

**CORPORATE SERVICES DEPARTMENT**  
Director – Caroline Holland



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

**Direct Line: 0208 545 3356/3357  
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**Date: 29 October 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:

**) Errol Gardens, Barnard Gardens and Belmont Avenue waiting  
restrictions - Statutory Consultation**

and will be implemented at **noon on Thursday 1 November 2018** 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)**

Errol, Barnard Gardens and Belmont Avenue waiting restrictions - statutory Consultation

**2. Decision maker**

Cabinet Member for Regeneration, Housing and Transport

**3. Date of Decision**

26 October 2018

**4. Date report made available to decision maker**

22 October 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) A Notes the result of the statutory consultation carried out between 6 and 28 September 2018 on the proposal to introduce double yellow lines in sections of Barnard Gardens, Belmont Avenue, and Errol Gardens.
- B) Notes and considers the representations received in respect of the proposals as detailed in Appendix 2.
- C) Agrees to proceed with the making of the Traffic Management Orders (TMOs) to introduce "At any time" waiting restrictions (double yellow lines) in Barnard Gardens, Belmont Avenue and Errol Gardens as shown on Plan Z78-340-04 attached as Appendix 1.
- D) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

**7. Reason for decision**

The waiting restrictions (double yellow lines) will improve visibility and provide clear access for all road users, especially fire engines, council refuse, delivery vehicles and other emergency services.

Pedestrians having to walk in the carriageway due to cars on the footway which creates accessibility issues for wheelchair users and push chairs

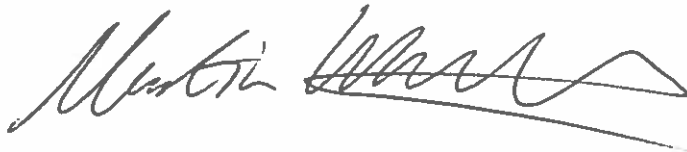
Concern expressed by the London Fire Service about emergency calls which have been delayed due to parking issues and difficulty turning around fire appliances.

**8. Alternative options considered and why rejected**

- 8.1 Do nothing. This would not address the current access and safety issues highlighted in this report and would not resolve the dangerous and obstructive parking that is currently taking place.

**Declarations of Interest**

Vice-chair of the London Fire and Emergency Planning Authority from 2016-March 31 2018



Cllr Martin Whelton

Cabinet member for regeneration, housing and transport

26 October 2018

## **Committee: Cabinet Member Report**

Date: 23<sup>rd</sup> October 2018

Wards: West Barnes

Subject: Belmont Avenue, Errol Gardens and Barnard Gardens waiting restrictions statutory Consultation

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Martin Whelton, Cabinet Member for Environment Housing & Transport

Contact officer: Paul Atie Tel:020 8545 3337 [paul.atie@merton.gov.uk](mailto:paul.atie@merton.gov.uk)

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### **Recommendations:**

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

- A) Notes the result of the statutory consultation carried out between 6 and 28 September 2018 on the proposal to introduce double yellow lines in sections of Barnard Gardens, Belmont Avenue, and Errol Gardens.
- B) Notes and considers the representations received in respect of the proposals as detailed in Appendix 2.
- C) Agrees to proceed with the making of the Traffic Management Orders (TMOs) to introduce "At any time" waiting restrictions (double yellow lines) in Barnard Gardens, Belmont Avenue and Errol Gardens as shown on Plan Z78-340-04 attached as Appendix 1.
- E) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

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## **1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report presents the results of the statutory consultation undertaken on the Council's intention to introduce waiting restrictions in Belmont Avenue, Errol Gardens and Barnard Gardens as consulted.
- 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.

2.3 During 2016 the Council 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.

2.5 In response to these representations and following discussions with Ward Councillors, 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 showed that of the 84 who responded 45% supported a CPZ in their road, compared to 52% who did not and 3% who were unsure or did not comment. Although the majority of the area did not support the CPZ, the majority of Cavendish Ave residents did 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 concluded with majority support for 10am – 4pm, Monday – Friday.

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 10am and 4pm and waiting restrictions (double yellow lines) in Barnard Gardens, Belmont Avenue, and Errol Gardens who opted against the CPZ despite being informed that their roads would be subject to double yellow lines due to the obstructive parking.

#### 4. HISTORICAL 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 was also distributed to all those properties included within the consultation area.

4.2 The statutory consultation resulted in 8 representations received which include 2 representations against and 6 comments. After careful consideration the Cabinet Member agreed to proceed with the implementation of the CPZ in Cavendish Road and

Waiting Restrictions in sections of Errol Gardens, Barnard Gardens and Belmont Avenue.

