as he could still do his work. He sometimes uses the Disabled Bay outside, but always moves when anyone needs it. You are proposing to enlarge the Parklet to the East, to take up most of the length of road outside Barnet Brake and Clutch. This would wreck his business which is already suffering under the LTN. I object strongly to this eastern enlargement. It could be enlarged to the West.	Proposed parklet outside No. 120 Tap Room	1	This business is not permitted to use the existing general disabled bay as part of their business. Furthermore, it can deter disabled car users who require this space as it is from time to time occupied by Barnet Brake and Clutch. For this reason, their objection is not upheld.

6.12 After considering the statutory consultation results and noting that there were no substantial objections to the consultation as detailed within Table above, it is concluded that the proposals to install the Parklets should proceed.

7 Contribution to strategic outcomes

7.1 It is important that we have safe, green travel to prevent our roads from being overrun by cars and to support active travel, which is the ambition of the Council as laid out in its [Borough Plan](#) and [Transport Strategy](#). The introduction of these Parklets will support the objectives set out in these documents as well as the wider initiatives to improve air quality and **support the health of residents as per the Council's**.

7.2 The introduction of the Parklets aligns with the Council's Borough Plan & Transport Strategy and supports its 'aims' which include:

- a place with strong, resilient and connected communities where people can lead active and healthy lives in an environment that is safe, clean and green.
- a growing economy that provides opportunities for all our residents and supports our businesses to thrive.
- Improve the environmental quality of **Haringey's** streetscape.
- A well-maintained road network that is less congested and safer .

8 Comments of the Chief Financial Officer

- 8.1 The full cost associated with the proposal of this report will be fully met from the current **council's** capital programme plan, under capital scheme 335 – Streetspace Plan, which is fully funded by SCIL.
- 8.2 Of the £5.1m earmarked budget, approximately £1.4m have been spent to date as shown in the table below, leaving a remaining balance of circa £3.73m.

Financial Year	(£M)
2021/22	0.15
2022/23	1.20
2023/24	0.02

1.37

9 Comments of the Head of Legal Services and Governance

- 9.1 Before reaching a decision to make the necessary traffic management order to implement specific use designated parking bays, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act 1984 (as amended) ("RTRA") and the Local **Authorities'** Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended) ("**the Regulations**"). All representations received must be properly considered in the light of administrative law principles, human rights law and the relevant statutory powers.
- 9.2 The Council's powers in relation to the making of traffic management orders arise mainly under sections 6, 9, 45, 46, 122 and 124 and schedules 1 paragraphs 1-22 the RTRA
- 9.3 The power of a local authority to make an order regulating or controlling vehicular and other traffic is contained within the ambit of section 6 of the RTRA.
- 9.4 By virtue of section 122, the Council must exercise its powers under the RTRA 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.
 - facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
 - any other matters appearing to the Council to be relevant.
- 9.5 The legal position in relation to traffic management orders and the statutory requirements in respect of consultation are set out in section 9.1 through 9.5 of this report. As long as the statutory consultation is undertaken and due consideration similarly given to representations made, the Council would be acting in accordance with the law were it to proceed with the proposals set out in this report.

10 Equalities Comments

10.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act
- Advance equality of opportunity between people who share those protected characteristics and people who do not
- Foster good relations between people who share those characteristics and people who do not.

10.2 The three parts of the duty applies to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status apply to the first part of the duty.

10.3 The overall objective of the introduction of the Parklets is to create more pavement spaces for pedestrians, promoting active travel, stimulating economic growth and encouraging community engagement. Achievement of these objectives will have positive impacts for young people, older people, and people with disabilities, who are disproportionately affected. People who are vulnerable due to a disability or health conditions may find outside spaces more attractive as it provides places to sit and rest and socialised. Additionally, Parklets provide spaces for customers, like parents with young children to allow for buggies, prams etc. As such, the proposed decision represents a measure to address existing inequalities.

10.4 During the consultation a concern was raised regarding the disabled bay outside of 120 been affect by the introduction of the Parklet. The bay will still be in line with the entrance to No. 120 and will not be affect significantly by the installation of the Parklet. The council however have considered the concern and have redesign the Parklet to shift it by 1 metre towards No. 122.

