

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

**Direct Line: 0208 545 3616
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Date: 15 February 2018

Dear Councillor

**Notification of a Decision taken by the Cabinet Member for
Regeneration, Environment and Housing**

The attached non-key decision has been taken by the Cabinet Member for Regeneration, Environment and Housing, with regards to:

- Cavendish Avenue Area Controlled Parking Zone (CPZ) statutory Consultation

and will be implemented at **noon on Tuesday 20 February** unless a call-in request is received.

The call-in form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

**Lisa Jewell
Democracy Services**

NON-KEY DECISION TAKEN BY A CABINET MEMBER

See over for instructions on how to use this form – all parts of this form must be completed. Type all information in the boxes. The boxes will expand to accommodate extra lines where needed.

1. Title of report and reason for exemption (if any)

WB2 CPZ Cavendish Avenue - statutory Consultation

2. Decision maker

Cabinet Member for Regeneration, Environment and Housing

3. Date of Decision

14/02/2018

4. Date report made available to decision maker

07/02/2018

5. Date report made available to the Chairs of the Overview and Scrutiny Commission and of any relevant scrutiny panel

N/A

6. Decision

That the Cabinet Member considers the issues detailed in this report and:-

- A) Notes the result of the statutory consultation carried out between 4 December 2017 and 5 January 2018 on the proposal to introduce a Controlled Parking Zone (CPZ) in Cavendish Avenue and double yellow lines in sections of Barnard Gardens, Belmont Avenue, and Errol Gardens.
- B) Agrees to proceed with making of the Traffic Management Orders (TMOs) to introduce a new CPZ WB2 operational Monday to Friday 10am – 4pm in Cavendish Avenue as shown on Plan Z78-02-340-02 attached as Appendix 1.
- C) Agrees to proceed with the making of the Traffic Management Orders (TMOs) to introduce yellow line restrictions in Barnard Gardens, Belmont Avenue and Errol Gardens as shown on Plan Z78-02-340-03 attached as Appendix 1.
- D) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Reason for decision

To address the current parking demands of the residents in respect of their views expressed before and during this consultation, as well as the Council's duty to provide a safe environment for all road users

8. Alternative options considered and why rejected

The Council could consider not to take any action; however this would not address the current parking demands of the residents in respect of their views expressed before and during this consultation, as well as the Council's duty to provide a safe environment for all road users.

Declarations of Interest: None

Publication of this decision and call in provision

Send this form and the officer report* to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.

*



Cllr Martin Whelton
Cabinet member for regeneration, environment and housing
14 February 2018

Committee: Cabinet Member Report

Date: 06 February 2018

Wards: West Barnes

Subject: Cavendish Avenue Area Controlled Parking Zone (CPZ) statutory Consultation

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing

Contact officer: Caroline Stanyon Tel: 020 8545 3337 paul.atie@merton.gov.uk

Recommendations:

That the Cabinet Member considers the issues detailed in this report and:-

- A) Notes the result of the statutory consultation carried out between 4 December 2017 and 5 January 2018 on the proposal to introduce a Controlled Parking Zone (CPZ) in Cavendish Avenue and double yellow lines in sections of Barnard Gardens, Belmont Avenue, and Errol Gardens.
- B) Agrees to proceed with making of the Traffic Management Orders (TMOs) to introduce a new CPZ WB2 operational Monday to Friday 10am – 4pm in Cavendish Avenue as shown on Plan Z78-02-340-02 attached as Appendix 1.
- C) Agrees to proceed with the making of the Traffic Management Orders (TMOs) to introduce yellow line restrictions in Barnard Gardens, Belmont Avenue and Errol Gardens as shown on Plan Z78-02-340-03 attached as Appendix 1.
- E) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report presents the results of the statutory consultation undertaken on the introduction of parking controls in Cavendish Avenue area in response to the receipt of a petition from residents of Cavendish Avenue requesting the introduction of parking controls.

1.2 It seeks approval to implement the above recommendations.

2. DETAILS

2.1 The key objectives of parking management include:

- Tackling of congestion by reducing the level and impact of traffic in town centres and residential areas.
- Making the borough's streets safer and more secure, particularly for pedestrians and other vulnerable road users through traffic management measures.
- Managing better use of street spaces for people, goods and services, ensuring that priority is allocated to meet the objectives of the strategy.
- Improving the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas.

- Encouraging the use of more sustainable modes of transport.

2.2 Controlled parking zones aim to provide safe parking arrangements, whilst giving residents and businesses priority access to available kerbside parking space. It is a way of controlling the parking whilst improving and maintaining access and safety for all road users. A CPZ comprises of yellow line waiting restrictions and various types of parking bays operational during the controlled times. These types of bays include the following:

Permit holder bays: - For use by resident permit holders, business permit holders and those with visitor permits.

Pay and display shared use/permit holder bays: - For use by pay and display customers and permit holders.

