

Cabinet Member for Environmental Sustainability and Regeneration:

Date: 7th April 2016

Agenda item: N/A

Ward: Colliers Wood

Subject: Proposed CW2 CPZ (Valley Gardens Area – Statutory Consultation)

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Andrew Judge, Cabinet Member for Environmental Sustainability and Regeneration

Forward Plan reference number: N/A

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Recommendations:

That the Cabinet Member considers the issues details in this report and

- A) Notes the result of the statutory consultation carried out between 4 December and 31 December 2015 on the proposal to make changes to the operating days, times and zone boundary of Valley Gardens, North Gardens and South Gardens to create a new CW2 Controlled Parking Zone (CPZ) to be operational Monday to Saturday between 8.30am and 6.30pm.
 - B) Notes and considers the representations received in respect of the proposals as detailed in Appendix B.
 - C) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the proposed changes to an existing CW zone to create a new zone 'CW2' CPZ to include Valley Gardens, North Gardens and south Gardens, operational Monday to Saturday between 8.30am and 6.30pm as shown in Drawing No.Z78-239-01 in Appendix A.
 - D) Agrees to exercise his discretion not to hold a public inquiry on the statutory consultation process.
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report presents the result of the statutory consultation on the Councils' proposals to make changes to an existing CW zone to create a new zone CW2 to include Valley Gardens, North Gardens and South Gardens.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to include Valley Gardens, North Gardens and South Gardens into the proposed CW2 CPZ, operational Monday to Saturday between 8.30am and 6.30pm as shown in Drawing No.Z78-239-01 in Appendix A

2. DETAILS

- 2.1 The key objectives of parking management include:
 - Tackling 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 CPZs 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.

2.4 The CPZ design comprises mainly of permit holder bays to be used by residents, their visitors or business permit holders and a limited number of pay and display shared use bays, which are mainly located near businesses. 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. Due to the residential nature of this proposed zone, only permit holder bays is being proposed for zone M3. These bays can be used by resident permit holders, business permit holders and those with visitor permits

2.5 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 where parking impedes the flow of traffic or would create an unacceptable safety risk e.g. obstructive sightlines or unsafe areas where pedestrians cross.

2.6 Within any proposed CPZ, 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.

3. BACKGROUND

3.1 Zone CW was introduced in 2003. This zone is a relatively large zone and covers the majority of Colliers Wood. Over the years, residents of the roads behind Colliers Wood London Underground (LU) Station have been complaining about the lack of available parking bays in Valley Gardens, North Gardens and South Gardens. In early 2013 the residents invited the MP and a Council officer to a meeting to discuss proposals to improve and better manage the on-street parking provisions during and after the CPZ operational times. It is believed that inter-commuting (residents from other parts of CW Zone drive to and park in these roads to use the Underground Station) is exacerbating the parking difficulties that are being experienced.

3.2 The existing CW CPZ operates Monday to Friday, however due to the proximity of Valley Gardens, North Gardens and South Gardens to Colliers Wood LU Station parking in these roads becomes congested on Saturdays making it difficult for residents to find parking.

- 3.3 To address these issues, it is proposed to remove Valley Gardens, North Gardens and South Gardens from the existing CW zone and create a new zone for these roads that would operate Monday to Saturday between 8.30am and 6.30pm

4. STATUTORY CONSULTATION

- 4.1 The statutory consultation on the Council's proposal to make changes to the operating days, times and zone boundary of Valley Gardens, North Gardens and South Gardens to create a new CW2 CPZ commenced on 4 December and ended on 31 December 2015. 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 (Drawing No.Z78-239-01) was also distributed to all those properties included within the consultation area, see Appendix A.
- 4.2 The statutory consultation resulted in receipt of 2 representations and these representations are detailed in Appendix B.
- 4.3 The first representation objected to the proposal reporting that quite often there are no vacant parking places in Valley Gardens, North Gardens and South Gardens and currently they can park anywhere within the CW zone. The new arrangements however will not permit CW2 permit holders to park in the surrounding roads in the CW CPZ leaving residents with nowhere to park.

Officers' comments – It is acknowledged that parking in these roads are limited and that parking bays are often fully utilised. It is believed that the proposed changes will prevent other CW permit holders from using these roads thereby freeing those spaces that are currently occupied by those residents who do not reside in these roads. Also with the extended days of operation to include Saturdays, commuter parking will be removed and parking bays would be available for permit holders.

