Committee: Advisory Street Management  
Date: 15th January 2007  

Agenda item:  
Wards: St Helier  
Subject: Proposed Double Yellow lines – Rougemont Avenue, Torrington Way and Holne Chase  

Lead officer: Richard Rawes, Director of Environment & Regeneration  
Lead member: Councillor Tariq Ahmad, Environment & Street Management  

Key decision reference number: N/A  

Recommendations:  

1. That the Street Management Advisory Committee recommends that Cabinet Member considers the issues detailed in this report and approves the undertaking of formal consultation to introduce ‘At any time’ waiting and loading restrictions in Rougemont Avenue, Torrington Way and Holne Chase as shown on plan Z27-491-01 attached as appendix 1.

1. Purpose of report and executive summary  
1.1 This report brings to the Cabinet Member’s and the Street Management Advisory Committee’s attention the current parking conditions in Rougemont Avenue, Torrington Way and Holne Chase. It sets out the background to the consideration of introducing double yellow lines in all 3 roads in an attempt to improve and maintain vehicular access particularly for the Fire Brigade.

1.2 It recommends that the Cabinet Member:

1.2.1 Notes the letter from London Fire & Emergency Planning Authority LFEPA, attached as appendix 2.

1.2.2 Approves the undertaking of the formal consultation to introduce ‘At any time’ waiting restrictions in Rougemont Avenue, Torrington Way and Holne Chase as shown on plan Z 27 - 491-01

2. Details  
2.1 It is Council policy to improve the environment by regulating the number of parked vehicles in the area, thereby improving safety and access for all road users. The key objective of the proposal to introduce the recommended restriction is to improve safety and vehicular access.

2.2 The purpose of double yellow line restrictions is to maintain visibility and access at all times and provide safe conditions for all road users. Section 122 of the Road Traffic Regulation Act 1984 places a duty on the Council “to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and provide suitable and adequate parking facilities on and off the highway” when exercising any of its functions under the Act. Road safety is therefore a matter that the Council pays regard to when considering whether to make an Order under S.6 of the Act.
2.3 Current parking conditions

2.3.1 Following the receipt of LFEPA letter attached as appendix 2, a number of meetings were convened between officers and Ward Councillors. The area was added to programme of works for investigation. Over the past several months, site surveys have been carried out by officers (see photographs marked as appendix 3); it has been concluded that parking on both sides of the road in all 3 roads causes obstruction to vehicular access and makes access for normal size vehicles extremely difficult and impossible for larger vehicles such as the refuse vehicle, an ambulance and a fire engine. Parking is also taking place at and near junctions/bend on both sides of the road causing sightline difficulties and obstruction for vehicular and pedestrian access.

2.3.2 Over the years there have also been complaints regarding parking on the grass verge. Section 15(1) of the Greater London Council (General Powers) Act 1974 makes it an offence to park on the footway. The Council can exempt areas of the footway from the parking ban by making a Notice under Section 15(4) of this Act. The exemption would include signs and road markings as per The Traffic Signs Regulations and General Directions 2002. It is not normal practice to allow parking on grass verge because it would be difficult if not impossible to mark the parking areas and that the grass verge would not be able to accommodate the weight of a vehicle. Continuous parking on grass verge would lead to mud on the road and on the footway; a trip between the hard surfaced footway and the verge which would cause a dangerous situation for all road users and this would lead to more resources having to be spent on maintenance.

2.3.3 Sometime ago, a small section of grass verge was replaced with tarmac because the grass verge at that point had a very steep gradient from the paving slabs to the kerb which was being eroded by parked vehicles making the paving slabs on the footway unsafe despite the relaying / remedial works a number of times. This was done on safety grounds and covered a very small section of the grass verge.

2.4 Crossovers

2.4.1 In accordance to the current Council policy regarding provisions for footway crossovers (attached as appendix 4), the depth of the private forecourt/garden must exceed 4.5m. This is so as to prevent obstructive parking across the footway that could be hazardous to pedestrians particularly those using a wheelchair, those with pushchairs and blind or partially sighted people.

There are a number of properties in all 3 roads that do not meet these criteria and therefore under the current criteria any crossover application will be refused.