- 2.3 A CPZ includes double yellow lines (no waiting 'At Any Time') restrictions at key locations such as at junctions, bends and along certain lengths of roads (passing gaps) where parking impedes the flow of traffic or would create an unacceptable safety risk e.g. obstructive sightlines or unsafe areas where pedestrians cross. These restrictions will improve access for emergency services; refuse vehicles and the overall safety for all road users, especially those pedestrians with disabilities and parents with prams. Any existing double yellow lines at junctions will remain unchanged.
- 2.4 The CPZ design comprises of permit holder bays to be used by residents, their visitors or business permit holders. The layout of the parking bays are arranged in a manner that provides the maximum number of suitable parking spaces without jeopardising road safety and the free movement of traffic.
- 2.5 Within any proposed CPZ or review, the Council aims to reach a balance between the needs of the residents, businesses, visitors and all other users of the highway. It is normal practice to introduce appropriate measures if and when there is a sufficient majority of support or there is an overriding need to ensure access and safety. In addition the Council would also take into account the impact of introducing the proposed changes in assessing the extent of those controls and whether or not they should be implemented.
- 2.6 The Council has received a number of complaints concerning parking difficulties in this area of the West Barnes ward, including a petition from residents of Cavendish Avenue asking for the introduction of a CPZ.
- 2.7 Generally, residents consider their problems are due to parking by staff from nearby businesses, particularly those along Burlington Road and commuters who park for free in their roads and complete their onward journey by public transport.
- 2.8 In response to these representations and following discussions with Ward Councillors, it was agreed that the Council would undertake an informal consultation with residents of the Cavendish Avenue and neighbouring roads to seek views on the introduction of parking controls in these roads.

CONSULTATIONS UNDERTAKEN

3. INFORMAL CONSULTATION

3.1 The Council carried out an informal consultation between 22 May and 19 June 2017 on the proposals to introduce a Controlled Parking Zone (CPZ) WB2 to include Cavendish Avenue, Barnard Gardens, Belmont Avenue, and Errol Gardens and the associated yellow line restrictions

3.2 The consultation resulted in a total of 84 questionnaires returned (after removing duplicates / multiple returns from some households representing a response rate of 28%). A detailed road by road analysis of the results show that of the 84 who responded 45% support a CPZ in their road, compared to 52% who do not and 3% who are unsure or did not comment. Although the majority of the area do not support the CPZ, the majority of Cavendish Ave residents do support a CPZ and in agreement with the Ward Councillors, it was believed feasible to consider Cavendish Ave for a CPZ and to proceed with the statutory consultation that would give the area a further opportunity to air their views. During the informal consultation, residents were also asked which days / hours of operation they would prefer should the CPZ be introduced in their road. Results indicate that of the 84 who responded, 18% of respondents prefer 8.30am – 6.30pm, while 39% prefer 10am – 4pm and 38% prefer 11am – 3pm. Residents were also asked which days of operation they would prefer if a CPZ was introduced in their road. Results show that 69% of respondents prefer Monday – Friday and 27% support Monday to Saturday and 4% were unsure or did not give answer to the question.

3.3 The results of the consultation along with officers' recommendations were presented in a report to the Cabinet Member for Regeneration, Environment and Housing on 03 November 2017, after which the Cabinet Member approved the undertaking of the statutory consultation for the WB2 CPZ to include Cavendish Ave to operate Monday – Friday, between 8.30am and 6.30pm.

4. Statutory Consultation

4.1 The statutory consultation on the Council's intention to introduce the WB2 CPZ to include Cavendish Avenue and "At any time" waiting restrictions (double yellow lines) in Barnard Gardens, Belmont Avenue, and Errol Gardens was carried out between 4 December 2017 and 5 January 2018. The consultation included the erection of street Notices on lamp columns in the vicinity of the proposals and the publication of the Council's intentions in the Local Guardian and the London Gazette. Consultation documents were available at the Link, Merton Civic Centre and on the Council's website. A newsletter with a plan, as shown in Appendix 3, was also distributed to all those properties included within the consultation area.

4.2 The newsletter detailed the following information:

- The outcome of the informal consultation & subsequent Cabinet Member decision
- The undertaking of the statutory consultation
- A plan detailing the following:
 - Zone operational hours (Monday to Friday between 10am and 4pm)
 - Double yellow lines operating "at any time" without loading restrictions
 - The various type parking bays
 - Zone boundary

4.3 The statutory consultation resulted in 8 representations received which include 2 representations against and 6 comments. Details of these representations along with officer's comments can be found in appendix 2.

