

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



**Democracy Services
London Borough of Merton
Merton Civic Centre
London Road
Morden SM4 5DX**

**Direct Line: 0208 545 3356
Email: democratic.services@merton.gov.uk**

Date: 20 June 2018

Dear Councillor

**Notification of a Decision taken by the Cabinet Member for
Regeneration, Environment and Housing**

The attached non-key decision has been taken by the Cabinet Member for
Regeneration, Environment and Housing, with regards to:

- Proposed Disabled Parking Bays – 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close Mitcham

and will be implemented at **noon on Monday 25 June** unless a call-in request is received.

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

**Lisa Jewell
Democracy Services**

NON-KEY DECISION TAKEN BY A CABINET MEMBER UNDER DELEGATED AUTHORITY

See over for instructions on how to use this form – all parts of this form must be completed. Type all information in the boxes. The boxes will expand to accommodate extra lines where needed.

Title of report

Proposed Disabled Parking Bays - 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close, Mitcham

Reason for exemption (if any) – N/A

Decision maker

Councillor Martin Whelton, cabinet Member for regeneration, housing and transport

Date of Decision

18 June 2018

Date report made available to decision maker

14 June 2018

Decision

Having considered the objections and officer's recommendations, I agree to the making of the TMO and the installation of the proposed disabled parking bays at 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close, Mitcham. I agree not to hold a public inquiry on the consultation process.

Reason for decision

The disabled parking bays will allow priority and easy access to parking outside resident's own property thereby facilitating their needs.

Alternative options considered and why rejected

Not to introduce the parking bays. This, however, would not address the needs of the residents who are blue badge holders with parking difficulties.

Documents relied on in addition to officer report

N/A

Declarations of Interest

N/A



Clr Martin Whelton
Cabinet member for regeneration, housing and transport

Committee: Cabinet Member

Report date: 13 June 2018

Wards: Hillside, West Barnes and Ravensbury

Subject: Proposed Disabled Parking Bays

Lead officer: Chris Lee, Director of Environment & Regeneration.

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Environment and Housing.

Contact Officer: Tony Robinson 02085453224 e-mail: tony.robinson@merton.gov.uk

RECOMMENDATION

That the Cabinet Member

- A) Notes the result of the statutory consultation carried out on 29th March 2018, 19th April 2018 and 10th May 2018 on the introduction of disabled parking bays at 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close, Mitcham.
- B) Considers and overrule the objections received against the above disabled parking bays.
- C) Agrees to the making of the TMO and the installation of the above disabled parking bays as shown on plans attached as appendix 1.
- A) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report presents the results of the statutory consultations carried on the Councils' proposals to introduce a disabled parking bay at 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close, Mitcham.
- 1.2 It asks the Cabinet Member to consider the objections received and agree to the introduction of the above disabled parking bays as shown in Appendix 1.

2.0 INTRODUCTION

- 2.1 The Council has powers to grant on-street parking bays for disabled blue badge holders in streets where parking is difficult. The criteria for the provision of disabled persons' parking bays are that the applicant should hold a current and valid disabled person's blue badge, and the driver of the vehicle should either be the disabled persons blue badge holder, or reside at the applicant's address. It is also recognised that the provision of parking facilities, specifically for disabled persons, makes a significant contribution to their ability to participate in commercial and social activities.
- 2.2 The disabled parking bay facility has been found to be of value to disabled persons living in premises where constant parking stress from commuter or other residential parking prevent convenient access to their home, which is vital to their well-being because of their immobility or extremely limited movement.

3.0 BACKGROUND

- 3.1 Applications for disabled parking bays were received for the following locations:
- 10 Southdown Road, Raynes Park;
 - 12 Adela Avenue, New Malden
 - 14 Octavia Close, Mitcham.
- 3.2 Following a site assessment, it was determined that it would be possible to install the required parking bay outside each of the three above locations. Plans showing details of the proposals are attached in Appendix 1 to this report.
- 3.3 To introduce the proposed bays the Council carried out a statutory consultation for each location.