2.4.2 Another issue with regards to provisions for a footway crossover is the loss of amenity in that under the current criteria, crossings that would involve the removal of grass verge of over 1m can be and are often refused. Due to the large grass verge (2.8m) in Holne Chase, under the current criteria any crossover application will be refused.
2.5 Off street Parking/ Rear access

2.5.1 According to the Councils’ records and site observations, the majority of the properties have off street parking to the rear. This parking facility can be accessed via the rear access, which is private. It has been argued by some residents that this facility is not convenient. Some residents have said that they use this parking facility - the majority, however, claim that it is unsuitable. There have been suggestions that the Council should resurface the rear access so as to make access easier. Our response to this is that this area is private and the Council does not have any jurisdiction nor funding for such remedial works.

2.5.2 The average width of the side and rear access for each road are shown in the table below. As it can be seen, the widths of both side and rear access is sufficient to provide access to parking to the rear of the properties in all 3 roads. Photographs are attached as appendix 3.

<table>
<thead>
<tr>
<th>Road</th>
<th>Average Width of side access</th>
<th>Average width of rear access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rougemont Avenue</td>
<td>2.4m</td>
<td>2.4m</td>
</tr>
<tr>
<td>Torrington Way</td>
<td>2.47m</td>
<td>3m</td>
</tr>
<tr>
<td>Holne Chase</td>
<td>2.3m</td>
<td>2.33m</td>
</tr>
</tbody>
</table>

2.6 Red Route

The first 20m of Holne Chase / Epsom Road junction is protected by 7am – 7pm (red line) restrictions, followed by approximately 13m of short term parking bay - enforced by Transport for London.

In Rougemont Avenue, the west side is protected by 44m (from the junction) of 7am – 7pm (red line) and on the east side there is 10m of red line from the junction, 26m of all day parking bays followed by 7m of double red lines.

Site observations and feedback from some residents indicate that parking does not take place on this section of carriageway, even after the hours of operation.

3. Proposed Consultation

The decision about whether or not to implement the proposed restrictions will need to take into account the following factors:

3.1 On site conditions – as with majority of roads in the borough, there is a high level of demand for on street parking from residents/their visitors and weekend visitors to the allotments adjacent to Holne Chase. All 3 roads are too narrow to accommodate parking on both sides of the road and maintain the minimum required road width of 3m – necessary for the Fire brigade. In fact with vehicles parked on both sides of the road (average car width being 1.8m), the average available road space for vehicular access is reduced to 2.5m. There are certain sections of the carriageway where it is wide enough to accommodate parking on both sides and the proposed restrictions reflect this fact.

The table below shows the average road and footway widths:

<table>
<thead>
<tr>
<th>Road</th>
<th>Average Road width</th>
<th>Average footway width</th>
<th>Average grass width</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rougemont Avenue</td>
<td>6.1m</td>
<td>1.4m</td>
<td>1m</td>
</tr>
<tr>
<td>Torrington Way</td>
<td>6.1m</td>
<td>1.2m</td>
<td>1m</td>
</tr>
<tr>
<td>Holne Chase</td>
<td>6.0m</td>
<td>1.4m</td>
<td>2.8m</td>
</tr>
</tbody>
</table>
3.2 The Ward Councillors invited Council officers and the Cabinet Member to a public meeting on 26th August 2006. The Council officer explained the contents of the letter from the Fire brigade and the implications of the obstructive parking by the residents. The concept of double yellow lines received many objections at the meeting. The majority of those present implied that it is Council’s responsibility to resolve the parking problems by allowing the construction of footway crossovers and allowing footway parking. It was explained that their request was in fact against several Council policies and also due to lack of funding it would not be able to meet the aspiration for footway parking. The replacement of grass verge with a hard surface and construction to take the weight of vehicles would be £140,800.

3.3 Displacement

The proposed double yellow line restrictions would mean the loss of 42 spaces from Rougemont Avenue; 16 spaces from Torrington Way and 55 from Holne Chase. This loss of on-street parking can be reduced by the residents using their rear parking facilities. The adverse implications of obstructive parking regarding access for a fire engine is far greater than the loss of on street parking.

3.4 Council’s duties and powers - when considering road safety in this area. S.122 of the Road Traffic Regulation Act 1984 places a duty on the Council "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" when exercising any of its functions under the 1984 Act. Road safety is therefore a matter that the Council should have proper regard to when considering whether to make an Order under s.6 of the 1984 Act.