- 4.4 It is the policy of the Council to improve the environment by making it safer for both motorists and pedestrians. One way this can be achieved is by regulating the number of parked vehicles in the area, particularly at key locations such as at junctions, narrow roads (double yellow lines on one or both sides), cul de sacs and at bends. The aims of the proposed double yellow lines waiting restrictions are to improve visibility and to provide clear access for all road users, especially fire engines, council refuse delivery vehicles and other emergency services.
- 4.5 Errol Gardens and Barnard Gardens have narrow carriageway and footway widths. Currently vehicles park partially on the footway on both sides of the road in an attempt to maintain traffic flow. However, this practice obstructs the footway and forces vulnerable road users into the road with potential conflict with moving vehicles. The fire service have also stated within their route test report that there is a potential to delay operations because of the need to negotiate around parked vehicles. They have had emergency calls to this area and the parking situation does delay the approach of the fire appliance and creates difficulties trying to leave the area.
- 4.6 As mentioned above and within the informal consultation report a route test of the area was carried out by London Fire Brigade and here is the extract from their feedback
- “We have taken the appliance stationed at New Malden down the roads mentioned. There are issues with all the roads with regards to access for the fire appliance. I believe that the problems with Belmont Avenue and Cavendish Avenue could very easily be solved by allowing residents to park half on the road and half on the pavement, there appears to be a tarmac verge area which could facilitate this. This would make the middle part of the road more accessible for a fire appliance and also easier for other road users to move aside to let us through.*
- Errol Gardens and the road off of it, Barnard Gardens are the worst for access and have the potential to delay operations because of the need to negotiate around parked vehicles. We have had emergency calls to this area and the parking situation does delay the approach of the fire appliance and creates difficulties trying to leave the area as the fire appliance cannot turn around safely and has to reverse some distance.*
- In the case of Cavendish and Belmont Avenue I personally feel that making the roads double yellow lines may only push the parking problem to another area or road in the near vicinity.*
- I understand that there is probably a big problem with these roads being used by commuters parking before they use Motspur Park Rail Station; this kind of thing happened where I live in Leatherhead and the solution was residents parking permits, not the most favourite solution but it was accepted and worked.*
- We also have our own ‘parking campaign’ planned, where we place leaflets (titled Park Wisely) on the cars advising the owners of parking problems and emergency vehicles. The leaflets had to be ordered and have now arrived, so we will be facilitating the campaign over the next couple of weeks.”*
- 4.7 By virtue of section 122, 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 therefore, access for all road users take priority over parking.

Ward Councillor Comments

- 4.7 The local Ward Councillors have been fully engaged throughout the consultation process and have been advised of the outcome of the consultation and officer's recommendations.

"Many thanks for your email. This is complicated and residents have widely differing views.

The yellow lines will improve safety and allow better access for emergency vehicles. The 10-4 CPZ in Cavendish is problematic.

It will make things easier for residents during those times, by preventing commuter parking and parking by staff and customers of the Burlington Road businesses.

Some residents say they have difficulty finding a parking space in the evenings and this won't help them.

The local businesses (restaurants and tuition company) patrons will still park in Cavendish Ave. These streets weren't built with this number of cars in mind! The CPZ will need to be reviewed after a year to see if residents feel it is helping them.

On a related matter, the owner of the grocery shop says the non-restaurant businesses lose custom in the middle of the day because restaurant customers use the Burlington Road parking bays for the maximum time allowed. He would like a couple more 20 or 30 minute only bays."

5 RECOMMENDATION

- 5.1 Based on the results of the statutory consultation received it is recommended that the Cabinet Member agrees to proceed with the making of the TMOs and the implementation a new CPZ operational Monday to Friday 10am – 4pm in Cavendish Avenue only as shown in Plan Z78-02-340-02 attached in Appendix B.
- 5.2 To address access and safety, it is also recommended to proceed to the making of the relevant TMOs and the introduction of the proposed waiting restrictions as shown on Plan Z78-02-340-03 also attached in Appendix B is carried out.
- Permit issue criteria
- 5.3 It is proposed that the residents' permit parking provision should be identical to that offered in other controlled parking zones in Merton at the time of consultation. The cost of the first permit in each household is £65 per annum; the second permit is £110 and the third permit cost is £140. An annual Visitor permit cost is £140.
- 5.4 In November 2016, the Council agreed to introduce a Diesel Levy to all those permit holders with a diesel vehicle. The levy (in addition to the cost of the permit) is £90 in 2017/18, £115 in 2018/19 and £150 in 2019/20 and there after.
- 5.5 Those residents with an all-electric vehicle will pay a reduced rate of £25 instead of £65.

- 5.6 All-day Visitor permits are £2.50 and half-day permits at £1.50. The allowance of visitor permits per adult in a household shall be 50 full-day permits, 100 half-day permits or a combination of the two

6. TIMETABLE

- 6.1 If agreed, the TMO will be made soon after the publication of the Cabinet Member's decision and be implemented 6-10 weeks after the Order is made.
- 6.2 Letters will also be distributed to all consultees detailing the results of the consultation; Cabiner Member's decision and the time table for the implementation of the proposals.