- 4.3.1 The representation also queried about the status of remaining surplus visitor permits for the CW CPZ. Any existing CW CPZ parking permits for residents, businesses or visitors would be exchanged to be valid for the new CW2 CPZ in the event of its introduction.
- 4.3.2 The second representation also raised concerns with regards to no vacant parking places being available and residents having no alternative, however the second representation does express agreement that a different parking permit for these roads would be of assistance to residents and suggests a possible trial period of several months would be of benefit.

4.4 **Ward Councillors Comments**

All local ward Councillors have been fully engaged during the consultation process and they are supportive of the proposal and recommendations made in this report.

- 4.5 In light of the representations, officers did initially suggest allowing potential CW2 permit holders to park in the existing CW CPZ in the event of possible shortfall in parking availability. However this suggestion was not accepted by the Ward Councillors. Their comments are set out below:

- *The 'overspill' option is not acceptable. I am concerned that the congestion identified in these 3 roads will not easily be replaced by different behaviours,*

but will just move to surrounding roads – with the result that, say, Cavendish Road would ask for the same concessions, using CW2 as the precedent. I am perfectly happy for residents of the CW2 area to have their own, separate parking zone, if that's what they want: but it would be quite unfair to offer them preferential treatment. As a ward Councillor, working for all Colliers Wood residents, I will oppose this suggestion.

- I have to agree with my colleague's comments above and feel that we will be creating a precedence if we go down the suggestion being made by officers so would rather see this suggestion to allow the overspill into the wider CW Zone dropped and CW2 consultation not go ahead altogether.*
- I agree with my colleagues in opposing the suggestion of allowing the overspill from CW2 area into the wider CW. That would not be right and would set the wrong precedence.*

5. RECOMMENDED PROPOSED MEASURES

- 5.1 Based on the outcome of the statutory consultation, the only concern is the issue of available parking space within the proposed smaller CPZ, however with this issue being addressed in paragraph 5.2 it is recommended that the Cabinet Member agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the proposed 'CW2' CPZ to include Valley Gardens, North Gardens and South Gardens, operational Monday to Saturday between 8.30am and 6.30pm as shown in Drawing No.Z78-239-01 in Appendix A.
- 5.2 In response to the points raised within the representations with regards to the possible event that residents are unable to find parking space in the proposed CW2 CPZ during operational hours, although currently there is no support from the Ward councillors to allow CW2 permit holders to park in CW, officers would reconsider this possibility. This type of provision has successfully worked elsewhere in the Borough.

6. TIMETABLE

- 6.1 If approved, Traffic Management Orders could be made within six weeks after the made decision. This will include the erection of the Notices on lamp columns in the area, the publication of the made Orders in the Local Guardian and the London Gazette. The documents will be made available at the Link, Civic Centre and on the Council's website. A newsletter will be distributed to all the premises within the consulted area informing them of the decision. The measures will be introduced soon after.

7. ALTERNATIVE OPTIONS

- 7.1 Do nothing. This would not address the current parking concerns of residents in respect of their views expressed during the informal consultation.

8. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 8.1 The cost of implementing the proposed measures is estimated at £4k. This includes the publication of the made Traffic Management Orders and required road markings and amendment to signage. This cost will be met by the Environment and Regeneration revenue budget for 2016/17

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 Cabinet Member in reaching a decision. Before reaching a decision to make the necessary Traffic Management Order to implement a CPZ scheme, the Council must follow the statutory consultation procedures pursuant to the Road Traffic Regulation Act ("RTRA")1984 and the Local Authorities Traffic Orders (Procedure)(England and Wales) Regulations1996. All objections received must be properly considered in the light of administrative law principles, Human Rights law and the relevant statutory powers.
- 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.
- 9.4 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. 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.
- 9.5 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:-
- the desirability of securing and maintaining reasonable access to premises.
 - the effect on the amenities of any locality affected including regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
 - the national air quality strategy.
 - facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
 - any other matters appearing to the Council to be relevant.

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 consultations 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 IMPLICATION

- 11.1 N/A

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The risk of not introducing the proposed changes to the parking arrangements is that the existing parking difficulties would continue and it would do nothing to assist the residents and the local business community.
- 12.2 The risk in not addressing the issues from the consultation exercise would be the loss of confidence in the Council from those residents who have made representation of parking difficulties / concerns. The proposed measures may cause some dissatisfaction from those who have requested 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. APPENDICES

- 13.1 The following documents are to be published with this report and form part of the report.
- Appendix A Statutory Consultation document with Drawing No.Z78-239-01
 - Appendix B Representations and officers' comments

Appendix A

Statutory Consultation Document with Drawing No.Z78-239-01

Proposed CW2 CPZ
Valley Gardens, North Road and
South Gardens.



