

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

*Direct Line:* 0208 545 3357 Email: democratic.services@merton.gov.uk

Date: 3 September 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 waiting restrictions borough wide 2018 Batch 2 (statutory consultation)

and will be implemented at **noon on Thursday 6 September2018** unless a call-in request is received.

The <u>call-in</u> 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.

#### 1. Title of report

Proposed waiting restrictions borough wide 2018 Batch 2 (statutory consultation)

## 2. Reason for exemption (if any)

#### 3. Decision maker

Councillor Martin Whelton, Cabinet member for regeneration, housing and transport

#### 4. Date of Decision

31 August 2018

#### 5. Date report made available to decision maker

29 August 2018

#### 6. Decision

1) Notes the result of the statutory consultation carried out between 5th July and 27th July 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.

2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-661-00 – Z27-661-20 and revised drawing no. Z27-661-10A.

3) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

#### 7. Reason for decision

- 1. To improve road safety at junctions and to deal with dangerous and obstructive parking
- 2. The concerns expressed from emergency services, ward members and residents about access issues due to parking at junctions.

#### 8. Alternative options considered and why rejected

Do nothing. This would be contrary to the concerns expressed by the local communities, and would not resolve the dangerous and obstructive parking that is currently taking place.

#### 9. Documents relied on in addition to officer report

None

#### 10. Declarations of Interest

Representations made in my capacity as ward councillor for Pollards Hill on double yellow lines at Chestnut Grove

Mentir Mach

Cllr Martin Whelton Cabinet member for regeneration, housing and transport 31 August 2018

# Cabinet Member for Regeneration, Environment and Housing:

Date: 28th August 2018

## Agenda item:

Ward: Various

Subject: Proposed waiting restrictions borough wide 2018 Batch 2 (statutory consultation)

Lead officer: Chris Lee, Director of Environment & Regeneration

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

Forward Plan reference number: N/A

Contact Officer: Barry Copestake, Tel: 020 8545 3840

Email: barry.copestake@merton.gov.uk

#### **Recommendations:**

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

- 1) Notes the result of the statutory consultation carried out between 5<sup>th</sup> July and 27<sup>th</sup> July 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-661-00 Z27-661-20 and revised drawing no. Z27-661-10A.
- 3) 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 details the undertaking of the statutory consultation and the outcome on the Councils' proposals to introduce waiting restrictions across the borough operating 'at any time'.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce waiting restrictions at various locations across the borough operational 'at any time' as shown in drawing nos. Z27-661-00 Z27-661-20 and revised drawing no. Z27-661-10A.

## 2 BACKGROUND

2.1 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from emergency services, local ward members and the local residents. Due to the large number of requests that are received throughout the year, it has been necessary to group these requests with the intention of undertaking a borough wide statutory consultation. Each request is added to a rolling programme for investigation and the appropriate recommendations and the proposals are formulated in one report.

#### **3 STATUTORY CONSULTATION**

3.1 The statutory consultation on the Council's proposal to introduce waiting restrictions at various locations across the borough commenced on 5<sup>th</sup> July and concluded 27<sup>th</sup> July 2018. 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. Details and drawing plans of the proposals, see appendix A, were also available on the Council's website and a link to this website was included on all street notices.

- 3.2 Locations of proposals are as follows (drawing plans can be found at appendix A),
  - 1. Blenheim Road, SW20
  - 2. Dennis Park Crescent, SW20
  - 3. Bakers End, SW20
  - 4. Haywards Close, SW19
  - 5. Nelson Grove Road, SW19
  - 6. Goodwin Close, SW19
  - 7. Bank Avenue, CR4
  - 8. Dennis Reeve Close, CR4
  - 9. Sandy Lane, CR4
  - 10. Cedars Avenue, Aventine Ave and Jesmond Close, CR4
  - 11. Rawnsley Avenue and Octavia Close, CR4
  - 12. Gavina Close, SM4
  - 13. Brookfields Avenue, CR4
  - 14. Stirling Close, SW16
  - 15. Byards Croft, CR4
  - 16. Manor Road, CR4
  - 17. Manor Road off Commonside East, CR4
  - 18. Dahlia Gardens, CR4
  - 19. Conway Gardens and Carisbrooke Road, CR4
  - 20. Nineteenth Road, CR4
  - 21. Chestnut Grove, CR4
- 3.3 The statutory consultation resulted in the Council receiving 5 representations to the proposals, which includes 1 representation to Chestnut Grove and 4 representations to Rawnsley Avenue and Octavia Close. The representations are further explained in section 4 and the content of the representations can be found in appendix B.
- 3.4 It is important to note that the council must strike a balance of ensuring safety and maintaining unobstructed traffic flow whilst acknowledging the parking needs of the community.

#### Ward Councillor Comment

- 3.5 Ward Members of the wards affected by the proposals have been engaged during the statutory consultation process with the proposals.
- 3.6 No objections received from any Ward Councillors.

#### 4 REPRESENTATIONS RECEIVED

- 4.1 **Rawnsley Avenue and Octavia Close, CR4.** Proposal was in response to Watermeads Resident Association requesting parking restrictions at the entrance road to the estate to ensure clear access at all times. Reports of obstruction due to vehicles parked both sides of the road preventing access and that those affected being the refuse collection on numerous occasions, deliveries, fire engines & most recently an ambulance.
- 4.2 The Council received 3 representations in support to the proposal and 1 representation objecting to the proposal. Details can be found in appendix B.
- 4.3 The objection is based on the loss of parking in an area already experiencing parking pressure.