4.0 RESULT OF STATUTORY CONSULTATION

- 4.1 The statutory consultations for the proposals were conducted in accordance with The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 were undertaken on 29th March 2018, 19th April 2018 and 10th May 2018 respectively and in each case one objection was received to the proposals. The objections are set out in Table 2 below along with an Officers' response.

Table 2

| Location | Objection | Officers' Response |
|-------------------|---|---|
| 10 Southdown Road | 1. There are already 2 disabled places on Southdown Road outside nos. 5 & 32. There is no need to have a third place on our small road it's already crowded and hard to park. | It is considered that there is a justifiable need for the additional disabled persons' parking facility outside No 10 Southdown Road. The objector clearly states that their objection is based on parking difficulties which is basis of the Council's proposal – that is to say that given the parking difficulties in this road, it is considered necessary and beneficial for the applicant to be granted a disabled parking bay. Should any additional disabled person' parking facilities be requested along the street then a further overall assessment will be carried out to ensure that the general need for on-street parking along Southdown road is balanced for non-blue |

| | | |
|------------------|---|--|
| | <p>2. There is no disabled place on Delamere Road or Ethelbert Road probably would be a better solution to put another bay on those roads.</p> | <p>badge holders.</p> <p>Where possible disabled parking bays are introduced outside the blue badge holder's property or as close as possible. The provision of general disabled persons' parking bay facilities along Delamere Road and Ethelbert Road are not a consideration in relation to this particular application.</p> |
| 12 Adela Avenue | <p>There is no issue about parking in Adela Avenue.</p> | <p>Adela Avenue is comprised mainly of terraced properties with no off street parking provision. Several random site visits have determined that on street parking is in high demand and without the provision of a disabled persons' parking bay it will not always be possible for the applicant to secure a parking space close to their property.</p> |
| 14 Octavia Close | <p>The planning notice does not specify where the location of the disabled space will be located. I am concerned that users of the space would encounter personal safety problems if the space was located on the road.</p> <p>Consideration needs to given to converting an existing space amongst the designated parking bays on Octavia Close as this is a safer option for a disabled person allowing them safer access away from the road.</p> | <p>The proposed location for the disabled persons' parking bay is on the main carriageway close to the entrance of 14 Octavia Close. There is unrestricted parking in this location and vehicles are routinely parked in this area.</p> <p>The existing parking spaces referenced are not in suitable locations for the provision of a new disabled person's parking bay required. Furthermore, the available parking space offered by these individual bays is sub-standard and therefore incompatible with the required dimensions needed for a disabled persons' parking bay.</p> |

5.0 OFFICERS' RECOMMENDATION

5.1 It is recommended that the objections received are considered and overruled on the grounds of positive discrimination. In each case the applicant meets the Council's criteria for the disabled persons' parking bay. When making a decision the Council must be mindful of its duty of care to vulnerable road users who have difficulty in parking "on-street" near their home, or have no usable off-street parking space.

5.2 It is recommended that the Head of Sustainable Communities (under delegated powers) approves the implementation of the disabled parking bays outside of 10 Southdown Road, Raynes Park; 12 Adela Avenue, New Malden and 14 Octavia Close, Mitcham.

5.3 STATEMENT OF REASONS

5.3.1 The Highway Code Section 122 of the Road Traffic Act 1984 places a duty on the local authority to ensure the safe, expeditious and convenient movement of

vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the public highway. Any parking provisions, which the authority makes, must have regard to this. The Council recognises that provision of parking facilities specifically for disabled persons makes a significant contribution to their ability to participate in commercial and social activity.

6. ALTERNATIVE OPTIONS

- 6.1 Do nothing. Under the Disability Discrimination Act, this would be contrary to Council's duties to its vulnerable road users / residents, and would not address the difficulty the Blue Badge Holder is experiencing.

7. LEGAL IMPLICATIONS & STATUTORY PROVISION

- 7.1 The Traffic Management Orders would be made under Section 6 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. Representations have been considered and overruled.

