

**SURREY COUNTY COUNCIL
LOCAL COMMITTEE EPSOM & EWELL
9 December 2013**

PUBLIC QUESTIONS AND STATEMENTS

**Question 1 – Philip Pavey
Re: Parking Dirdene Gardens**

Question:

Before the Committee decided on a residents' parking scheme in Hawthorne Place and Providence Place in Epsom earlier this year did they commission a risk assessment concerning the displacement of daytime parking to adjacent roads, and specifically Dirdene Gardens?

If not why not?

If yes, what was the predicted effect on Dirdene Gardens and has the actual resultant nuisance parking been less, the same or more than was predicted?

Does the Committee accept that the knock-on effect of its scheme has caused the problem experienced by residents in Dirdene Gardens and how does it intend expeditiously to remedy the situation it has caused?

Officer Response:

When the County Council is planning on introducing new parking controls the Committee considers the impact they will have on the surrounding area, the main one usually being the displacement of cars that used to park in a location that is going to become restricted. This does not include a written risk assessment for each location, but one of the reasons that we try and make people, who may be affected by the new restrictions, aware of them is so that they can provide us with as much information as possible to help with the final decision on whether or not to go ahead with a particular proposal.

We do realise that there will be some redistribution of the vehicles that were previously parked in the now restricted roads, however it is not possible for us to anticipate exactly where this parking will be offset to - this is why we constantly monitor any proposals that we implement and carry out regular parking reviews to resolve any issues that arise due to this kind of offset parking.

If the resident wishes us to investigate the implementation of further restrictions, then we can do this as part of a further parking review. For the most part we introduce new parking controls as a reactive measure following the receipt of a request to do so. We receive a constant stream of such requests from a wide variety of people, including, but not limited to, councillors, residents, members of the emergency services and local businesses. Approximately once a year we review all the outstanding requests in a borough and present a report to the local committee for that borough, with a recommendation of which of the requests should be taken forward.

Question 2 – Chris Frost
Re: Highway Signs

Question:

During the last year or so of my term of office, I asked for some new signs to be erected as follows:

HGV sign for Burgh Heath Road by Longdown Lane South

Cycle sign in Woodcote Green Road opposite Pine Hill

Schools warning signs in Dorking Road for St. Joseph's school

Sign at entrance to Madans Walk by Avenue Road to say 'Shared walkway between pedestrians and cyclists.

At the time of writing these have not yet been installed. What has caused the delay, and when will they be in place?

Officer Response:

The HGV sign for Burgh Heath Road is currently being designed along with many other direction signs and will be ordered shortly.

The cycle signs will form part of the phase 3 cycle signs provision which will begin in the New Year. Phases 1 and 2 have now been completed.

The school signs for Dorking Road have been placed on hold pending the outcome of the Abelea Green school issue.

These have been delayed on due to our need to prioritise the most urgent work, and also to enable a package of signs work to be assembled for reasons of economy.

The signs should be erected early in the New Year.

Question 3 – Chris Frost
Re: Street Lights

Question:

Now many street lights have been replaced, what is the inspection regime for checking that lights that have not been replaced are working?

Officer Response:

A detailed report setting out progress with street light replacement in the Borough is at Item 11 on the agenda for this meeting.

In respect of the inspection of lights, although the Central Management System (CMS) monitors and reports faults for new lights, until all lights are replaced in an area Skanska continue to monitor for faults by driving pre-determined routes during hours of darkness to identify lights not working. The County is split into routes with different areas being checked each night. Faults are recorded and logged onto the work order system the following morning and if the fault is not already identified, a work order is raised.

During Winter months (1 Nov - 31 Mar), all roads are "scouted" twice per month and during summer months it is completed once per month.

Question 4 – Colin Wing
Re: Pedestrian Access to Epsom waste depot

Question:

Is it possible to provide a pedestrian entrance to the waste depot in Blenheim Road? Although there may be good safety reasons for the policy of excluding pedestrians, it discriminates against non-car-owners and encourages unsustainable transport.

Officer Response:

There are some particular difficulties in allowing pedestrian access to the community recycling centre.