- 4.3 Following the publications of the decision, complaints from Errol Gardens referring to lack of clarification on the consultation plan regarding the extent of the yellow lines, the

Cabinet Member instructed officers to undertake a further statutory consultation on the proposed double yellow lines for Barnard and Errol Gardens.

## **5 Most recent statutory consultation**

- 5.1 The statutory consultation on the Council's intention to introduce "At any time" waiting restrictions (double yellow lines) in Barnard Gardens, Belmont Avenue, and Errol Gardens was carried out between 6 and 28 September 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.
- 5.2 The newsletter detailed the extent of the proposed double yellow lines to operate "at any time" without loading restrictions.
- 5.2 The statutory consultation resulted in 20 representations received which include 12 representations against and 8 comments.
- 5.3 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 waiting restrictions (double yellow lines) are to improve visibility and to provide clear access for all road users, especially fire engines, council refuse, delivery vehicles and other emergency services.
- 5.4 The situation regarding parking provision in Errol and Barnards Gardens are indisputable in that these roads are not wide enough to accommodate parking on both sides, and the footways are not wide enough to accommodate partial footway parking and pedestrians access. Currently vehicles park on both sides partially or fully on the footway to allow adequate space for emergency and refuse vehicles but do not provide adequate space for pedestrians using the footway. In fact pedestrians are often forced to walk on the carriageway and now that the Council is aware of this unsafe and illegal practice, we are compelled to take the appropriate action. Currently pedestrians either have to use the carriageway or squeeze past parked vehicles; there is no room on the footway for wheelchairs and pushchairs. This means that pedestrians including wheelchair users and parents with pushchairs have to walk on the carriageway and with pumper to pumper parking they cannot get back onto the footway. Please see attached photo of Errol Gardens current footway parking in Appendix 4.
- 5.5 In addition to ensuring the safety and access for residents who live in these roads, the Fire Brigade was contacted to assess these roads. The fire brigade report is set out below.

*“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.”*

- 5.6 Given the Council’s statutory duties and evidence of access implications caused by the current parking practice, the Council is legally obliged to take action. Since priority is always given to safety and access rather than parking, officer’s recommendation is to introduce the proposed restrictions – to do otherwise would put the Council at risk not to mention the residents’ own safety in the event of an emergency. With regards to parking provisions, it is not for the Council to suggest where anyone person should or could park. The Council’s duty is to ensure that any parking provision is safe. It is, therefore, recommended that the proposed double yellow lines (At any time waiting restrictions) be implemented as consulted.
- 5.7 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**

- 5.8 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.

## **6 RECOMMENDATION**

- 6.1 To address access and safety and in line with concerns raised by the Fire Brigade, it is recommended to proceed to the making of the relevant TMOs and the introduction of the proposed waiting restrictions as shown on Plan Z78-340-04 also attached in Appendix B.

## **7. TIMETABLE**

- 7.1 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.
- 7.2 A letter will also be distributed to all consultees detailing the results of the consultation; Cabinet Member's decision and the time table for the implementation of the proposals.

## **8. ALTERNATIVE OPTIONS**

- 8.1 Do nothing. This would not address the current access and safety issues highlighted in this report and would not resolve the dangerous and obstructive parking that is currently taking place.

## **8. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS**

- 8.1 The cost of implementing the proposed measures is estimated at £6K. This includes the publication of the Made Traffic Management Orders, the road markings. This will be met by the Environment and Regeneration revenue budget for Parking Management schemes.
- 8.2 The Environment and Regeneration revenue budget for 2018/19 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 measures will address obstructive parking and thereby ensuring access and safety for all road users and the residents.



- 10.3 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 measures is that obstructive parking will continue with pedestrians having to walk on the road and emergency access cannot be maintained.
- 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**