8.0 HUMAN RIGHTS & EQUALITIES

- 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 vulnerable residents are given priority.

9.0 RISK MANAGEMENT IMPLICATIONS

N/A

10.0 FINANCIAL IMPLICATIONS

- 10.1 To introduce the proposed disabled parking bays will cost approximately £900 per bay. This includes the making of The Traffic Management Orders (TMOs). The set up costs will be funded from the budget identified for controlled parking zones for 2018/2019.

11. TIMESCALES

- 11.1 If agreed, the TMO will be made and published in the local newspaper and the London Gazette in July 2018, with a copy of the Made Order posted on lamp columns within immediate vicinity of each bay. A copy of the TMO will also be made available at the Civic Centre and on the Councils' website.

Appendices

The following documents are to be published with this report and form part of the report

- Appendix 1 –Plans of proposals



Subject

**DISABLED PERSONS
PARKING PLACE**

Key

Location

**10 SOUTHDOWN ROAD
RAYNES PARK**

Definition

Bay: From a point opposite THE party wall of 8/10 Southdown Road to a point 6.6m northeast of this point.

Post & sign: As shown on plan (marked on site).

Drawing No.
4248

Scale
1:500

Drawn by
TR

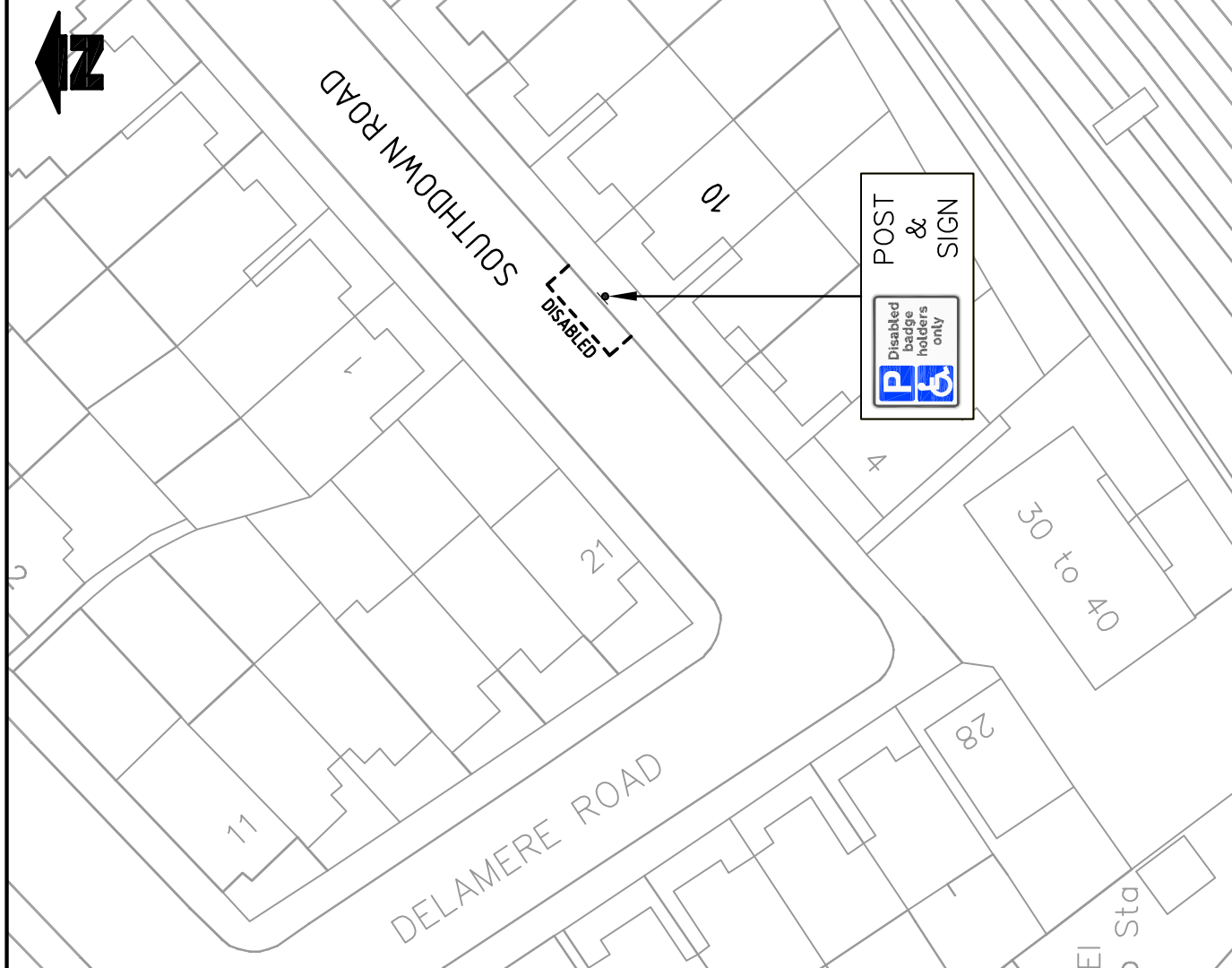
Date Drawn
MAR 2018

Checked by
MD

Date Checked
MAR 2018



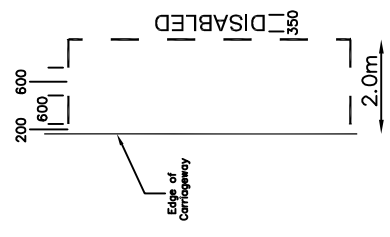
**Sustainable
Communities**
environment & regeneration



- CROSSEVERS
- UNAUTHORISED CROSSOVER (DROPPED KERB REQUIRED)
- PERMIT HOLDER BAY
- CPZ BOUNDARY
- RESIDENT PERMIT HOLDER BAY
- PAY & DISPLAY SHARED BAY
- PAY & DISPLAY BAY ONLY
- SINGLE YELLOW LINE
- MOTORCYCLE BAY ONLY
- DISABLED BAY
- TELEGRAPH POLE
- DOUBLE YELLOW LINE
- LAMP COLUMN
- POST
- TREE
- PAD TICKET MACHINE



| | |
|-----------------|---------------------------|
| Scheme Ref: | Disabled Parking Bay Sign |
| Sign Ref: | A |
| Letter colour: | BLACK |
| Background: | WHITE |
| Border: | BLACK |
| Material Class: | RA2 (12899-1:2007) |
| Sign FACE | |
| Width: | 300mm |
| Height: | 250mm |
| Area: | 0.08sqm |



Disabled Parking Bay
Markings as per Dia. 1028.3

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Subject

**DISABLED PERSONS
PARKING PLACE**

Key

L
L

Location

**12 ADELA AVENUE
NEW MALDEN**

Definition

Bay: From a point opposite the party wall of 10/12 Adela Avenue to a point 6.6m southwest of this point.
Post & sign: As shown on plan (marked on site).

