

<b>Item No.</b> 15.	<b>Classification:</b> Open	<b>Date:</b> 14 March 2012	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>		Local parking amendment: Determination of objections to proposed removal of waiting restriction in Dulwich Wood Avenue	
<b>Ward(s) or groups affected:</b>		All wards within Dulwich Community Council	
<b>From:</b>		Strategic Director of Environment & Leisure	

## **RECOMMENDATIONS**

1. Consider the two objections received in regard to a proposal to remove 20 metres of “at any time” waiting restrictions in Dulwich Wood Avenue on both sides of the highway, as detailed in appendix 1.
2. Reject the two objections and implement the scheme as originally proposed and give approval to amend the relevant Traffic Management Order (TMO).
3. Instruct officers to write to the objectors giving reason for the decision.

## **BACKGROUND INFORMATION**

4. The council gave notice of its intent to remove 20 metres of “at any time” waiting restrictions (double yellow lines) on Dulwich Wood Avenue from both sides of the highway under section 6 of the Road Traffic Regulation Act, 1984, on 2 February 2012.
5. Statutory consultation was carried out for a period of three weeks via street, press and web notices; a copy of the proposed orders was also sent to statutory consultees.
6. This report presents details of the objection that were received during the statutory consultation period.
7. Determination of such matters is reserved to community council for decision.
8. The origins and reasons for the recommendations are discussed in the main body of the report.

## **KEY ISSUES FOR CONSIDERATION**

### **Dulwich Wood Avenue (1112Q2\_002)**

#### **Background to the proposed TMO**

9. The parking design team was asked by a local resident to investigate the possibility of reducing the “at any time” waiting restrictions (double yellow lines) on the junction with Dulwich Wood Park.
10. An officer from the parking design team evaluated the junction and considered that

the existing length of double yellow line was substantially more than was necessary to enable a smooth flow of traffic through the junction and more than that required to provide clear lines of sight when pedestrians used the informal crossing at the raised table which is positioned at its junction with Dulwich Wood Park.

### **Detail of the objection received**

11. On 2 February 2012 public realm projects advertised the council's intention to remove 20 metres of "at any time" waiting restrictions, both sides of the highway on Dulwich Wood Avenue.
12. The proposed TMO was made by way of street and press notices in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
13. During the statutory, three week consultation period 2 written objections were received. The details of those objections are provided in Appendix 2 and summarised in the following paragraphs.

### **Summary of objection 1**

14. Our properties are positioned only yards from the kerbside and our living rooms directly face/overlook this section of the road. We already have to contend with the following:
15. Large motor homes and other vehicles which park up for weeks on end.
16. A local Cab company's drivers park up at all times of day and night A car removal/wrecking company regularly park their lorries on the road overnight, with and without wrecked cars on them. They also noisily hoist cars on and off their lorries at any time of the day or night and often leave cars on the roadside Debris from the wrecked cars is often deposited on the road.
17. None of the other properties in/off Dulwich Wood Avenue face the road at such close proximity to it, and those that do are set well back and have large front gardens, and hedges for privacy.
18. I therefore counter propose that you give serious consideration to extending the existing yellow lines at least as far as the Hunters Meadow junction with Dulwich Wood Avenue and on both sides of the road.

### **Summary of objection 2**

19. Dulwich Wood Avenue is a long and wide road and has plenty of space for visitors to the area to park (residents have private parking off this road).
20. I have over a number of years complained to the police and the council about the parking of 'commercial' vehicles i.e. recovery / pick-up lorries which park on this road. I object to this as the company who use this road to park as they have commercial premises off Gipsy Road, but use this road as 'overflow'. These people do not live in the area and in my opinion 'abuse' the road and directly disrespect local residents who live here. These vehicles regularly leave oil spills in the road and broken glass in the road and on the pavement which clearly has an adverse effect on other non-commercial vehicles and pedestrians - particularly

those who take their children and dogs to the park (Long Meadow).

21. Another problem we have on this road is that each day we have a fleet of mini cabs who wait on this road (and often use people's gardens and bushes as a toilet - I have seen this myself and have many times reported the culprit/abuser to the police) for calls from their controller to go on assignments.
22. My point being by highlighting these two issues to you, is if the reason for taking away the 20 metres of any time restrictions on this road is to increase available parking - I would say that if the council took the time to eliminate the above two problems, there would be no problem for other respectful people who wish to park on this road. If there is such a problem, which I find hard to believe in any event.
23. Another reason why I must object at this time, is the fact that residents on Dulwich Wood Avenue have only just received notification for improvements to Paxton Green roundabout - to which Dulwich Wood Avenue is part of. The suggestions I am about to send to them, includes Dulwich Wood Avenue and I strongly object that any other planning applications for Dulwich Wood Avenue and other roads leading off Paxton Green roundabout should go ahead **before** the Paxton Green roundabout improvements have been agreed by local residents and councillors and they are finalised.

#### **Reasons for report recommendations**

24. In general, the objectors consider that reducing the extent of the existing double yellow lines will increase the opportunity for parking. This space will, in turn, be filled by vehicles that objectors consider inappropriate for the street. A consequence of this maybe to further increase reported anti-social behaviour.
25. Officers do not consider these reasons alone would be sufficient to justify new restrictions under the provisions of Section 1(1) of the Road Traffic Regulation Act 1984.
26. Section 1(1) of the Act provides opportunity for authorities to make traffic orders to prevent danger, facilitate traffic, prevent unsuitable vehicles using a road, preserve amenity and preserve air quality.
27. It could be argued that "preventing unsuitable vehicles" or "preserving amenity" could apply in this case but these measures are usually implemented by way of area-wide restrictions and not localised parking bans (eg. an order to restrict heavy goods vehicles from entering a residential area).
28. Officers advise that traffic orders should not be used to deal with antisocial behaviour and these must be dealt with through appropriate police and warden channels.
29. In view of the above powers for making new traffic orders it is recommended that the objections are rejected and the parking restrictions are amended as originally proposed
30. However, should members be minded, and because the restrictions are existing (and not being newly proposed) there is an alternative option to maintain their existing extent.

### **Policy implications**

31. The recommendations contained within this report are consistent with the policies of Transport Plan.

### **Community Impact Statement**

22. The policies within the Transport Plan are upheld within this report and have been subject to an Equality Impact Assessment (EqIA).

### **Resource implications**

23. All costs arising from implementing the proposals, as set out in the report, will be fully contained within the existing local parking amendment budget.

### **Consultation**

24. The informal and statutory consultation carried out to date is detailed within the body of the report.

25. Formal notification of the council's intent to make a Traffic Management Order has been made in accordance with The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996

26. The road network and parking manager has been consulted on the proposals and has no objections

27. No consultation or comment has been sought from the finance director.

### **BACKGROUND DOCUMENTS**

<b>Back ground Papers</b>	<b>Held At</b>	<b>Contact</b>
Parking and Enforcement Plan	Network development, Environment and Housing Department	Tim Walker 020 7525 2021

### **APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Dulwich Wood Avenue - Proposed waiting restrictions
Appendix 2	Objections (redacted)

## AUDIT TRAIL

<b>Lead Officer</b>	Tim Walker, Senior Engineer	
<b>Report Author</b>	Michael Herd, Transport and projects officer	
<b>Version</b>	Final	
<b>Dated</b>	28 February 2012	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director for Communities, Law & Governance	No	No
Finance Director	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to the Constitutional Team</b>	29 February 2012	