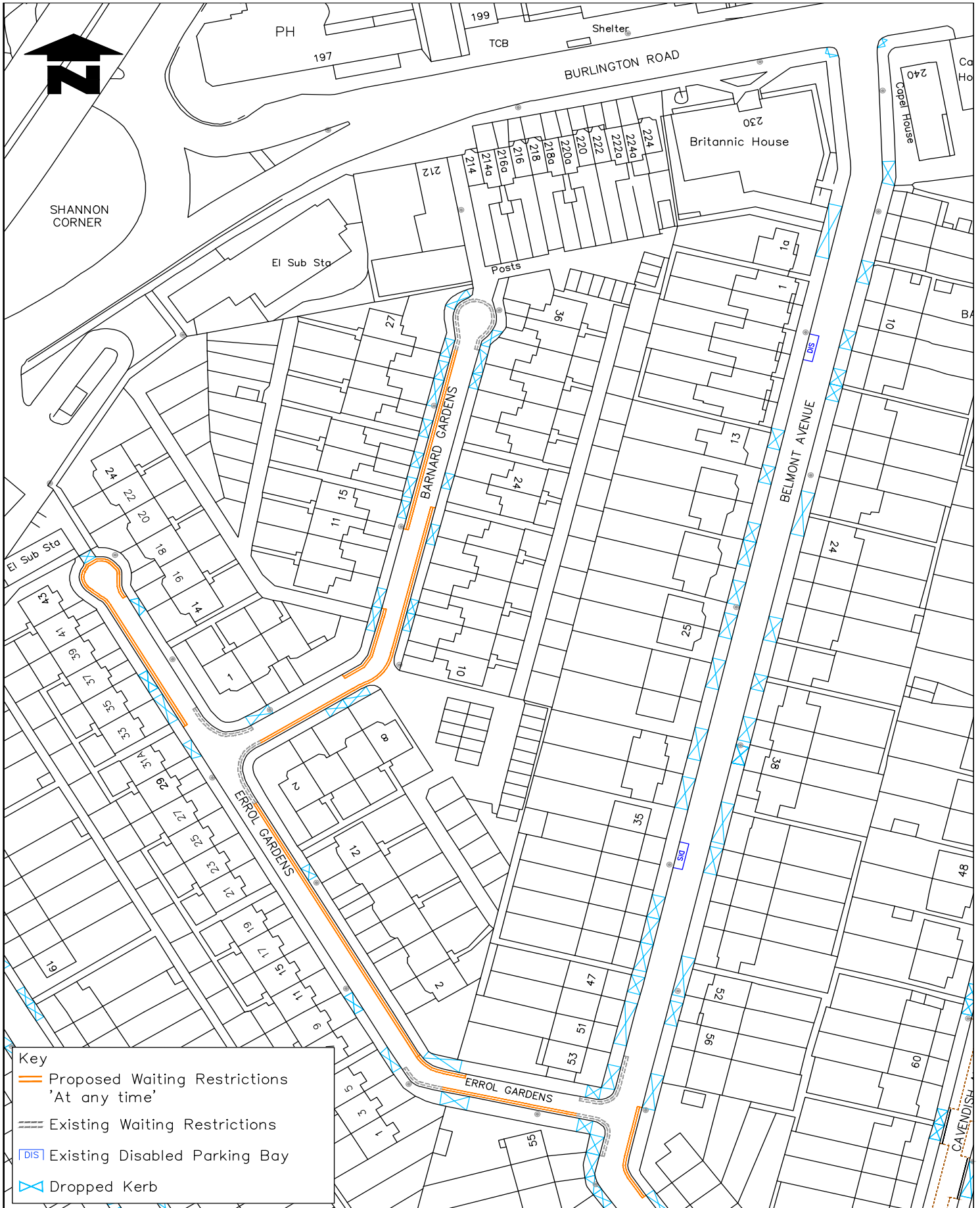
- 13.1 When determining the type of parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties.
- 13.2 In particular, the Council must have regard to: (a) the need for maintaining 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.
  - Appendix 4 – Errol Gardens footway parking photo.

## **15. BACKGROUND PAPERS**

- 15.1 Report dated 03/11/2017 titled proposed WB2 Cavendish Avenue area CPZ – Informal Consultation.
- 15.2 Reports dated 06/02/2018 and titled proposed WB2 cavendish Avenue area – statutory Consultation



**Key**

- Proposed Waiting Restrictions 'At any time'
- Existing Waiting Restrictions
- Existing Disabled Parking Bay
- Dropped Kerb

Notes  
Do not scale from this drawing

**Sustainable Communities**  
environment & regeneration

**TRAFFIC & HIGHWAYS**

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Drawn by	Sig.	Date
BC		AUG2018
Checked by	Sig.	Date
		AUG2018
Approved by	Sig.	Date
		AUG2018

PROJECT  
**WAITING RESTRICTIONS (PROPOSED)**

TITLE  
**BARNARD GDNS, ERROL GDNS & BELMONT AVE**

**merton**  
Merton Civic Centre  
London Road  
Morden, Surrey  
SM4 5DX  
www.merton.gov.uk

Drawing No.	Z78-340-04
Revision	
Classification	CONSULTATION
Scale	1: 1250

## Representations and Officer's Comments

### COMMENTS

#### 009 Barnard Gardens

I am writing to you in relation to the proposition to introduce double yellow lines in Errol Gardens, Barnard Gardens and the bend at Belmont Avenue.

Firstly, I would like to thank you for having sent a concise and detailed letter, stating what you are proposing to do. After having read this letter, I felt compelled to put forward my representations. I will only be submitting representations in relation to **Barnard Gardens**.

I understand your concerns in relation to the Fire Brigade not being able to access the houses, were there to be a fire. I agree that this is a matter that needs to be addressed and I agree that space needs to be made, to enable access to various emergency services.