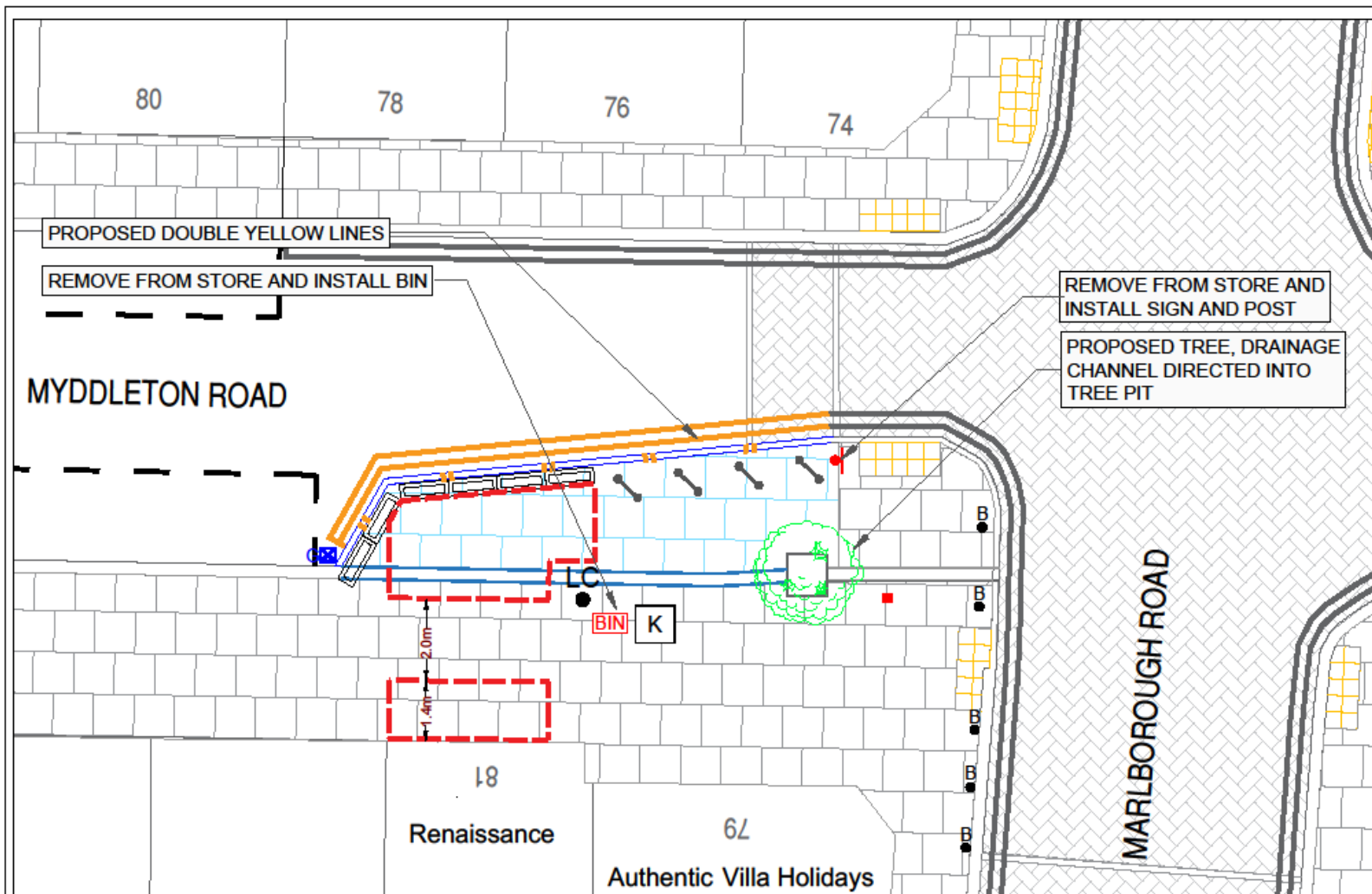
11 Use of Appendices

Appendix 1 – Plans showing the proposed Parklets.