Drawing No.
4257

Scale
1:500

Drawn by
TR

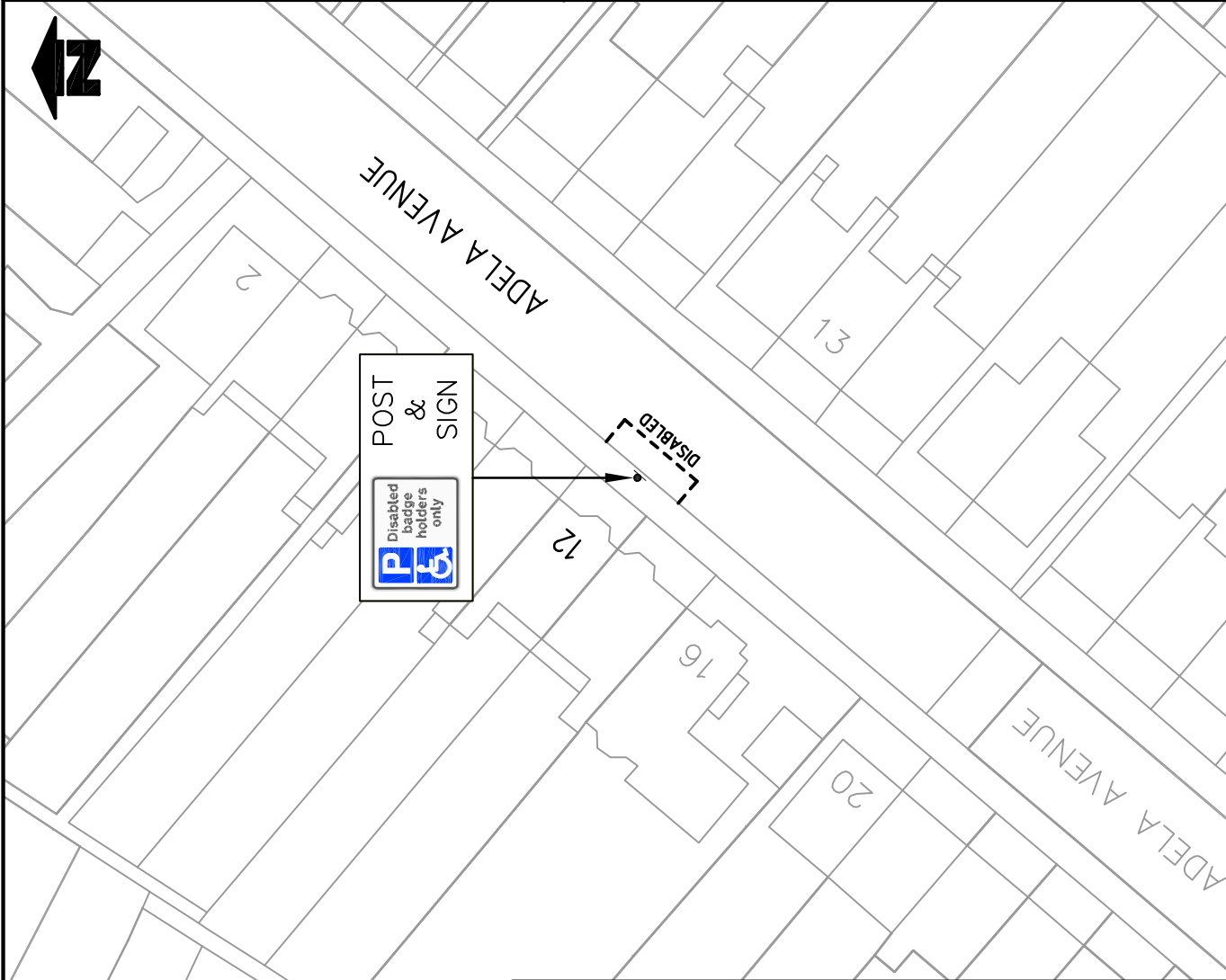
Date Drawn
APR 2018

Checked by
MD

Date Checked
APR 2018



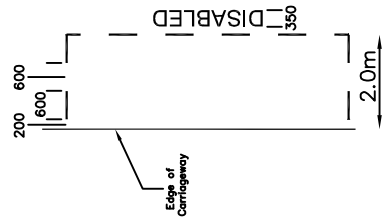
**Sustainable
Communities**
environment & regeneration



- CROSSEVERS
- UNAUTHORISED CROSSOVER (DROPPED KERB REQUIRED)
- PERMIT HOLDER BAY
- CPZ BOUNDARY
- RESIDENT PERMIT HOLDER BAY
- PAY & DISPLAY SHARED BAY
- PAY & DISPLAY BAY ONLY
- SINGLE YELLOW LINE
- MOTORCYCLE BAY ONLY
- DISABLED BAY
- TELEGRAPH POLE
- DOUBLE YELLOW LINE
- LAMP COLUMN
- POST
- TREE
- PAID TICKET MACHINE



| | |
|-----------------|---------------------------|
| Scheme Ref: | Disabled Parking Bay Sign |
| Sign Ref: | A |
| Letter colour: | BLACK |
| Background: | WHITE |
| Border: | BLACK |
| Material Class: | RA2 (12899-1:2007) |
| Sign FACE | |
| Width: | 300mm |
| Height: | 250mm |
| Area: | 0.08sqm |