Please note that I do not oppose the proposition of double yellow lines – however, I do oppose the extent of them. I believe that the double yellow lines on Barnard Gardens should only be present on one side of the street, as opposed to the two sides (apart from where there is a bend). This would also mirror your propositions for Errol Gardens.

There would be sufficient space for any emergency services to pass through, as a result of this. I believe that extending the double yellow lines to both side of the street would be excessive. I note that you state that parking is not a valid representation, but for people with mobility issues and not having a front of house parking space available to them (in a rented property), it would be very difficult to access their car.

Secondly, if the double lines were to be placed on both sides of the road, I believe that the two sides should not overlap. It should be an equal division of the yellow lines.

If the current proposition goes ahead, it would be beneficial for people living on these affected roads to be provided with free parking permits which would enable them to park their cars in the controlled zones, in the neighbourhood area/nearby roads.

Thank you for having taken the time to read this email.

#### 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 residents during previous consultations.

#### 003 Errol Gardens

One good thing about the proposed waiting restrictions, is to put double yellow lines on the bend in Belmont Avenue between Nos 68/70. But I think the restriction should be extended to run between the dropped kerb at 56 and 70. This will give drivers a better zone of vision ahead as they approach to pass or turn in to Errol Gardens. I don't suppose you have any record, but I proposed this a long time ago.

With regards to the proposed restrictions in Errol Gardens. You have not mentioned if we will still be allowed to park half on the pavement as we do now to give access to emergency vehicles etc. If not. I believe, the road will still be to narrow for large vehicles to pass through with ease. The "bottlenecks" in Errol Gardens are on the bend opposite Nos 1 and 5. This will be remedied by painting the proposed yellow's on the bend opposite. ( Something else I suggested long ago) The other one is on the bend in Barnard Gardens. This also will be remedied by the proposed restriction. Obviously, safety is paramount. But I cannot see that making parking more difficult for residents than it already is, will benefit access for emergency vehicles especially if we are no longer allowed to half park on the footpath as long as we leave space for baby buggies etc.

**011 Bernard Gardens**

I'm emailing regarding the proposed double yellow lines down Barnard Gardens.

As a resident of this road I'm beyond confused why it's even being remotely considered to completely restrict parking down a heavily populated road.

My first and most obvious question is when this parking restriction is enforced where will the local residents park?

This will effect my work as I currently have a company vehicle parked down the road as well as a personal car. If I can't park my company vehicle I will have to start commuting to our main depot.

My second questions is why is this even being considered what is the issue at the moment with parking?

**012 Errol Gardens**

I am writing to you in regards of planned double yellow lines in Errol Gardens. My husband and I are residents at Errol Gardens.

Our opinion about this project is negative.

We have had a problem with parking in our area since we moved in. Situation about parking space is not looking good at all already. It is really difficult ( very often imposible to park near the house). As we are renting house, we don't have a chance to make a driveway ( if it would be possible it will increase rent price quite drastically) The plan of double yellow in Errol Gardens won't leave any space to park, I even can't imagine how it is going to look like... How council is going to help residents to find space to park? Is council going to allow us to buy permit to be able to park near the house? Council supposed to help residents, not to make theirs life even harder.

I hope you will take out opinion in consideration.

**014 Belmont Avenue**

Please accept this email as my feedback on the parking restrictions to be implemented in Errol Gardens, Barnard Gardens and Belmont Avenue.

Firstly I would like to say that it was very confusing when the yellow lines were partially painted on Belmont Avenue with no explanation as to why the corner adjacent to Errol Gardens was not painted. No information was given to residents regarding why some yellow lines were painted on Belmont Avenue but not all of the lines that were promised. I had to contact the Liberal Democrats to find out why this particular corner was left unfinished.

The corner of Belmont Avenue is the only part of the road that is dangerous in terms of every day driving conditions.

Therefore it seems quite ludicrous that this was the only part of the road that was not painted. Almost every day I personally witness near misses on this corner where the vision is impaired due to large vehicles parking round the bend.

There is an absolute need for this corner to have double yellow lines and I am in complete support of this proposal.

Regarding Errol Gardens and Barnard Gardens I cannot comment on the accessibility for emergency vehicles as I do not have the requisite knowledge. As a household we have previously fed back our concerns regarding the loss of suitable parking on these roads as a result of double yellow lines however the recent communication made it clear that this was not sufficient grounds for objection.

On this basis I have nothing further to add.

Please do not hesitate to contact me if you would like any further information regarding the corner of Belmont Avenue.