3.5 The Highway Code stipulates that motorists should not park within 10 metres of a junction. The aim of the proposed double yellow line waiting restrictions at junctions is to improve visibility and to provide clear access for all road users particularly vulnerable road users such as pedestrians, push chairs and wheelchair users who for example may wish to make proper use of the section of dropped kerb at junctions.

3.6 PROPOSED MEASURES

3.6.1 Taking the current criteria, available funding and Council’s duties and responsibilities in to consideration, it is proposed to introduce double yellow lines (at any time waiting and loading restrictions) in all three roads in a manner that would prevent parking on both sides of the road except for those areas that are wide enough to allow parking and passage of a fire engine (see plan Z27-491-01). It is also proposed to apply double yellow lines across the access points to the side/rear access/garages. This will make it easier for those residents who may decide to use their parking facilities to the rear of their properties.

3.7 It is recommended that a formal consultation be carried out on the proposed restrictions as shown on plan Z27-491-01.
3.8 The double yellow lines are risk assessment / danger reduction measures and not an accident remedial measure. That is being proactive and not reactive after the event.

3.9 In considering this proposal the Cabinet Member must also note that this problem is not unique to this area and that the Council must be consistent and therefore, should consider the implications of any decision across the Borough.

4. **Timetable**

4.1 The formal consultation will be carried out as soon the Cabinet Member makes a decision. The consultation will include the erection of the Notices on lamp columns in the area; the publication of Council’s intentions in the Local Guardian and the London Gazette. The documents will also be available at the Link, Civic Centre. A Formal consultation newsletter will also be distributed to all the premises in the consultation area. It will detail the Council’s intentions and the undertaking of the formal consultation on the proposed restrictions and will invite all to make representations. The information will also be available on the website. The result of this consultation will be reported to this Committee and the Cabinet Member.

5. **Alternative options**

5.1 Not to do anything. This would be contrary to the concerns expressed by the local residents and LFEPA. And it would not resolve the dangerous obstructive parking that is taking place. More importantly, given that the Council has been made aware of this problem and its implications, the Council is under an obligation to discharge its duty to secure the safe and expeditious movement of traffic in an appropriate and a timely manner. According to legal advice, failure by the Council to act in this case would almost certainly amount to a breach of statutory duty. A duty of care and a possible action against the Council based on negligence would be likely arise if the Council did act, but did so in a negligent manner.

5.2 Alternatively the Cabinet Member could consider changing a number of current policies to allow the following options:

5.2.1 **Holne Chase**

The grass verge in this road is 2.8m wide and due to the current policy all crossover applications will be refused on the grounds of loss of amenity to the area.

5.2.2 **Crossovers and insufficient forecourt depth**

The current criteria of required minimum depth for front gardens is 4.5m based on the average length of a car. There are a number of properties in all 3 roads that do not meet this criterion and therefore any crossover application will be refused. If this criterion were to be changed i.e. the minimum required depth lowered, it would have obstructive implications for pedestrians. Officers receive numerous complaints from pedestrians regarding larger vehicles such as vans parked in a front garden that although may have in excess of 4.5m depth due to the size of the vehicle causes obstruction by means of overhanging bonnet etc. Although the Council can deal with this obstruction, it can be a very lengthy and time consuming process and may lead to legal action. This will result in more complaints and extra demand on available staff and funding. This is not recommended by officers.
<table>
<thead>
<tr>
<th>Road</th>
<th>Minimum garden depths</th>
<th>Average garden depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rougemont Avenue</td>
<td>4.2m</td>
<td>5.0m</td>
</tr>
<tr>
<td>Torrington Way</td>
<td>4.9m</td>
<td>5.2m</td>
</tr>
<tr>
<td>Holne Chase</td>
<td>4.2m</td>
<td>5.0m</td>
</tr>
</tbody>
</table>

*It should be noted that these measurements have been taken from the Ordnance Survey plans, which may not allow for those properties with a porch or extensions that would further reduce the depth of the front garden.*