Disabled Parking Bay
Markings as per Dia. 1028.3

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Subject

**DISABLED PERSONS
PARKING PLACE**

Key

Location

**14 OCTAVIA CLOSE
MITCHAM CR4 4BY**

Definition

Bay: From a point opposite a point 1m north of the party wall of 7-11/12-16 Octavia Close to a point 6.6m south of this point.
Post & sign: As shown on plan (marked on site).

Drawing No.
4265

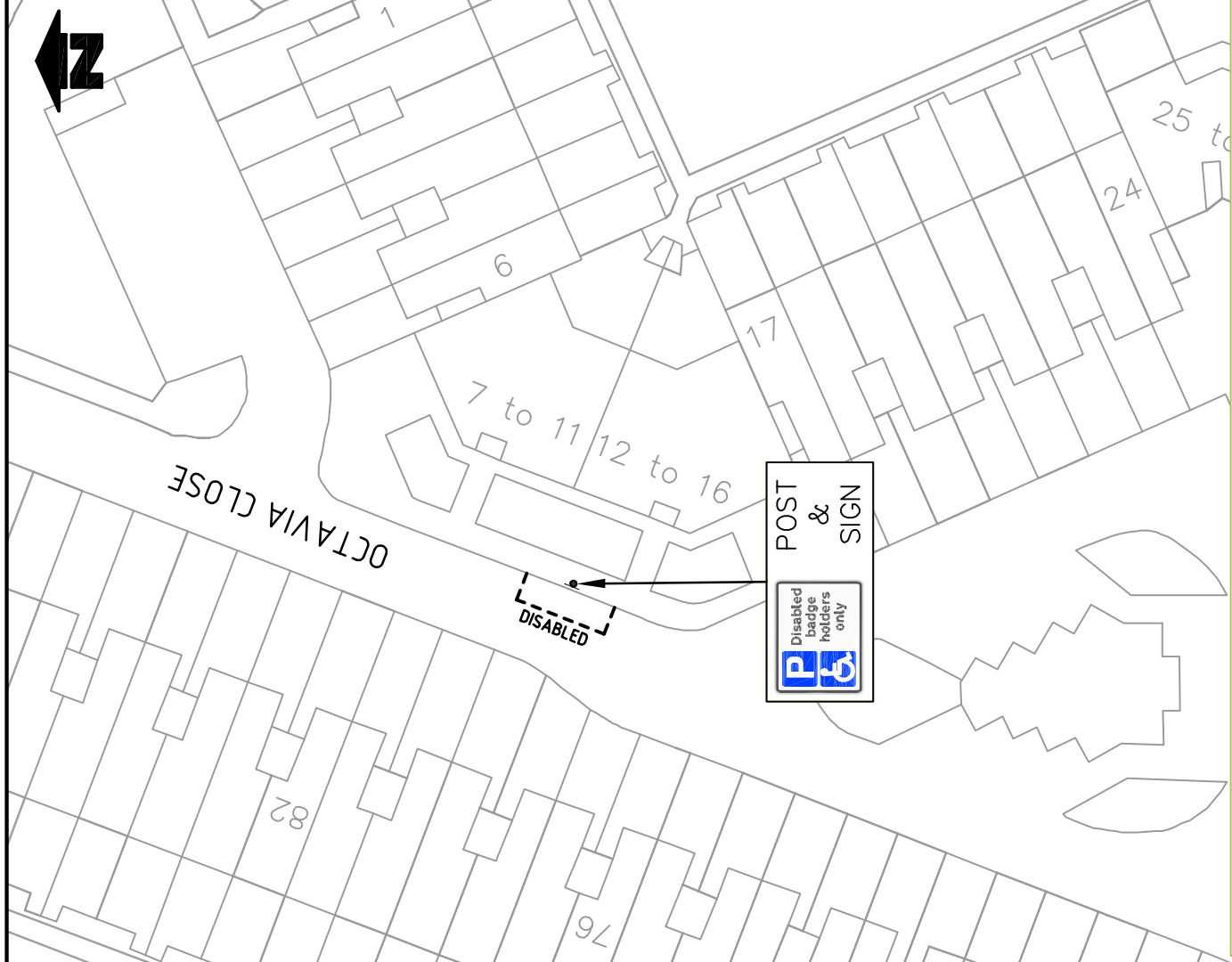
Scale
1:500

Drawn by
TR

Date Drawn
APR 2018

Checked by
MD

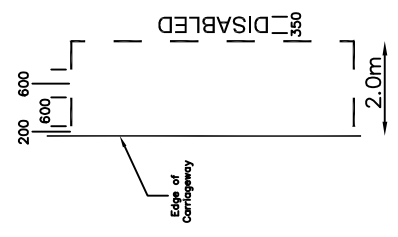
Date Checked
APR 2018



| | | | | | |
|--|--|--|----------------------------|--|--------------------|
| | CROSSEVERS | | RESIDENT PERMIT HOLDER BAY | | LAMP COLUMN |
| | UNAUTHORISED CROSSOVER (DROPPED KERB REQUIRED) | | PAY & DISPLAY SHARED BAY | | DISABLED BAY |
| | PERMIT HOLDER BAY | | PAY & DISPLAY BAY ONLY | | TELEGRAPH POLE |
| | CPZ BOUNDARY | | SINGLE YELLOW LINE | | DOUBLE YELLOW LINE |
| | MOTORCYCLE BAY ONLY | | DISABLED BAY | | TREE |
| | PAY & DISPLAY SHARED BAY | | DISABLED BAY | | PAD TICKET MACHINE |



| Schema Ref. | Disabled Parking Bay Sign |
|---------------|---------------------------|
| Sign Ref. A | Sign FACE |
| Letter colour | BLACK |
| Background | WHITE |
| Border | BLACK |
| Material | Class RA2 (12899-1:2007) |
| Height | 250mm |
| Area | 0.06sqm |



Disabled Parking Bay
Markings as per Dia. 1028.3

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Merton Council - call-in request form

1. Decision to be called in: (required)

| |
|--|
| |
|--|