**016 Belmont Avenue**

I wish to make a comment regarding the proposed double yellow lines on the corner of Belmont Avenue. I am a resident that lives opposite this section of the road. I am unsure how the installation of double yellow lines here will have any impact on safety as the road is clearly already wide enough for a fire appliance, and I'm sure that an FoI request will show that accidents on this corner are not an issue (and never have been according to long term residents in the road). Furthermore, with all of the proposed restrictions I feel that residents should be asked again about whether they would like a CPZ, as this proposal significantly changes the situation. I was indifferent on the previous consultation, but would now be very much in favour.

### 005 Belmont Avenue

I have received the notification of the introduction of double yellow lines in Errol Gardens and Barnard Gardens. Given the assessment from the Fire Brigade around access to these roads under the current situation, I would have to support the introduction of double yellow lines. However, as a resident of Belmont Avenue I am aware of the additional pressure this will now place on the parking in Belmont Avenue. The recent introduction of controlled parking in Cavendish Avenue has caused difficulty in finding somewhere to park in Belmont Avenue during the day. I am retired and whilst I take every opportunity to use public transport rather than my car, there are times when its use is necessary due to shopping or visits to multiple locations which cannot be completed in time for me to get back to collect my grandchildren from school. My house (7 Belmont Avenue) is one of the few houses in the road where converting my front garden into paved parking is not feasible due to its small size. I have, therefore, no alternative but to park in the road. If I go out in the car in the morning and come back any time up to 3.00pm I am rarely able to park in Belmont Avenue and often end up parking in Errol Gardens or even Barnard Gardens. The introduction of double yellow lines in those two streets is now going to make that even more difficult.

Originally I opposed the introduction of any controlled parking in Belmont, Cavendish, Errol or Barnard streets, but now it has been partially introduced in Cavendish Avenue with planned restrictions in Errol and Barnard Gardens, I feel the parking situation in Belmont Avenue will become almost impossible as many spaces are taken up by Champions staff, Robert Heath Staff (some with Robert Heath vans) and other staff working in local industries. Evidence of this can be seen by the available spaces in Belmont Avenue on a Sunday. I appreciate that for many Belmont Avenue residents who have drives, parking is not an issue so responses from local residents in this street will probably be limited. However, I do believe that now is the time to reconsider the introduction of controlled parking in Belmont Avenue. The contrast between Belmont Avenue and Cavendish Avenue during a week day is significant with the former having no spaces and the latter being half empty.

Finally while I am bemoaning the parking situation in Belmont Avenue I would also like to raise my concerns about the volume of traffic using Belmont Avenue, especially during the rush hour period. This street is something of a "rat run" to get to and from the A3 and many vehicles fail to observe the 20mph speed limit. Belmont Avenue is narrower than Cavendish Avenue and Claremont Avenue and this adds to the overall safety risks in my view. Perhaps it is time for a review to consider what can be done.

### 013 Belmont Avenue

In response to a consultation notice sent regarding double yellow lines on Belmont Avenue, Errol Gardens and Barnard Gardens, I should like to express my concerns about this development as a homeowner on Belmont Avenue.

While I recognise the need for emergency services access to both Errol Gardens and Barnard Gardens, I am concerned that there will be a knock-on effect of this proposal on the availability of parking in Belmont Avenue, which is currently not regulated following prior consultation. The fact that neighbouring Cavendish Avenue is now a CPZ means the three roads under current consultation are jam-packed with parked cars during the day (Mon-Fri) - making it very difficult to find a parking space if I move my car during the day - while Cavendish Avenue is half empty. Further proof of this weekday problem is that on the weekend, in general, the whole area has plenty of free parking spaces.

Having rented on Belmont Avenue for three years, and now as a homeowner on the same street, I am conscious that parking restrictions are necessary, but do not believe that parking restrictions on some but not all of the streets is positive in the long term.

I look forward to hearing the conclusions of this consultation in due course.



## Representations against

### 001, 006 Belmont Avenue

I strongly object and refuse to the proposal for Errol garden , Barnard Garden and Belmont Ave. I suggest Councillers should leave the resident alone. I feel the introduction of restriction would force those residents to park in Belmont Ave. If safety and access of residents of Errol Gardens and Barnard Garden are really important for Merton council , they should find a practical solution for tackling the problem. I suggest council should let those resident to park on neighbouring road including Cambridge ave free of charge as Belmont Ave are always full with cars. If the primary concern of merton council to introduce the restriction without tackling the real issues which they have done it in the past I shall object the proposal and refuse the proposal.

The issues of cars parked during the day and night in those areas by residents should be resolved first before introduction of any restriction.

### 008 Bemont Avenue

I strongly object and refuse to the proposal for Errol garden , Barnard Garden and Belmont avenue. I think the introduction of restriction would force those residents to park in Belmont Ave.

Regards,

### 002 Barnard Gardens

Dear sir or madam with all due respect we oppose the decision made for the (TMOS) IN BARNARD gardens kt36qg .as we don't have places to park our car's over night or when we are off road

Please do consider this as a complain.