The main issue is safety related. Due to the layout of the site there is simply not enough space for a pedestrian access without putting people in close proximity and at risk of moving vehicles/plant whilst also carrying waste.

The second issue relates to how the pedestrian access is used. Where pedestrian access has been allowed in the past, problems have been caused by members of the public parking on Felstead Rd / Roy Richmond Way and walking their waste into the site to avoid queuing.

With an increasing amount of materials collected at the kerbside and in local recycling banks, there should be suitable alternative recycling and disposal outlets in place for the smaller items that are likely to be brought to the site by pedestrians

Question 5 – Colin Wing
Re: Dimensions of yellow lines

Question:

At the September meeting we heard that the standard width of yellow lines is 50mm in conservation areas and 75mm on other 30mph roads. How is it that many of the yellow lines in Ewell Village are 100mm wide?

Officer Response:

Three widths are prescribed for yellow lines. The 75mm size should be used on roads with a speed limit of 40mph or less, and 100mm on roads with a higher limit. In areas regarded as environmentally sensitive, the 50mm wide line may be used.

Historically some of the roads in Ewell may well have been 40mph or above and then the restriction amended and reduced to 30mph - thus the 100mm wide line would remain on the new 30mph road.

Also, if a contractor has laid the lines incorrectly we will not get them removed as this causes damage to the carriageway. The purpose of the lines, no matter what the width should be clear and they are still enforceable. We only remove the lines where they may be too long and do not directly relate to the Traffic Regulation Order.

Sometimes when paint is laid on the carriageway, depending on the ambient temperature, the paint remains liquid for longer and can bleed to create a wider line than is laid. And with varying surfaces bleeding can also occur, such as on concrete.

Again, we would not remove the lining if the width is incorrect as the method of removing lining is by scabbing off the top surface of the carriageway, which can then create a surface which is more permeable to water and prone to underlying damage.

Question 6: Fred Mowbray
Re: St Josephs School Travel Plan

The Deed of Grant of Easement is the legal document which sets out rights of access over the private road to St Joseph's Church land (not to school land). A copy of the Deed has been provided to SCC and to the Committee prior to the last local committee meeting. Plan B within the document describes the land to which a grant of easement is granted (i.e. right of access). It is explicit in its description of access to the land of the church and hall only and not to the school.

The school has agreed to change its travel plan, notwithstanding its claim in Canon Law, which has no relevance in this case. If the school had a legal case in civil law it would have long since put that case forwards, properly argued and supported by counsel advice which it has failed to do, and instead for reasons best known to itself, is relying on Canon Law. This is deeply disturbing and has caused a lot of misunderstanding amongst parishioners and school communities and hostility towards residents who simply want their rights respected including the quiet enjoyment of their own homes

The school and church have shown that their communities (almost entirely non residents) will do as asked as demonstrated in petitions to this committee to relax parking in Rosebank, and more recently at Abelea Green.

How can SCC help the school and church to live up to their responsibilities as leaders in the community? The residents keep offering to meet and the school, church and kindergarten keep refusing. Will SCC please ask the school, which is in receipt of public funds from Surrey, to now properly advise their parents of the new travel plan which does not encourage access from St Margaret Drive?

The parents do listen when the school and church take the lead.

Officer Response:

The school has amended its travel plan so that parents are no longer encouraged to access the school via the private road. Communication with parents is a matter for the headteacher and school governors and not something that the Local Education Authority can influence. The school is voluntary aided and both the land and buildings (with the exception of the playing fields) belong to the diocese and not the County Council. Ultimately, the school cannot control the behaviour of parents when they are not on school property and it would be for the landowner to take action against any unauthorised access.

Question 7: Eleanor Silverio
Re: St Josephs School

Please will the Local Committee ask Surrey County Council's Education Committee to become involved in persuading the school governors of St. Joseph's School to abide by legal documents such as the Deed of Grant dated 11th August 2004 to encourage parents via their newsletters not to abuse the use of the private road?

Committee Chairman's Response:

The use of the private access road is a matter for the owners and the Diocese to resolve between them, and is not a matter for the Local Committee to address. The function of the Children and Education Select Committee is to monitor the policies and actions of the Cabinet in regard to children's issues. It would not therefore be appropriate to ask the Committee to act as requested.

