

Tim Lipscomb  
Mon 14/12/2020 16:17



To:

- Salter, Tim (TIM.SALTER@planninginspectorate.gov.uk);
- Jerry Cuthbert <jerrycuthbert@outlook.com>;
- Jonathan Murch <jonmurch@daviesmurch.co.uk>

Dear Tim,

At the conditions and unilateral undertaking session on Friday the Rule 6 Party had requested further clarification on the wording of clause 9 of the legal agreement relating to parking permits.

Clause 9 sets out:

#### 9. Car Parking Permits The Owner undertakes:

9.1 That in the event that a CPZ is established in the future any Residential Occupier will not be entitled to a Residents Parking Permit for the CPZ established by the Council unless the Residential Occupier is or becomes entitled to a Disabled Persons Badge and has first notified the Council in writing of such entitlement and upon the first and any subsequent disposition of the Residential Unit the Occupier shall procure that the restrictions set out in this paragraph 9.1 of Schedule 1 above are included in any lease option licence or other disposal of a Residential Unit to any person; and

Having taken advice from the Council's legal team and Highway Authority I can clarify that where a CPZ is established the entitlement of residents and business occupiers to on-street parking permits is primarily a matter for the traffic order creating the CPZ. The usual provision is that existing residents are entitled to a permit for that zone but there are exceptions such as is proposed here where the occupiers of new developments are warned in advance under a planning obligation that they will not be able to continue on street parking in the event of a CPZ being established.

The usual provision in traffic orders imposing CPZs is that most residents are able to apply for permits in that CPZ but not in other CPZs.

There is normally an exception for blue badge holders so that in developments such as this they may obtain on-street parking permits in existing and proposed CPZs. In any event the display of a blue badge gives an entitlement to park in a wide variety of locations, albeit for limited time periods.

Current practice is that a resident is only entitled to a permit if they are within a CPZ. Those outside a CPZ including blue badge holders are not entitled to a permit.

However, importantly, in Merton, the Highway Authority does allow blue badge holders to park within any bay free of charge whilst displaying their blue badge but this is only a concession that Merton has adopted. Other boroughs such as Sutton for example do not allow blue badge holders to park within permit holder bays.

Therefore, unless set out in the traffic order which creates the CPZ, it is likely that any blue badge holder would be able to park within the existing or newly created CPZs. It would also be the case that currently any blue badge holder can park within the existing Cavendish Road CPZ.

I trust that clarifies the position.

Best regards  
Tim

**Tim Lipscomb – Planning Officer**

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