### 004 Barnard Gardens

Please accept this correspondence as objection to the purposed introduction of double yellow lines to Barnard Gardens.

### 007 & 015 Errol gardens

I write regarding a recent letter received for the proposed waiting restrictions on Errol Gardens, Barnard Gardens and Belmont Avenue.

I live in Errol Gardens and I drive a car for work and to take my son to nursery school. I do not have the capacity to change my front garden to a driveway. Many people on the road are changing their front gardens to driveways, this has already restricted the parking in the road drastically. If the restrictions that you suggest take place, I will not be able to park my car anywhere in the area as the double lines will take up all parking spaces besides those with driveways. My elderly neighbours next door upstairs is disabled driver and these double lines would mean that he would no longer be able to drive which restricts their ability to attend hospital appointments and any social outings or shopping. Would it not be possible to change the area to permit parking only to restrict people working in the area parking in the residential roads? Where do you suggest people at 20, 20A, 22, 22A, 24 and 24A park their cars? We are all drivers.

Regarding a recent letter received for the proposed waiting restrictions on Errol Gardens, Barnard Gardens and Belmont Avenue.

If these double line restrictions come into place, the local residents will have nowhere to park.

Why not put residents permits only and therefore make money out if charging for permits and help the local residents park there cars on their road rather than people working close by or using the train.

### 010 Errol Gardens

- No alternative parking arrangements have been provided
- No alternatives to the implementation of double yellow lines have been provided. I have previously asked why it is not possible for the council to add outlines to clearly define the acceptable limits of on street parking. I've attached photo's taken from Wandle way in Wimbledon (Merton) where on street parking has been formalised with no provision for any amount of space on the pavement alongside the parked vehicles. Wandle way is just one of many other many other roads in Wimbledon as well as the rest of Merton and Wandsworth where these parking arrangements have been put in place already. I therefore do not understand why similar parking arrangements cannot be made on Errol gardens and Barnard gardens.
- The Council continue to argue that the current (uncontrolled) parking arrangements on Errol Gardens and Barnard gardens make it difficult for emergency vehicles to access residents at the bottom of the roads. However, with New Malden fire station only 0.4 miles away I find it hard to see how they will take more than 4 minutes to reach those affected especially if parking on the road is controlled via boxed spaces. Also a

number of households at the ends of both roads have already converted their front gardens into driveways thereby reducing the number of cars parked on the street in those critical locations thereby further alleviating any obstacles in the way of the emergency services trying to access those parts of the roads.

- I request that a review of the current parking arrangements and access for emergency vehicles is undertaken and the review of the situation if on kerb parking were to be introduced is also reviewed by the risk assessor. The previous "Risk Assessment" provided as justification for the introduction of the double yellow lines was simply an informal email from the fire brigade and an alternative solution to the double yellow lines was provided by the fire brigade which appears to have been completely dismissed by the council. No quantified risk assessment has been made available to the public as part of the consultation process so far despite risk being cited as the main justification for the introduction of double yellow lines on these roads.
- The positioning a length of the double yellow lines appears to be inefficient the length of the double yellow lines on Belmont avenue is longer than necessary to provide a motorist with sight along both sides of the bend. The length of the lines seems to be taken straight from a standard not taking into consideration reduced vehicle speeds due to it being a residential area. There are many curves/bends all over Merton and London that would fail the level of scrutiny applied here.
- The introduction of double yellow lines at the top of Errol Gardens where Errol Gardens meets Belmont Avenue seems over zealous in my opinion as the pavement on both sides of the road in this section of road is especially wide. Surely the council can review on kerb or partial on road parking on both sides of this section of road, especially as there are no homes opening on to this section of road.
- Tighter control of larger vehicles namely Vans, lorries or flat back trucks in this area would greatly reduce the concerns of emergency vehicles and that of those with special mobility needs or prams. They take up too much space on the road both length and width (which reduces the amount of space on the road and the pavement) and they reduced visibility due to their height.
- The introduction of double yellow lines on Errol Gardens and Barnard Gardens would make it extremely difficult for residents who have special mobility requirements, elderly relatives, or young children to ingress/egress from their vehicles. The idea that someone can park on the double yellow lines to load and unload their vehicles is impractical as any vehicle parked on the double yellow lines would block the whole road when another vehicle is parked wholly on the street. Any such vehicle would therefore block the passage of the emergency services until the

This current proposal the addition of double yellow lines on Errol gardens and Barnard gardens therefore imports more risk than the current situation.

#### 017 Errol Gardens

I write to express my objections to the proposal to introduce extensive double-yellow parking restrictions to Errol & Barnard Gardens and to question the premise on which the proposal has been based.