2. Which of the principles of decision making in Article 13 of the constitution has not been applied? (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution - tick all that apply:

| | |
|---|--|
| (a) proportionality (i.e. the action must be proportionate to the desired outcome); | |
| (b) due consultation and the taking of professional advice from officers; | |
| (c) respect for human rights and equalities; | |
| (d) a presumption in favour of openness; | |
| (e) clarity of aims and desired outcomes; | |
| (f) consideration and evaluation of alternatives; | |
| (g) irrelevant matters must be ignored. | |

3. Desired outcome

Part 4E Section 16(f) of the constitution- select one:

| | |
|---|--|
| (a) The Panel/Commission to refer the decision back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. | |
| (b) To refer the matter to full Council where the Commission/Panel determines that the decision is contrary to the Policy and/or Budget Framework | |
| (c) The Panel/Commission to decide not to refer the matter back to the decision making person or body * | |
| * If you select (c) please explain the purpose of calling in the decision. | |
| | |

4. Evidence which demonstrates the alleged breach(es) indicated in 2 above (required)

Required by part 4E Section 16(c)(a)(ii) of the constitution:

5. Documents requested

6. Witnesses requested

7. Signed (not required if sent by email):

8. Notes – see part 4E section 16 of the constitution

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to democratic.services@merton.gov.uk
- **OR** as a signed paper copy to the Head of Democracy Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864