Councillor Andrew Judge

Cabinet Member for
Environmental Sustainability
and Regeneration

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ISSUE DATE : 04 DECEMBER 2015

Dear Resident / Business,

The purpose of this leaflet is to inform you that the Council is now carrying out a statutory consultation on its intention to make changes to the operating days, times and zone boundary of Valley Gardens, North Road and South Gardens in CW CPZ. Over the years residents of these roads have complained about lack of available parking bays in these three roads. In early 2013 the residents invited the MP and an officer to a meeting to discuss proposals to improve and better manage on street parking provisions during and after the operational times. It is also alleged that inter commuting ie residents from other parts of Colliers Wood drive to these roads to use the Tube Station. This cause parking difficulties for residents of these roads.

PROPOSED CHANGES

1. To remove Valley Gardens, North Road and South Gardens from the CW CPZ and create a stand alone CPZ. The new CPZ will be known as CW2.
2. The proposed operating days and times of the new zone would be Monday to Saturday between 8.30am and 6.30pm.
3. The operating days and times of the single yellow lines in the these roads would also be extended to operate Monday to Saturday, between 8.30am and 6.30pm.

The proposed changes will prevent permit holders to park in CW2 but it also means that CW2 permit holders will not be able to park in CW zone.

The removal of CW permit holders will improve parking conditions for the proposed CW2 permit holders.

Permits issued to residents and businesses in Christchurch Road will not be valid in the new zone.

WHAT HAPPENS NEXT

A Notice of the Council's intentions 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 to the **Head of Street Sustainable Communities, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX** or email trafficandhighways@merton.gov.uk by no later than **31 December 2015** quoting reference **ES/CW2**. 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. A copy can also be inspected at Colliers Wood Library. This information is also available on Merton Council's website www.merton.gov.uk/cw2_cpz.

All representations along with Officers' comments and recommendations will be presented in a report to the Cabinet Member for Environmental Sustainability and Regeneration. 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.