The consultation notice states that "on this occasion the Fire Brigade carried out an independent assessment and the Council has been informed they were unable to gain access to these roads....Although it is acknowledged that loss of parking will cause inconvenience, it will not be considered as a valid objection when considering access and safety."

I have lived in Errol Gardens for about 30 years. I do not own a motor vehicle, although my partner, residing at the same address does own a car. Our household (a maisonette, like all properties in Errol & Barnard Gardens) therefore has one motor vehicle in total.

Parking in Errol Gardens is already at a premium and frequently spills over into neighbouring streets. Reducing the available parking space by half will therefore create a demand for parking that cannot be met. A highly-likely consequence of this is that more residents will pave over their front gardens to create off-street parking. Vehicle cross-overs will reduce the available parking space further, creating more pressure to pave gardens. This will have **significant negative environmental impacts** and is contrary to the *Mayor of London's* plan to help make London a *National Park City*, which specifically includes a call on residents to 'de-pave' gardens.

#### **NEGATIVE ENVIRONMENTAL IMPACTS**

##### **1. Increased Run-off & Risk of Flooding**

Errol and Barnard Gardens have few, if any open drain covers, and many gardens are already fully paved. There is already significant water run-off during rainfall, and walking in the street is unpleasant due to the soaking. The public crossing area at Shannon Corner, close to where Errol & Barnard Gardens join Burlington Road via public footpaths, frequently floods already. The remaining unpaved gardens provide a critical soak-away for increasingly-frequent episodes of heavy rainfall.

##### **2. Land-Heave/Contraction & Damage to Property & Infrastructure**

Errol & Barnard Gardens, like much of the area, are built on London clay. Increasing the amount of hard-standing by the paving over gardens resulting from this measure, will result in less water soaking into the ground, resulting in contraction. This will lead to increased cracking of properties in the streets and may result in damage to the drainage system.

Increased cracking has occurred over the dry summer of 2018 & ground-heave of the pavement may already be observed close to no. 3 Errol Gardens since the felling of a mature horse chestnut tree, and subsequent loss of water



take-up.

### **3. Loss of Biodiversity**

Loss of gardens to paving as a consequence of this measure will result in a loss of biodiversity to the area. Without flowers, there can be no bees, already critically-endangered; without habitat for insects & invertebrates, there can be no birds, bats, amphibians or small mammals, such as hedgehogs. There is already a noticeable trend to pave gardens and wildlife in the area is increasingly under pressure. This measure will result in a reduction of natural habitat. One cannot escape the irony that we are in danger of losing those very features that give Errol & Barnard Gardens their names.

#### **THE PREMISE**

I have lived in Errol Gardens for about 30 years and have observed an increasing demand for parking from residents and people using nearby public transport, however, the street has typically been subject to full parking on both sides for many years and I have observed fire engines accessing the street in the past. I have also observed large delivery trucks successfully accessing the street to deliver the paving materials for those gardens paved recently. I therefore, ask what has changed. Are fire engines larger or their drivers less-able? I suspect not.

#### **Unintended Outcome of Existing Policy**

In recent years, a policy was introduced by Merton Highways requiring drivers to leave a minimum of one metre's space between their vehicle & the garden boundary walls to facilitate pedestrian access. I supported this measure, but has this resulted in parked vehicles projecting further into the road? If this is the case, may I suggest the policy is reviewed rather than proceeding with the yellow-lines?

Although not mentioned in the consultation notice, has the decision by Merton Council to introduce more wheelie-bins for kerbside waste collection & recycling influenced this proposal? I understood that a previous decision to provide recycling boxes to Errol & Barnard Gardens rather than wheelie-bins arose from perceived difficulties for waste-management vehicles accessing the streets, yet we are now to be issued with wheelie-bins. My own household produces modest amounts of waste & recycling and I anticipate that it will take many weeks to fill the proposed wheelie-bins. I understand the need to increase recycling outcomes but do not support the measure if it is, indeed, influencing the proposed introduction of yellow-lines, with the consequence of more paved gardens.

#### **Parking of Large Commercial Vehicles**

In recent years, I have also observed an increasing number of commercial vehicles being parked in Errol Gardens.

Mostly vans, these vehicles frequently take-up the parking space for two cars and are typically wider than cars, therefore projecting further into the road. In some cases, the drivers of these commercial vehicles have their own cars as well. We have taken our concern to one company. Abel & Cole, who responded sympathetically, however, there remain a number of commercial vehicles, many without branding. If these vehicles are obstructing access to the Fire Brigade, I suggest, an alternative solution would be to restrict the parking of these vehicles. There is a quantity of under-used, privately-owned, commercial parking nearby. Perhaps the owners of these commercial vehicles could enter into parking agreements with these local businesses to avoid externalising the cost of their parking onto residents and the local environment.