7. ALTERNATIVE OPTIONS

- 7.1 Do nothing. This would not address the current parking demands of the residents in respect of their views expressed before and during this consultation, as well as the Council's duty to provide a safe environment for all road users.

8. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 8.1 The cost of implementing the proposed measures is estimated at £12K. This includes the publication of the Made Traffic Management Orders, the road markings and the signs. This will be met by the Environment and Regeneration revenue budget for Parking Management schemes.
- 8.2 The Environment and Regeneration revenue budget for 2017/18 currently contains a provisional budget for Parking Management schemes. The cost of this proposal can be met from this budget.

9. LEGAL AND STATUTORY IMPLICATIONS

- 9.1 The Traffic Management Orders would be made under Section 6 and Section 45 of the Road Traffic Regulation Act 1984 (as amended). The Council is required by the Local Authorities Traffic Order (Procedure) (England and Wales) Regulations 1996 to give notice of its intention to make a Traffic Order (by publishing a draft traffic order). These regulations also require the Council to consider any representations received as a result of publishing the draft order.
- 9.2 The Council has discretion as to whether or not to hold a public inquiry before deciding whether or not to make a traffic management order or to modify the published draft order. A public inquiry should be held where it would provide further information, which would assist the Council in reaching a decision.
- 9.3 The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 46, 122 and 124 and schedules 1 and 9 of the RTRA 1984.

10. HUMAN RIGHTS & EQUALITIES AND COMMUNITY COHENSION IMPLICATIONS

- 10.1 The implementation of new CPZs and the subsequent changes to the original design affects all sections of the community especially the young and the elderly and assists in improving safety for all road users and achieves the transport planning policies of the government, the Mayor for London and the Borough.

- 10.2 By maintaining clear junctions, access and sightlines will improve, thereby improving the safety at junctions by reducing potential accidents.
- 10.3 The Council carries out careful consultation to ensure that all road users are given a fair opportunity to air their views and express their needs. The design of the scheme includes special consideration for the needs of people with blue badges, local residents, businesses as well as charitable and religious facilities. The needs of commuters are also given consideration but generally carry less weight than those of residents and local businesses.
- 10.4 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders published in the local paper and London Gazette.

11. CRIME AND DISORDER IMPLICATIONS

- 11.1 N/A

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The risk of not introducing the proposed parking arrangements is that the existing parking difficulties would continue and it would do nothing to assist residents who have been asking for controls. It will also do nothing to address obstructive parking.
- 12.2 The proposed measures may cause some dissatisfaction from those who have requested retention of the status quo or other changes that cannot be implemented but it is considered that the benefits of introducing the measures outweigh the risk of doing nothing.

13. ENVIRONMENTAL IMPLICATIONS

- 13.1 When determining the type of parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties.
- 13.2 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.
- 13.3 By virtue of section 122, 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) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.

(e) any other matters appearing to the Council to be relevant.