COLLIERS WOOD WARD COUNCILLORS

Cllr. Nick Draper

Tel. 020 8540 2142

Email: nick.draper@merton.gov.uk

Cllr. Caroline Cooper-Marbiah

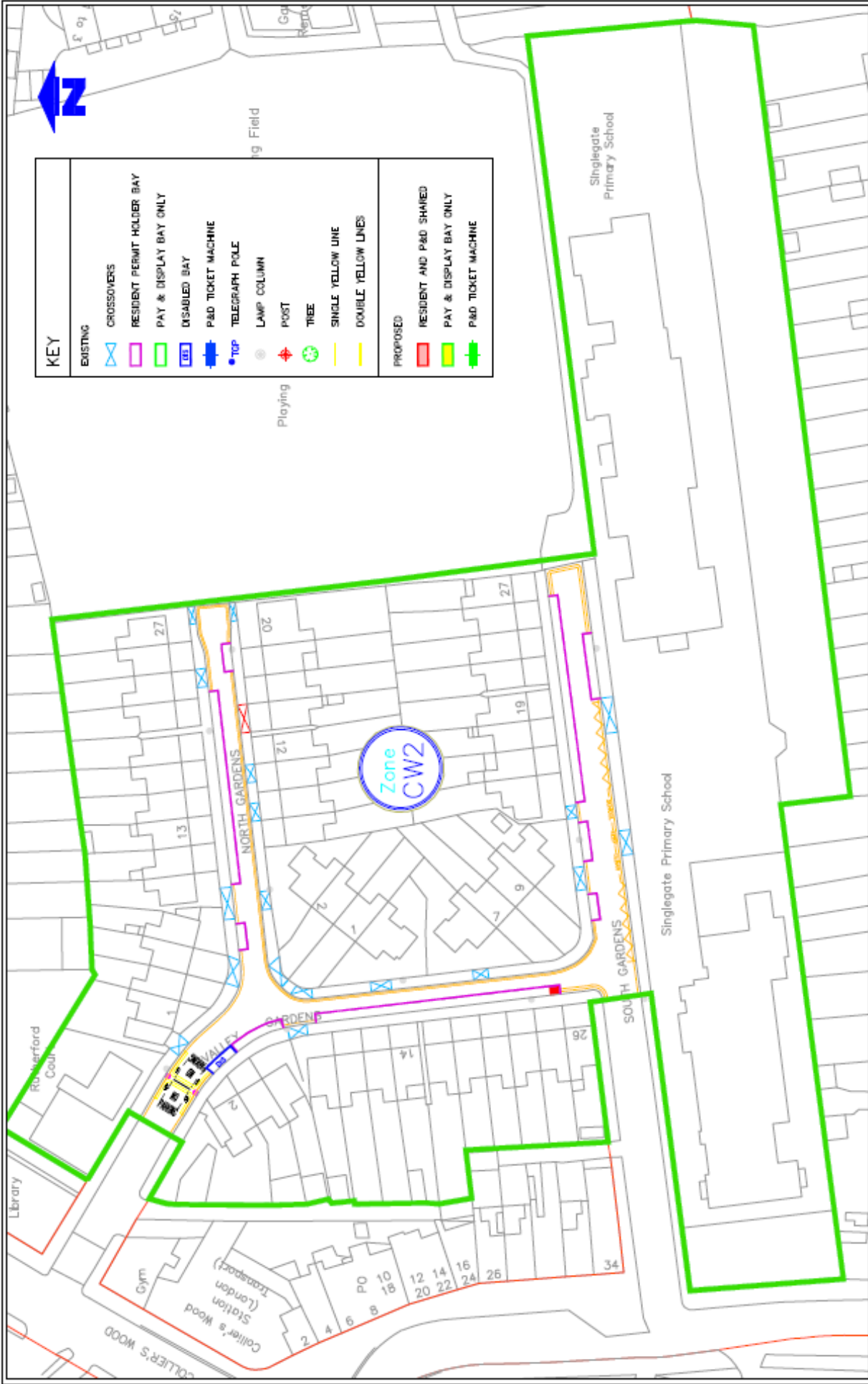
Tel. 07704 055 066

Email: caroline.cooper-marbiah@merton.gov.uk

Cllr. Laxmi Attawar

Tel. 020 8545 3424

Email: laxmi.attawar@merton.gov.uk



Do not scale from this drawing

 Sustainable Communities environment & regeneration TRAFFIC & HIGHWAYS	PROJECT CONTROLLED PARKING ZONE REVIEW	PROPOSED ZONE CW2
	DATE: NOV. 15	TITLE:
DRAWN BY:	CHECKED BY:	SCALE:
PROJECT NO:	DRAWING NO:	SHEET NO:

Merton Civic Centre
London Road
Morden, Surrey
Surrey SM8 5EQ
www.merton.gov.uk

278-239-01
 CONSULTATION
 1:1000

Appendix B

Representations and Officer's Comments

Representations
Valley Gardens
<p>ES/CW2-001 – Resident</p> <p>I would like to object, concerning your plans to change the CW CPZ to a CW2 CPZ, in Valley Gardens, South Gardens, and North Gardens. Quite often all parking spaces are taken, and when this happens, because the CW2 permit will not be able to be used in the CW CPZ, residents who cannot find a parking space will have nowhere else to park in the surrounding roads. What are we supposed to do? Park on a yellow line and get a Penalty Charge?</p> <p>Also what will happen about the visitor permits, as these will not be able to be used in the CW2 zone? Will residents be refunded for the permits that they have, and will new ones be available for the CW2 zone?</p>
<p>ES/CW2-002 – Resident</p> <p>I am a resident of Valley Gardens and do agree that I can sometimes have issues with parking our cars on any of the roads discussed, in the last few months the parking has become harder mainly due to the closure of spaces due to the school building works, but is also bad when parents decide to drive to the primary school normally when it's raining.</p> <p>I agree that a separate permit would be of help to the local residents, but I do have some queries? Point one is the policing of the area, who will check the correct permits are used as we rarely see wardens.</p> <p>Point two are there enough spaces for all the cars which hold permits and maybe two visitor permits on a daily basis, as we often have to park in Park Road or Cavendish because our road is full. We would not be able to do this with a CW2, unless this is the case (enough spaces) and we should never be full, if it's not however then I think we should trial the CW2 for a couple of months covering bad weather, school times, as these are the really busy times.</p>
<p>Officer's comment:</p> <p><i>It is acknowledged that parking in these roads are limited and that parking bays are often fully utilised. It is believed that the proposed changes will prevent other CW permit holders from using these roads thereby freeing those spaces that are currently occupied by those residents who do not reside in these roads. Also with the extended days of operation to include Saturdays, commuter parking will be removed and parking bays would be available for permit holders.</i></p> <p><i>In response to the possible event that residents are unable to find parking space in the proposed CW2 CPZ during operational hours, although currently there is no support from the Ward councillors to allow CW2 permit holders to park in CW, officers would reconsider this possibility. This type of provision has successfully worked elsewhere in the Borough.</i></p> <p><i>Residents will be able to exchange any surplus CW Visitor Permits to CW2 visitor permits for no extra charge.</i></p>