Question 8: Glyn Davies**Re: Parking Enforcement Abelea Green**

The school run traffic at Abelea Green has inflicted an unwarranted environmental impact. The quiet enjoyment of our homes is disturbed twice a day with traffic noise and fumes.

Would the committee please ask EEBC to ensure that the parking restrictions in Abelea Green are properly enforced?

Committee Chairman's Response:

The Borough Parking Manager has been made aware of the concerns expressed and personally visited the area. However, I am advised that no complaints have been received in relation to parking violations in the area and no enforcement issues have been observed during patrols. The area will continue to be monitored by Parking Attendants.

Question 9: Peter Barlow**Re: St Josephs School Travel Plan**

St Josephs school has agreed to change its travel plan, but there is no evidence of any change and the clutter and congestion blocking access to and from the estate continues.

Now that the school has changed its travel plan and as it is obvious that parents will listen to the church and school, will SCC now ask the school to publish its travel plan to all of the parents and to manage and monitor its implementation?

Officer Response

The school has amended its travel plan so that parents are no longer encouraged to access the school via the private road. Communication with parents is a matter for the headteacher and school governors and not something that the Local Education Authority can influence. The school is voluntary aided and both the land and buildings (with the exception of the playing fields) belong to the diocese and not the County Council. Ultimately, the school cannot control the behaviour of parents when they are not on school property and it would be for the landowner to take action against any unauthorised access.

Question 10: Eugene Niemira**Re: St Josephs School Expansion**

Has St Joseph's School expansion followed the Surrey County Council Travel plans good practice guide and the SCC Vehicular and Cycle Parking Guidance January 2012 when it underwent expansion?

Officer Response:

The expansion of St Joseph's School has comprised of a number of discrete developments. Each individual development was small enough that it did not trigger a review of access arrangements or the travel plan. As Planning Law currently stands, each application must be considered strictly on its own merits; the cumulative effect of multiple developments at the same site cannot be anticipated; nor can the cumulative impact of small developments be taken into account retrospectively.

**Question 11: Neil Carpenter
Re: Briefing Note**

Whilst I thank Mr Healy and the Committee for their time on the matter relating to the private access road between St Margaret Drive and St Joseph's Church only, I am concerned by misinformation given undue credence in Mr Healy's briefing note.

Does this committee take its guidance from Canon-Law or Civil Law in this Country? Canon Law like Sharia Law is totally irrelevant to determining what is right or wrong in this Country does this committee not agree? Please confirm.

If the briefing note is a proper briefing note it should qualify the information provided in paragraph 1.8 of the briefing note to state that Canon Law does not override Civil law in this Country.

The briefing note also excludes any reference to the section 106 agreement that is in place regarding the use of the car park at the separate site of the Church with its own land registry reference and the separate site of the school with its own land registry reference BOTH SEPARATE SITES IN ENGLISH LAW. The briefing note should refer to the section 106 annex which states that "the School will need to use the Church car park except on very rare occasions." The annex stipulates the 14 days notice period to be given to the Council for the School to use the Church car park as over flow parking accessed from the School side in Rosebank by use of the mechanical gates.

Please will Mr Healy confirm that his briefing note will be updated for the points mentioned above so that the briefing note as a public document has correct information in it and is not misleading?

Officer Response:

Canon law is cited by the Governors of St Joseph's School in their dispute with the owners of the private road. It is not for the Local Committee or County Council to comment on whether or not canon law is relevant in this case or to provide legal advice on a private dispute. The agreement under Section 106 of the Town and Country Planning Act is under the jurisdiction of Epsom and Ewell Borough Council as Local Planning Authority. Surrey County Council was not a signatory to this agreement.

Question 12: Chris Grice
Re: Briefing Note

I refer to the notes to the committee by Mr Healey.

Please explain the relevance of Canon Law in this issue with the private road in Abelea Green?

Officer Response:

Canon law is cited by the Governors of St Joseph's School in their dispute with the owners of the private road. It is not for the Local Committee to comment on whether or not canon law is relevant in this case.