14. APPENDICES

14.1 The following documents are to be published with this report and form part of the report.

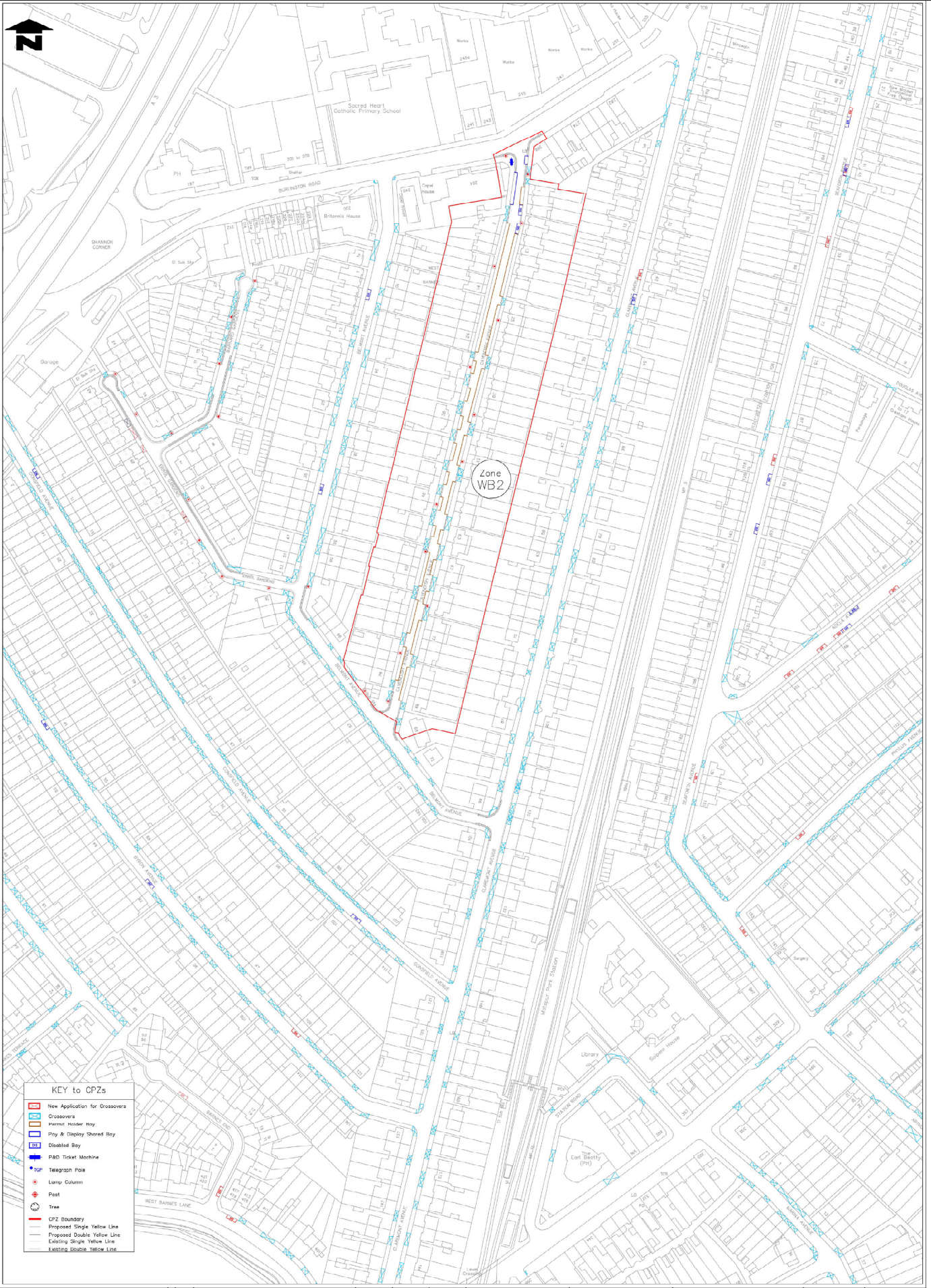
Appendix 1 – Drawing No. Z78-340-02

Appendix 2 – Representations

Appendix 3 - Statutory consultation document.

15. BACKGROUND PAPERS

15.1 Informal consultation report.



KEY to CPZs

- New Application for Crossovers
- Crossovers
- Permit Holder Bay
- Play & Display Shared Bay
- Disabled Bay
- P&D Ticket Machine
- T Telegraph Pole
- L Lamp Column
- P Post
- T Tree
- CPZ Boundary
- Proposed Single Yellow Line
- Proposed Double Yellow Line
- Existing Single Yellow Line
- Existing Double Yellow Line

Notes

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 Sustainable Communities environment & regeneration TRAFFIC & HIGHWAYS	Registered from/used upon the Ordnance Survey's or OS data from the Ordnance Survey's copyright. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of the Ordnance Survey.	PROJECT Controlled Parking Zones (CPZs)	Drawing No. Z79-02-340-01
	TITLE CAVENDISH AVENUE WB2	Merton Civic Centre London Road Merton, Surrey SM4 6EW www.merton.gov.uk	Statutory 1:1000

Representations and Officer's Comments

COMMENTS

007

With reference to the above proposal there are several questions which are not covered in your FAQ's and on which I would like clarification.

1. CPZ's allow you to park in the zone not necessarily in your street or outside your address. Has this been made clear to all residents ?
2. Will more permits be issued than spaces ?
3. Will there be only 1 permit per household ?
4. How will the accounts be kept? how do we know if the monies collected are actually used for its admin and enforcement without ring fencing the monies >
5. Will be refunds be issued to unused visitor permits ?
6. Whats the criteria for a residents permit ?
7. What controls are there over future costs ?

I would be grateful for a substantive reply before any vote on the introduction of any CPZ.

Officer's Comment

A permit holder within a zone can park in any street within the zone the permit is issued for not necessarily the road they live in. In this case it would be just the one road, namely Cavendish Ave.

Permit are issued to residents within a zone and as long as criteria are met, a permit will be issued.

The Council imposing one permit per household will be infringement of residents human right. The only tool the Council has to manage multicar ownership within a CPZ is an incremental permit fee structure for second and subsequent vehicles.

The revenue from parking management are detailed as part of the Borough yearly financial statement.

Visitors permit do not have an expiry date

One of the criteria for the Council to issue a permit for a specific zone is that the resident must prove residency within the zone and be on the electoral register.

Permit prices is controlled by the Council's leading political party and the current political party has frozen permit prices as part of their electoral manifesto since inception.

003 Bernard Gardens

I have been so worried that the Emergency Services can not reach me. After Grenfell fire Merton must put in double yellow lines to let the Emergency services save us. Please reply I am a venerable person with Bi-Polar.