Appendix 2 - Statutory Consultation letter delivered to affected frontages.

Appendix 1

Plans showing the proposed Parklets.



KEY:

LC	LAMP COLUMN		GULLY		ARTIFICIAL PAVING SLABS		FEEDER PILLAR		NEW CYCLE STAND
K	TELEPHONE KIOSK		TRAFFIC SIGN ON POST		DOUBLE YELLOW LINES		NEW GULLY		NEW TREE
	BOLLARD		BIN		PARKING BAY MARKINGS		NEW ARTIFICIAL PAVING SLABS		PROPOSED TABLES AND CHAIR LICENCE LOCATION
	TACTILE PAVING		BLOCK PAVING		DRAINAGE CHANNEL		DOUBLE YELLOW LINES, DOUBLE KERB BLIPS		NEW DRAINAGE CHANNEL

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NOTES:

HEAVY DUTY CUSTOM MADE PLANTERS BOLTED TO EACH OTHER

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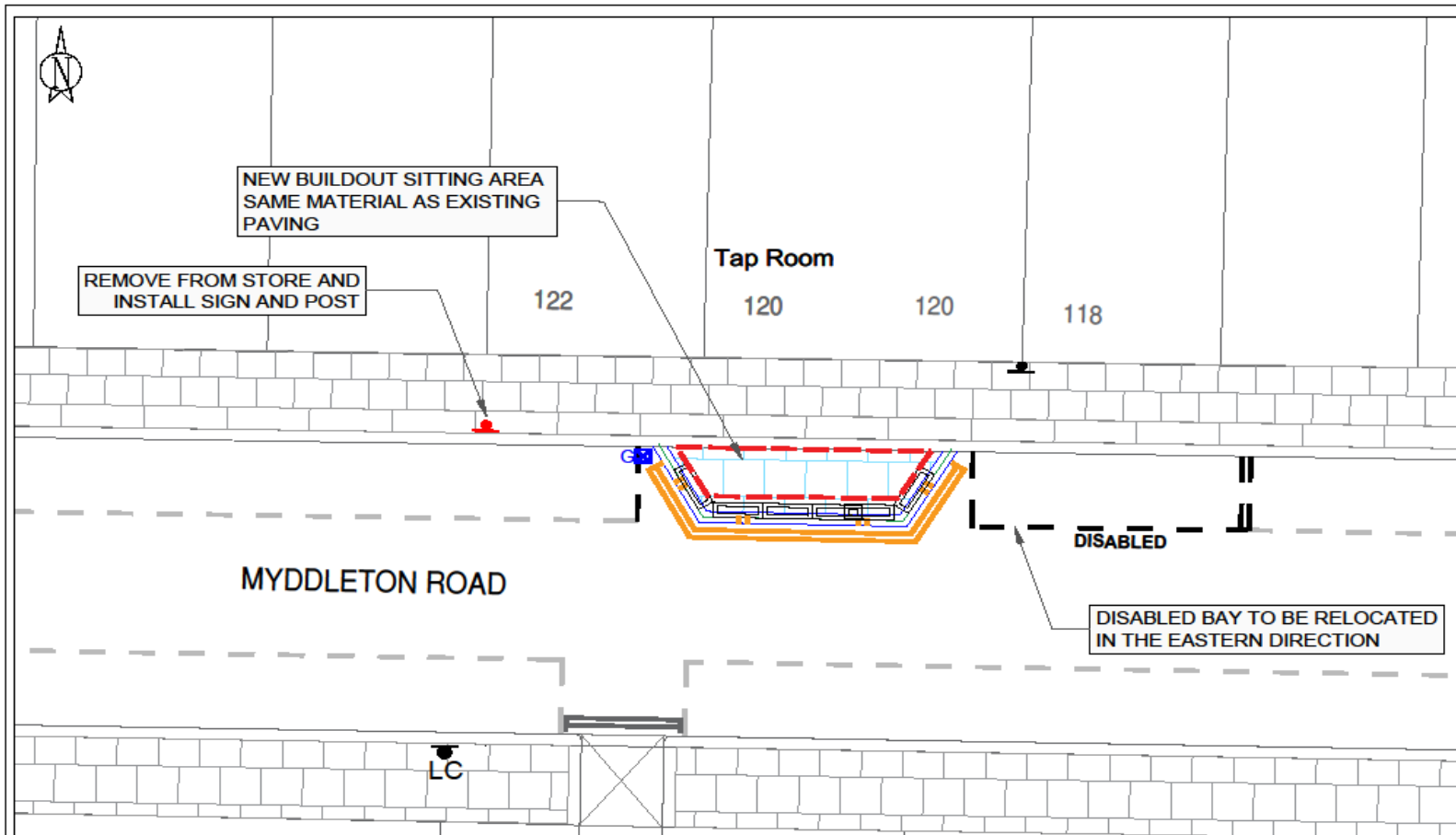
PROPOSED LAYOUT