Thankyou for taking my objections into consideration in reviewing this proposal. I fully recognise the need for emergency service access and broadly support measures designed to reduce the number of cars on our roads. I feel strongly, however, that the consequence of this measure would be the widespread paving of the remaining gardens and I cannot support the measure in view of the damage this would cause to my environment and hope that other solutions may be found.

018

I am a resident of Errol Gardens, along with my husband and 4-month old daughter. I am writing to express concern about the proposed waiting restrictions on Errol Gardens, Barnard Gardens and Belmont Avenue and to request clarification on where the council suggests residents park their vehicles following the introduction of the restrictions.

As you will be aware, few properties in the area in question have off-street parking. A few residents of ground floor maisonettes have been able to turn their front garden into a driveway but for the first floor maisonettes and for the many ground floor maisonettes without land this is impossible. Therefore on-street parking is necessary for a large proportion of residents' cars. Once the restrictions are in place the majority of households will be forced to find parking far away from their homes, which is a considerable health and safety concern as the winter approaches particularly to those with very young children -such as ourselves- and to those who have impaired mobility.

We quite appreciate that obstructive parking currently restricts access for emergency vehicles and we agree that this access must be a priority. However, the number of vehicles that will be displaced and will therefore be seeking to park on other nearby roads (such as Belmont Avenue, Cavendish and Consfield) is so significant that there is surely a risk of obstructive parking and reduced access for emergency vehicles happening on these roads instead. Unless alternative provision is made for parking, we suggest the problem will merely be pushed elsewhere rather than solved, with the surrounding roads becoming clogged with vehicles: a frustrating as well as potentially dangerous scenario for those residents.

We appreciate your efforts and look forward to hearing your proposals for alternative parking places should the proposed restrictions be implemented.

A further concern is that as more and more properties pave their front garden for parking purposes on these streets, there will be fewer gardens in the area to absorb rain water, thus increasing the risk of flash flooding following storms. What can be put in place to prevent this, especially given some areas nearby are already prone to flooding, e.g parts of the Shannon Corner roundabout?

With thanks for your consideration of our concerns and those of other local residents.

**019**

Thank you for your notification of proposed waiting restrictions in Errol Gardens and Barnard Gardens etc.

We object to these plans on the basis that there has not been sufficient provision made for residents in these roads. We believe there needs to be due consideration given to the parking needs of residents first, and that plans should be put in place to ensure these needs are met, for example through the possibility of a residents only parking scheme.

Thank you for your time.

**020 Barnard Gardens**

I thought only view against yellow line were of value if it was not about parking. This Lib Dem flyer attached does not tell people the full story shame on them to stir up something that is a safety issue. Thank you Joe Worth 27 Barnard Gardens.

**General 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).

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 residents.

In the absence of Loading restrictions, loading/unloading is allowed 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.

## Proposed Waiting Restrictions Errol Gardens, Barnard Gardens and Belmont Avenue



ISSUE DATE: 6 SEPTEMBER 2018

### Dear Resident/Business

You may remember that the Council carried out a statutory consultation between 4 December 2017 and 5 January 2018 on proposals to introduce a CPZ in Cavendish Avenue and waiting restrictions (double yellow lines) in Errol Gardens, Barnard Gardens and the bend in Belmont Avenue (between No 58 and 60 Belmont Gardens). The outcome of the consultation was reported to the Cabinet Member with a recommendation to proceed with the implementation of the proposed double yellow lines. However, following the publications of the decision, complaints from some residents referring to lack of clarification on the consultation plan regarding the extent of the yellow lines in Errol Gardens, the Cabinet Member instructed officers to undertake a further statutory consultation on the proposed double yellow lines for the above roads.

The purpose of this leaflet is to advise you of the new statutory consultation to introduce double yellow lines in Errol Gardens, Barnard Gardens and the bend at Belmont Avenue (between No. 58 and 60 Belmont 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](mailto:trafficandhighways@merton.gov.uk) by no later than 28 September 2018 quoting reference [ES/wreb](#). 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/wreb](http://www.merton.gov.uk/wreb).

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

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.

Throughout the previous consultation, the Council made it clear that safety and access takes priority over parking. On this occasion the Fire Brigade carried out an independent assessment and the Council has been informed that they were unable to gain access to these roads. Given the serious safety implications and the fact that the Council has a statutory duty to address obstructive parking and maintain access at all times, the Council is duty bound to introduce the proposed double yellow lines. Although it is acknowledged that loss of parking will cause inconvenience, it will not be considered as a valid objection when considering access and safety.

#### WEST BARNES COUNCILLORS

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**Cabinet Member for Regeneration, Housing and Transport.**

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





## 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](mailto:democratic.services@merton.gov.uk)
- **OR** as a signed paper copy to the Head of Democracy Services, 7<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

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