Officer's comment

Under the current proposed design, parking can only be permitted on one side of the road with double yellow lines on the opposite side. This will ensure vehicular access particularly for large vehicles, such as the emergency services at all times whilst also improving pedestrian safety, a concern raised by a number of consultees.

008 Benard Gardens

I am writing regarding the proposed controlled parking zone (CPZ) to be introduced in Cavendish Avenue. I am a resident of Barnard Gardens, which is a nearby road.

I would like to share my view that if this zone is indeed introduced, there should be another consultation regarding proposals for Barnard Gardens and Errol Gardens, or alternatively, measures must be introduced to ensure that parking in these roads is not affected. As the current proposal stands, I believe it is highly likely that the restrictions on parking in Cavendish Avenue will result in an overflow of vehicles into Errol Gardens and Barnard Gardens. At present, it is already difficult for residents to find parking in these roads at certain times of the day, because non-residents park in these roads in order to access the alleyway at the end of Barnard Gardens leading to Burlington Road, which has many shops, businesses and a school.

There is no doubt that parking is a problem in all the roads in this area. However, the proposals for Cavendish Avenue will

push drivers towards other already busy roads and exacerbate the problems in these streets. Therefore I believe measures need to be introduced to address this problem, and residents of the roads affected, particularly Barnard Gardens and Errol Gardens, need to be consulted again now that the result of the Cavendish Avenue consultation is known.

Officer's comment

Residents of Bernard Gardens, Belmont Avenue and Errol gardens were given further opportunity to opt into the CPZ during the statutory consultation. The residents of these roads do not support a CPZ, therefore, in order for the Council to consider returning to this area that previously rejected such proposals, it requires a demonstration of support from the residents for the concept of controlled parking. The residents of these roads must show support by means of a petition that must be instigated and forwarded by the residents. Upon the receipt of such a petition the roads will be added to our programme for investigation/consultation.

001 Cavendish Road

As a resident of Cavendish Avenue, my main concern for the proposed CPZ is the hours of operation between 10am - 4pm Monday - Friday. This would be a totally inappropriate solution to the problems. To give an example, someone taking their children to school in the morning may have lost their parking space upon their return and likewise in the afternoon. There is also the problem in the late afternoon with children being dropped off to attend after school classes at Cavendish House (11+ Oxbridge School). Why can't you consider 7am - 7pm, the same hours as the Pay & Display bays in Burlington Road, or alternatively 8.30am - 6.30pm.

Surely, given that we submitted a signed petition requesting this CPZ in the first instance due to the problems encountered, we should be allocated the maximum permitted hours for CPZ permit holders.

Officer's comment

During the informal consultation, the council offered three different options of hours of operation options. Majority of those who returned their vote opted for between 10am and 4pm during the informal consultation. The Council would only make changes if majority of residents of the road send in a petition to that effect.

002 Bernard Gardens

I have tried to reply following reading the document put through my door regarding this matter seems no link to Motspur Park.

That said My view is.

It may seem unfair to put double yellow lines in our roads Errol and Barnard Gardens but due to selfish drivers the Emergency services can no longer access our roads with any assurance they can save lives, medically or in a fire. I feel the safety of us all is not a voting issue. Its something the Emergency Services decide and the Council must enforce. I will point out people who may not like Double yellow line will be the first to sue for compensation if something happens. What is fair parking for car or Access for Emergency vehicles and being alive.

Officer's comment

Under the current proposed design, parking can only be permitted on one side of the road with double yellow lines on the opposite side. This will ensure vehicular access particularly for large vehicles, such as refuse vehicles, emergency services at all times whilst also improving pedestrian safety, a concern raised by a number of consultees.

004 Belmont Avenue

Concerns about proposed new parking arrangements:

1. By introducing CPZ in Cavendish Avenue only this will displace "commuter" parking into Belmont Avenue, Errol Gardens and Barnard Gardens and decrease parking availability for residents.
2. By introducing CPZ in Cavendish Avenue the residents of that road will be able to park in Belmont Avenue, Errol Gardens and Barnard Gardens, but the reverse will not be possible e.g. a resident with a second car may chose not to pay for a second permit and park their second car in Belmont, Errol or Barnard, which would also decrease parking availability for residents in those roads.
3. The introduction of double yellow lines in Errol Gardens and Barnard Gardens will reduce the space available for up to 14 vehicles. This is suppose to be on safety grounds. Yet pavement parking is currently in use on both sides of Errol and Barnard Gardens and the refuse vehicles manage to access these roads without mishap every week. On the basis of "if it works why fix it" why has this proposal been put forward? Have there been any deaths or injuries recoded due to the

current parking arrangements?

4. It is not clear whether designated parking bays will be introduced in Belmont Avenue, Errol Gardens or Barnard Gardens. Whilst I first thought the introduction of a CPZ in Belmont Avenue would help residents, I voted against it when I realised that it actually reduced the number of spaces for parking from the current potential of 56 to 32. This is because a number of spaces between dropped kerbs do not meet the required space for a designated bay. If designated bays are to be introduced in Belmont Avenue then the decrease referred to above would still occur.