Designed	YK	Checked	
Drawn	NTS	Date Drawing Created	JUNE 2023
Ref No	81-MYDD-0100	Rev	
ENVIRONMENT & NEIGHBOURHOODS			
HARLINGEY & PARTNERS			
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Harlingway

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NOTES:



KEY:

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| LC | LAMP COLUMN | | ARTIFICIAL PAVING SLABS | | TREE | | PARKING BAY MARKINGS | | NEW DOUBLE YELLOW LINES |
| G | NEW GULLY | | NEW ARTIFICIAL PAVING SLABS | | PROPOSED LICENCE SITTING LOCATION | | NEW PARKING BAY MARKINGS | | NEW DOUBLE KERB MARKING |
| | | | HEAVY DUTY CUSTOM MADE PLANTERS BOLTED TO EACH OTHER | | | | | | |

120 MYDDLETON ROAD PUBLIC REALM IMPROVEMENTS			
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Designed by	Drawn by	Checked by	Date
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Hartney			

Appendix 2

Statutory Consultation letter

18 July 2023

STATUTORY CONSULTATION

Proposed Parklets – Myddelton Road, N22

Dear Resident or Business

Parklets are structures and planters that typically occupy carriageway or footway space to provide additional space for outside seating. As you may aware, as part of the borough wide interventions to support business to recover from COVID-19 restrictions, the carriageway in Myddelton Road adjacent to Renaissance Café and Bohem Tap Room was widened to increase seating area by using water-filled barriers and were introduced under Temporary Traffic order in June 2021.

The temporary legislation which governs these temporary measures has now been extended until September 2024. There is also impending permanent legislation of the Levelling Up Act which will replace the temporary legislation, to support hospitality businesses through more permanent interventions. It therefore has become necessary to introduce these measures in permanent bases to ensure business sustainability through increased covers and takings, protecting jobs and increasing the sense of place for the Myddelton Road high street. The council therefore proposed to introduce permanent Parklets Myddelton Road at the locations as outline in the attached plans.

Next Steps

The statutory consultation on these proposals will begin on **Wednesday 19 July 2023** and provides a 21-day period for anyone wishing to object to the proposals. You can send us your objection or submission via the online portal <https://consultation.appyway.com/haringey> or email traffic.orders@haringey.gov.uk. Alternatively, you can write to us at the postal address shown on this letter. Please ensure that '2023-T27 Proposed Parklets – Myddelton Road, N22' is included within the subject title when responding. The closing date for objections to be received by the Council via email or post is **9 August 2023**.

What Happens Next

Your feedback will help inform us whether residents/ business support the proposals and any comments or objections will be considered by the Head of Service before a decision is made. If there are no valid objections to the proposals and a decision is made to proceed with the changes to parking controls, we will then send you a further notice informing you when works will commence on site.

Comments must be received no later than **9 August 2023**.

Thank you for your attention,

Yours faithfully,



Streetspace team

Streetspace

Level 4, Alexandra House
10 Station Road, Wood Green
London N22 7TY
020 8489 1000

www.haringey.gov.uk