5.2.3 **Removal of grass verge to allow footway 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 due to sufficient footway width (minimum 1.5m) parking on footway can be made exempt. This exemption, however, is not made where the footway accommodates a grass verge for the reasons given in section 2.3.2 of this report. Due to the current policy regarding loss of amenity and the costs involved, grass verges are not removed to allow parking. The Council does not receive funding for such measures. To remove 1m of grass verge from one side of the road would have the following cost implications:

<table>
<thead>
<tr>
<th>Road</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Holne Chase</td>
<td>£46,307</td>
</tr>
<tr>
<td>Rougemont Avenue</td>
<td>£62,182</td>
</tr>
<tr>
<td>Torrington Way</td>
<td>£34,255</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£142,744</strong></td>
</tr>
</tbody>
</table>

5.3 **All the above options depend on the successful change to the various policies and have financial implications.** As already mentioned, this area is not unique; there are many roads in this borough with large grassed areas and with parking problems some of which do not have rear access / garages etc and some have flats and therefore more residents with higher demand for on street parking. To consider the option of removing grassed area to allow parking the Cabinet Member must also consider funding such schemes.

6. **Financial, resource and property implications**

6.1 **The cost of introducing the proposed restrictions is estimated at £7,000, including the making of the Traffic Management order.** All costs can be met from existing capital and revenue resources.

7. **Legal and statutory implications**

7.1 **These proposals are being dealt with under The Road Traffic Regulation Act 1984.** The overriding obligation when exercising any function under the 1984 Act is to do so in such a way as to secure the expeditious, convenient and safe movement of traffic and the provision of suitable and adequate facilities on and off the highway and so far as practicable having regard to:

(a) the desirability of securing and maintaining reasonable access to premises;
(b) the effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;

(c) the strategy prepared under section 80 of the Environment Act 1995 (national air quality strategy);

(d) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and

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

7.2 Traffic Management Orders for the proposed double yellow lines 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 in a local newspaper and the London Gazette). These regulations also require the Council to consider any representations received as a result of publishing the draft order.

7.3 In this case the Council believes that 7.1(a) above and 7.1 (d) are satisfied by these proposals. The relevant matters in 7.1(d) is the implementation of the proposed double yellow lines.

7.4 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.

8. Human rights, equalities and community cohesion implications

8.1 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 parking needs of the residents and visitors are given consideration but it is considered that maintaining safe access must take priority.

8.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.

8.3 The implementation of waiting restrictions affects all sections of the community especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor for London and the borough.

9. Risk management and health and safety implications

9.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to the residents, in case of an emergency, as a direct result of obstruction and access difficulties will not be addressed.

9.2 There will be loss of parking space but this can be reduced by the residents using their rear parking facilities. It is considered that the risk in not addressing this problem is far greater than the loss of parking space.
10. **Appendices** – the following documents are to be published with this report and form part of the report

   - Appendix 2 – Letter from the Fire brigade
   - Appendix 3 – Photographs
   - Appendix 4 – Crossover policy

11. **Background Papers** – the following documents have been relied on in drawing up this report but do not form part of the report - N/A

12. **Contacts**

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     - Tel: 020 8274 4901

13. **Useful links**


13.2 Readers should note the terms of the legal information (disclaimer) regarding information on Merton Council’s and third party linked websites.

13.3 [http://www.merton.gov.uk/legal.htm](http://www.merton.gov.uk/legal.htm)

13.4 This disclaimer also applies to any links provided here.
Dear Mitra

ROUGEMONT AVENUE AND TORRINGTON WAY

Further to our meeting last Friday I must reiterate my concern over the access for fire appliances along Rougemont Avenue and Torrington Way.

As you will recall following the e-mail from Councillor Maxi Martin I asked for a fire appliance to visit the roads during the evening to assess the situation. They reported that they could only drive down Rougemont Avenue for about 30 metres until the ‘red route’ parking restriction ended, then, with vehicles parked either side of the road, no further progress could be made. On Thursday September 8th during the afternoon I visited the roads myself and found the access inadequate for a fire appliance.

Should a fire or other emergency occur along these roads, any Fire Brigade attendance would be severely delayed. I feel this poses an unacceptable risk to the residents of Rougemont Avenue and of Torrington Way.