5. This proposal will also create problems for residents needing work carried out to their property as trying to arrange parking will become increasingly more difficult.

6. My final point is an observation. If I arrive home past 23.00 hours it is not unknown to be unable to park in Belmont Avenue and I have ended up parking in Cavendish Avenue. By implication this would suggest that when all the residents are in, all the roads fill up and this has nothing to do with "commuter" parking. My front garden is too small to convert to a drive so I am totally dependent on finding a space in my road or one of the neighbouring roads. I am retired and need to use my vehicle for shopping, ferrying grandchildren around (especially during school holidays) and various other journeys. I will always use public transport if it is practical.

Officers comment

The council received a petition from residents of Cavendish Avenue and the Council considered that if a CPZ is implemented in Cavendish Road there will be a displacement effect that would affect the surrounding roads. The decision on catchment area is often taken to include those roads that form a geographical boundary and possible displacement effect. In this case Cavendish Avenue was used as a point of reference. However those neighbouring roads opted out. Since Cavendish Avenue which sent in the petition is in favour of the scheme, the council made a decision for the scheme to go ahead in this road.

Where there are no controls anyone is allowed to park on the public highway.

Under the current proposed design, parking can only be permitted on one side of the road with double yellow lines on the opposite side. This will ensure vehicular access particularly for large vehicles, such as the emergency services at all times whilst also improving pedestrian safety, a concern raised by a number of consultees.

In accordance with the Greater London Council (General Powers) Act 1974 & DDA, parking on any part of a footway is illegal; although there are occasions where provided there is sufficient footway width (minimum 1.5m) parking on footway can be permitted via an Exemption Order. This exemption, however, does not apply where the footway comprises of a grass verge. Unfortunately both Errol and Bernard Gardens do not have sufficient footway width to allow partial footway parking (two wheels on the footway).

By virtue of section 122, 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 therefore, access for all road users take priority over parking.

The control hours the residents opted for during the informal consultation is between 10am and 4pm and parking is free at all other times.

Representations against

005

I wish to make a representation against the proposal for changes to parking restrictions in Belmont Avenue/Errol Gardens.

1. The original proposal for a CPZ did not make it clear that if we did not vote for a CPZ, parking restrictions would be formalised (double yellows in Errol Gardens, etc).
2. Posters were put up explaining that if we voted not to have a CPZ, we would not have double yellow lines in Errol Gardens. This was not true, and I now believe this to have been the work of a resident who was not correctly informed, and unfortunately passed this misinformation on to residents. Had the correct information been presented to the residents at the time, I believe many (ourselves included) would have voted differently, and would have requested a CPZ.

We are now in an unfortunate position of having lots of parking spaces removed, and no CPZ to ensure that residents can park. This is not a situation any resident I have spoken to foresaw.

Thank you for your consideration.

Officer's comment

It is unfortunate that a resident put out a poster which misinform other residents regarding the proposals for a CPZ and double yellow lines in the area but this is outside Council's controls and it is up to residents to consider information

provided by the Council rather than those provided by a third party. Double yellow lines are introduced for access and safety reasons. By virtue of section 122, 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 therefore, access for all road users take priority over parking.

006 Errol Gardens

I am writing to Object to the proposed scheme reference ES/WB2 "Cavendish Avenue Area (WB2)" as part of the Informal CPZ Consultation. My concern is the addition of double yellow lines to Errol Gardens and Barnard Gardens as part of the proposed scheme. The reason for my objection is that the addition of double yellow lines will add to parking difficulties in the whole area. It will force residents and visitors of Errol Gardens and Barnard Gardens to park in the adjacent roads including Belmont road and Cavendish avenue therefore exacerbating the parking difficulties the residents of those roads already have. We currently have a system in place whereby residents may park on the pavement so long as they leave 1m between the car and the start of the adjacent property thereby facilitating the movement of wheel chair and pram users. I have first hand experience of this system and know it to work quite satisfactorily for the purposes of traveling to and from my property on Errol gardens. Adding double yellow lines and asking residents to park miles away to load or unload their vehicles will actually make it more difficult and dangerous to do so with heavy shopping and babies. It will also make it more difficult for disabled residents as they will also have to travel further on what are tight link roads including Belmont and Cavendish avenue with blind corners. I was told that a fire brigade assessment was required to judge the risk associated with the current system, can you please advise if this has now been done, and what the results of it were? In addition to the general proposal of adding double yellow lines to Errol Gardens and Barnard Gardens I would also like the council to review just where they are placing the double yellow lines in order to ensure that they add them to the side of the road with fewer driveways or refuse home owners the right to add driveways to the preferred side so as to maximise the number of available parking spaces on the road. Additionally it appears to me that a number of residents have created what seem to be illegal driveways i.e. where the curb has not been lowered if this is the case can the council please ask those residents to convert those spaces back into front gardens or add some sort of signs to avoid any confusion as to the rights of other road users to park in front of those

Officer's comment

Double yellow lines are introduced for safety reasons. By virtue of section 122, 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 therefore, access for all road users take priority over parking.