Question 13: Teresa Cass
Re: Langley Vale

I would like to bring to the attention of the Local Committee the following three problems with Rosebery Road in Langley Vale.

- 1 **The poor state of the road surface of Rosebery Road from the junction of Langley Vale Road to the junction of Harding Road** - Numerous pot holes have been filled on several occasions however the whole road is subsiding, large cracks are appearing and further pot holes are forming. I believe major work needs to be undertaken.
- 2 **Dangerous pavements** - The pavement on both sides, from the junction of Langley Vale Road to the junction of Harding Road, is also in a very bad state. It is extremely uneven in places, tree roots have lifted sections and cable/utility repairs have left very uneven patches. Many people are now walking in the road because they believe that is safer than the pavement, especially at night.
- 3 **Speeding cars** - I know that this was discussed a few months ago following the petition regarding a blanket 20mph in the village, however there are residents living in the bottom half of Rosebery Road who are very concerned with the speed of the traffic. They are requesting a VAS to be installed to educate drivers as to their speed. Would you please consider installing VAS signs in the road, either as flashing warnings or 'smiley faces'?

I ask that the Local Committee instructs officers to investigate these issues and gives priority to addressing them before there is a serious accident.

Officer Response:

- 1 There are four main strands to our strategy for carriageway maintenance:
 - 1) Major reconstruction. Under Operation Horizon Surrey County Council will reconstruct approximately 10% of its road network over a 5 year period. The reconstructed roads are being designed for a ten year life without significant defect. This is the most expensive treatment, and is reserved for roads that are most deteriorated.
 - 2) Surface Treatment. If a road can be treated with either surfacing dressing or micro asphalt (both chip and tar treatments) before it starts to deteriorate

quickly, it is possible to add between 5 to 10 years to its life for approximately one tenth the cost of reconstructing the same road.

- 3) Local Structural Repair. This is a treatment that repairs the worst sections of a road with large patches. Local Structural Repair is often followed by a Surface Treatment.
- 4) Safety Defect Repair. Every road is inspected as a matter of routine and all defects considered to be safety defects are repaired within predetermined timescales. If residents report potholes, these are inspected and those deemed to be safety defects are repaired within the same predetermined timescales.

Surrey County Council is obliged to prioritise its resources. Therefore although Rosebery Road is deteriorating it has not currently been identified as a priority for significant intervention at the present time. It will continue to be inspected for safety defects as a matter of routine, and any reported potholes would be inspected. Rosebery Road has been added to the Local Committee's list for consideration; at the present time it would be for the Local Committee to decide whether to prioritise the road for treatment.

2 There are three main strands to our strategy for footway maintenance:

- 1) Major reconstruction. This Financial Year Surrey County Council will reconstruct eight footways in Surrey. This is the most expensive treatment, and is reserved for footways that are most deteriorated. This would include replacement of slabs with asphalt wherever appropriate.
- 2) Surface Treatment. If a footway can be treated with a slurry seal before it starts to deteriorate quickly, it is possible to add between 5 to 10 years to its life for approximately one tenth the cost of reconstructing the same footway. Slurry seals are also used to refresh the slip resistance of a footway surface.
- 3) Safety Defect Repair. Every footway is inspected as a matter of routine and all defects considered to be safety defects are repaired within predetermined timescales. If residents report defects, these are inspected and those deemed to be safety defects are repaired within the same predetermined timescales.

Surrey County Council is obliged to prioritise its resources. Therefore although the footways in Rosebery Road are deteriorating they have not currently been identified as a priority for significant intervention at the present time. They will continue to be inspected for safety defects as a matter of routine, and any reported defects would also be inspected. The footways in Rosebery Road have been added to the Local Committee's list for consideration; at the present time it would be for the Local Committee to decide whether to prioritise the road for treatment.

3 Following the petition received from residents of Langley Vale, it was agreed to erect gateway signing at the entrance to the village. It was also agreed to reduce the threshold speed of the Speed Indicating Device in Beaconsfield Road. This work will be undertaken shortly.