Yours sincerely

Jon Prater
Assistant Divisional Officer
APPENDIX 3

Rougemont Avenue

Holne Chase
CURRENT CRITERIA - FOOTWAY CROSSES

1. Outlined below are those conditions, which are taken into consideration before granting approval for any crossover. A site visit is undertaken by Officers of the Environmental Services Department to ascertain:-

(a) That the forecourt is at least 4.5m deep where a vehicle is to be parked to avoid the majority of vehicles overhanging the highway when parked at angles to the kerb.

(b) That a vehicle can be parked within 10 degrees of a right angle to the kerb or at a greater angle at the discretion of the Officers only where the depth of forecourt exceeds 4.5m.

(c) No manoeuvring on the highway is necessary to obtain access to and from the property.

(d) A crossover application is approved on the basis that it is only to be used to allow a vehicle to pass across the footway to gain access into the property. A crossover forms part of the footway and it is an offence to park a vehicle partially or completely on a footway.

1.1 Should any of these requirements not be met the application is refused at this stage on the grounds that such approval is prejudicial to the public safety in terms of either restricted visibility or due to the vehicle manoeuvring in conflict with the pedestrian activity.

2. Applications satisfying those requirements are then assessed against the following additional criteria prior to being granted consent:-

(a) The width of the proposed parking space would generally be 2.3 metres throughout the length of the bay in order to allow passengers reasonable entry/egress from the vehicle within the site. Such a requirement is fully compatible with the recognised standards for off-street parking spaces where considered as part of a Town Planning application. Some relaxation of this condition is considered providing a vehicle can be parked and the doors can be opened without hindrance.

(b) The standard width of an approved crossover shall be 2.5 metres in cases where it is considered appropriate as in the case with a shared or double access. The width may be increased in individual circumstances. However, the linking of more than two separate crossovers together is to be discouraged to avoid excessive lengths of footway becoming crossovers, which is considered prejudicial to the public safety.

(c) Those applicants possessing a long street frontage who request an in/out circulatory system are considered on merit and approval is dependent on the individual site location. As a general principle, this type of access is considered beneficial to public safety providing entry/egress in a forward gear. However, Officers are also aware that some applicants have a desire to retain a parking free zone in front of their property.

(d) That an application for a vehicle crossover which affects an amenity area may be refused on the grounds of loss of amenity to that Area. An amenity area is defined as a grass area wider than one metre or an area containing trees, shrubs or other planting.

(e) If provision of a footway crossover would result in the loss of a tree which makes a valuable contribution to the street scene, then permission may be refused.
Proposed Double Yellow lines – Rougemont Avenue, Torrington Way and Holne Chase

Purpose of report

This report details details the obstructive parking that is currently taking place in all 3 roads and officer’s recommendations. It seeks approval to formally consult on the proposed double yellow line restrictions.

This report also sets out the details of the current criteria regarding crossovers and footway parking and the implications of any change to these criteria.

Background

Following the receipt of a letter from London Fire & Emergency Planning Authority LFEPA, officers have had a number of meeting with the Ward Councillors to address this obstructive parking problem.

As with majority of roads in the borough, there is a high level of demand for on street parking from residents/their visitors and weekend visitors to the allotments adjacent to Holne Chase. All 3 roads are too narrow to accommodate parking on both sides of the road and maintain the minimum required road width of 3m – necessary for the Fire brigade. In fact with vehicles parked on both sides of the road, the average available road space for access is reduced to 2.5m. There are certain sections of the carriageway where it is wide enough to accommodate parking on both sides and the proposed restrictions reflect this provision.

Due to the current criteria regarding grass verges (loss of amenity) and the required minimum depth of a garden for a crossover majority of the residents in these roads park on the road. This high level of demand for on street parking can be minimised if the residents were to use their parking facilities to the rear of their properties.

Recommendation

Taking the current criteria, available funding and Council’s duties and responsibilities in to consideration, it is proposed to introduce double yellow lines (at any time waiting and loading restrictions) in all three roads in a manner that would prevent parking on both sides of the road where this would cause obstruction to the emergency services except for those areas where the carriageway width is more than 3m (see plan Z27-491-01). It is also proposed to apply double yellow lines across the access points to the side/rear access/garages. This will make it easier for those residents who may decide to use their parking facilities to the rear of their properties.

It is recommended that a formal consultation be carried out on the proposed restrictions as shown on plan Z27-491-01.