In accordance with the Greater London Council (General Powers) Act 1974, parking on any part of a footway is illegal; although there are occasions where provided there is sufficient footway width (minimum 1.5m) parking on footway can legally be permitted via an Exemption Order. This exemption, however, does not apply where the footway comprises of a grass verge. Errol and Bernard Gardens do not have sufficient footway width to allow partial footway parking (two wheels on the footway).

With regards to double yellow lines proposed within the scheme. Loading/unloading is allowed on double yellow lines without no loading restrictions. The loading/unloading will be allowed on the double yellow lines for up to 20 minutes, as long as the activity can be observed. Delivery vehicles will be able to deliver goods to residents on double yellow lines as long they do not cause obstruction to other road users.

Any off street parking space created without a drop kerb is illegal. Residents cannot prevent other motorists from parking on the public highway adjacent to illegal off-street parking.

Controlled Parking Zone (CPZ)

Proposed Zone WB2 - Cavendish Avenue - Waiting restrictions.



ISSUE DATE : 30 NOVEMBER 2017

Dear Resident/Business

The purpose of this leaflet is to let you know the outcome of the informal consultation carried out in between 22 May and 19 June 2017 on the proposal to introduce a controlled parking zone (CPZ) in your road.

WB2 CPZ CONSULTATION RESULTS

The consultation resulted in a total of 121 online responses and 2 paper responses. After removing duplicate/multiple returns from some households this total was reduced to 84, producing an overall response rate of 28%. Of the 84 who responded, 38 (45%) supported a CPZ in their road, compared to 44 (52%) who did not and 2 (3%) who were unsure.

Further analysis of the results on a road-by-road basis revealed that Cavendish Avenue is in favour of the proposed controls. Of the 30 responses from Cavendish Avenue, 80% support a CPZ, compared to 20% who do not or who were unsure. For further details please refer to the report online for consultation results. www.merton.gov.uk/cpzwb2.

The results of the consultation along with officers' recommendation were presented in a report to the Cabinet Member for Environment, Regeneration and Housing on the 04 September 2017. The report and the decision sheet can be viewed on our website. www.merton.gov.uk/cpzwb2. The following recommendations which were made to the Cabinet Member have now been agreed:

- To proceed with a statutory consultation to introduce a new CPZ operational Monday to Friday 10am – 4pm in Cavendish Avenue.

- To proceed with a statutory consultation to introduce yellow line restrictions with the consulted area.

- To abandon CPZ proposals for Barnard Gardens, Belmont Avenue and Errol Gardens.

WHAT HAPPENS NEXT

A Notice of the Council's intention to introduce the above measures will be published in a local newspaper (The Guardian), London Gazette and posted on lamp columns in the vicinity. Representations against the proposals described in this Notice must be made in writing or email to trafficandhighways@merton.gov.uk by no later than 5 January 2018 quoting reference ES/WB2. Objections must relate only to the elements of the scheme that are subject to this statutory consultation.

A copy of the proposed Traffic Management Orders (TMOs), a plan identifying the areas affected by the proposals and the Council's Statement of Reasons can be inspected at Merton Link, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX during the Council's normal office hours Monday to Friday, 9am to 5pm or at West Barnes Library. This information is also available on Merton Council's website www.merton.gov.uk/cpzwb2.

All representations along with officers' comments and recommendations will be presented in a report to the Cabinet Member for Regeneration, Environment and Housing. Please note that responses to any representations received will not be made until a final decision is made by the Cabinet Member.

www.merton.gov.uk

The Council is required to give weight to the nature and content of your representations and not necessarily the quantity. Your reasons are, therefore, important to us.

WEST BARNES COUNCILLORS

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Cllr Martin Whelton

Tel: 020 8545 3425

Cabinet Member for Environment,
Regeneration and Housing.

Email: martin.whelton@merton.gov.uk

(The contact details of Ward Councillors are provided for information purposes only)

www.merton.gov.uk

Merton Council - call-in request form

1. Decision to be called in: (required)

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2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

(a) proportionality (i.e. the action must be proportionate to the desired outcome);	
(b) due consultation and the taking of professional advice from officers;	
(c) respect for human rights and equalities;	
(d) a presumption in favour of openness;	
(e) clarity of aims and desired outcomes;	
(f) consideration and evaluation of alternatives;	
(g) irrelevant matters must be ignored.	

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

(a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns.	
(b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework	
(c) The Panel/Commission to decide not to refer the matter back to the decision making person or body *	
* If you select (c) please explain the purpose of calling in the decision.	

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864