It would not be appropriate to provide additional measures until the initial signs are installed and motorist behaviour monitored. The vehicles who are exceeding

the speed limit at the far end of Rosebery Road are most likely local residents who are aware of the speed limit on the roads in Langley Vale. The use of VAS is more appropriate on roads where motorists are unfamiliar with the road layout and speed limit.

Question 14: Jill Chapman

Re: St Josephs School

The school traffic chaos at St Margaret Drive has arisen due to the unplanned St Joseph's school expansion

This committee has been asked to help resolve this issue by one of our ward councillors

SCC and EEBC have a residual responsibility to uphold the property rights of residents which is threatened by actions encouraged by the Church and School

The Deed of Grant is for a defined plot of land, not for the organisation which owns the land to extend its area beyond the defined plan and assume rights including parking on a private road that it does not have in civil law.

Will this committee please make it clear to the school that they should actively encourage their parents via the school and church newsletters to stop using St. Margaret Drive as an access route to the school as stated in the school travel plan and to respect the property rights of others and allow the residents to have a peaceful enjoyment in their homes?

Committee Chairman's Response:

The Local Committee responded to the several requests for action by asking for a Report and advice from SCC as to appropriate action. We have been advised that the school's Travel Plan has been amended, and further advised that the dispute over the access road is a private matter to be resolved between the owners of Abelea Green and the Diocese and that it is not a matter for the County Council to address. In the light of this it would not be appropriate for the Local Committee to make any statement in regard to the highways issues that are subject to dispute.

Question 15: Beth Legge

Re: St Josephs School

This matter is before this committee because of the piecemeal applications by St Joseph's school for its expansion, including this latest application to relax parking at Abelea Green which was deferred indefinitely at the last committee.

The difficulties started in 2010 when the church applied to widen the access road and build car parking on the green, without even advising the residents, the freehold owners of the land. Hardly an act to foster good community relations.

Many of the residents have done everything possible to help the church and school only to be let down as more information emerges, the latest being the claim in Canon Law and ignoring Plan B in the Deed of Grant.

The distress caused to residents has to be brought to an end as does the waste of officers' and councillors' time and we need your help and remain willing to meet the school and church and independent kindergarten.

The school and church enjoy privileged positions of influence in the community. I trust SCC can help them in their obligations arising there from, such as with implementation of the revised travel plan.

At a minimum it seems to me the church and school have an obligation to provide proper and complete information to all parties.

It is in my view, entirely misleading to suggest rights of access to the school citing Canon Law. This is fostering misunderstanding and disharmony and at times unwarranted hostility towards residents who only wish to have the quiet enjoyment of their homes and their property rights respected, whilst the school, church and independent kindergarten continue ignoring every offer to meet residents to find a solution.

The church's influence over the school board is set out in Mr Healey's report to the committee. This surely does not mean that a school in receipt of tax payers money can simply ignore the law of the land and surely there is an obligation to follow guidance as well?

The power and reach of the church and school is extensive and we ask Surrey County Council how they can assist in getting the school and church to put out proper information based in Civil Law and to desist from continuing to assert "possible" rights under Canon Law.

The Deed of Grant of Easement is lodged at Land Registry and governs the use of the private road and is governed by the laws of the land, not by Canon Law.

Our otherwise delightful peaceful oasis of Abelea Green is subjected to school traffic chaos arising out of the piecemeal applications to expand the school, denying not only the residents but also officers the opportunity to properly consider a school expansion of this size.

A good starting point would be clear concise newsletters to the church, school and independent kindergarten communities asking to respect the resident's rights of quiet enjoyment and property rights.

What help can SCC Highways, or Education, or Early Learning or Community Affairs or other SCC departments do to help us in this distressing situation?

Officer Response:

The school has amended its travel plan so that parents are no longer encouraged to access the school via the private road. Communication with parents is a matter for the headteacher and school governors and not something that the Local Education Authority can influence. The school is voluntary aided and both the land and buildings (with the exception of the playing fields) belong to the diocese and not the County Council. Ultimately, the school cannot control the behaviour of parents when they are not on school property and it would be for the landowner to take action against any unauthorised access.