- 4.4 The carriageway width of Rawnsley Avenue at the entrance section into the estate is not sufficient to accommodate parking on both sides of the carriageway. The Council has a statutory duty to ensure safety and access for moving traffic on the public highway, especially refuse vehicles and emergency service vehicles and this takes priority over loss of parking. The restrictions will help to improve safety for all road users and will ensure that access is maintained at all times.
- 4.5 However, giving consideration to the representations received and appreciation to the existing parking pressure expressed the proposed extents of the parking restrictions have been slightly reduced following further investigation, to enable a further 3 parking places to remain. The revised proposal can be found in appendix C.
- 4.6 **Chestnut Grove, CR4.** In response to Ward Councillor request to implement waiting restrictions at the junctions of Chestnut Grove, Mitcham due to safety issues with cars parked at junctions, particularly near the roundabout and the junctions with Conway Gardens and Fern Avenue.
- 4.7 A single representation was received objecting to the proposal, based on the loss of parking in an area already experiencing parking pressure, however a vehicle parking on the apex of a junction reduces sightlines and raises safety implications for motorists and pedestrians alike, The Council does not accept that the apex of a junction is a suitable place to park. Details can be found in appendix B.

### 5 TIMETABLE

5.1 If a decision is made to proceed with implementation of the proposed waiting restrictions, Traffic Management Orders could be made 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. The measures will be introduced soon after.

#### 6 ALTERNATIVE OPTIONS

6.1 Do nothing. This would be contrary to the concerns expressed by the local communities, and would not resolve the dangerous and obstructive parking that is currently taking place.

## 7 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

7.1 To introduce the proposed restrictions will cost approximately £4.2k. This includes the making of The Traffic Management Orders. The set up costs will be funded from the Capital budget identified for controlled parking zones within the Capital Programme 2018 / 2019.

#### 8 LEGAL AND STATUTORY IMPLICATIONS

- 8.1 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.
- 8.2 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.

#### 9 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 9.1 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.
- 9.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.
- 9.3 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.
- 9.4 By maintaining clear access points, visibility will improve thereby improving the safety at junctions; bends and along narrow sections of a road and subsequently reducing potential accidents.
- 9.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

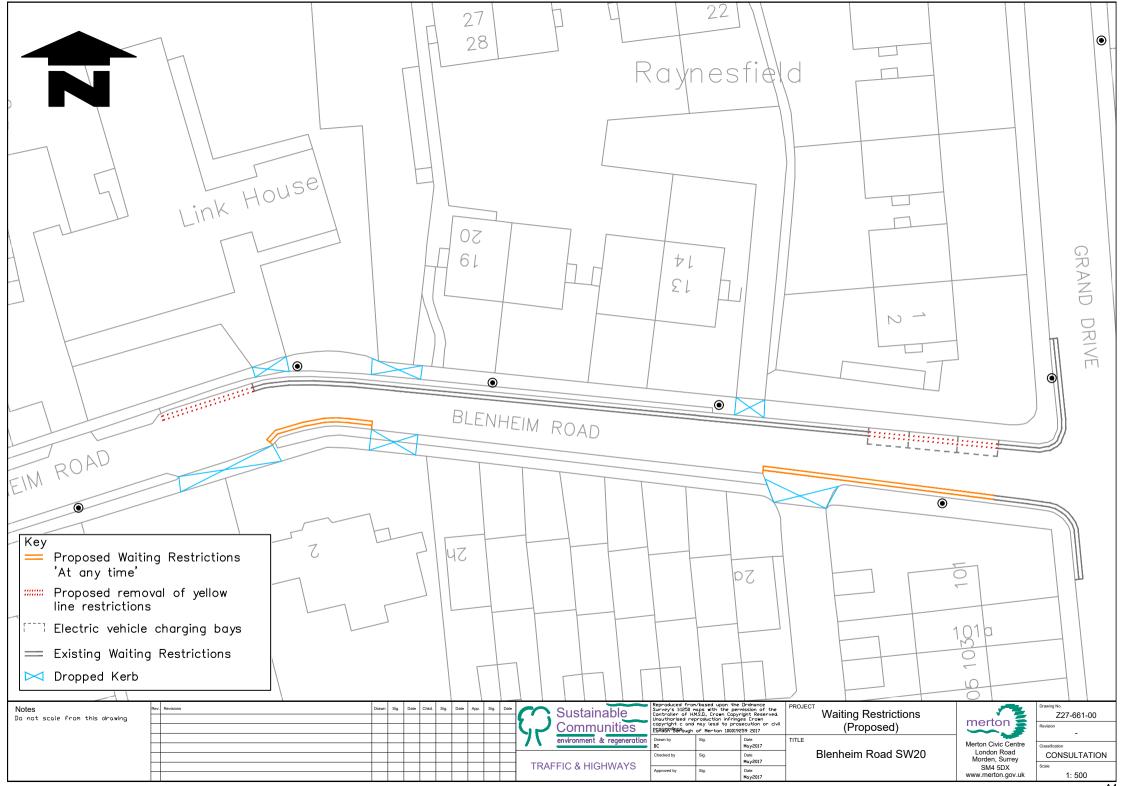
#### **10 RISK MANAGEMENT IMPLICATIONS**

- 10.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to all road users, businesses and visitors, in the case of an emergency, and access difficulties will not be addressed. It would also be contrary to the support and concerns expressed and could lead to loss of public confidence in the Council.
- 10.2 The risk of introducing the proposed restrictions could lead to possible extra pressure on the current parking demand in the surrounding roads at each location. However, the benefits of the proposals outweigh the possible increase in demand.

#### 11 APPENDICES

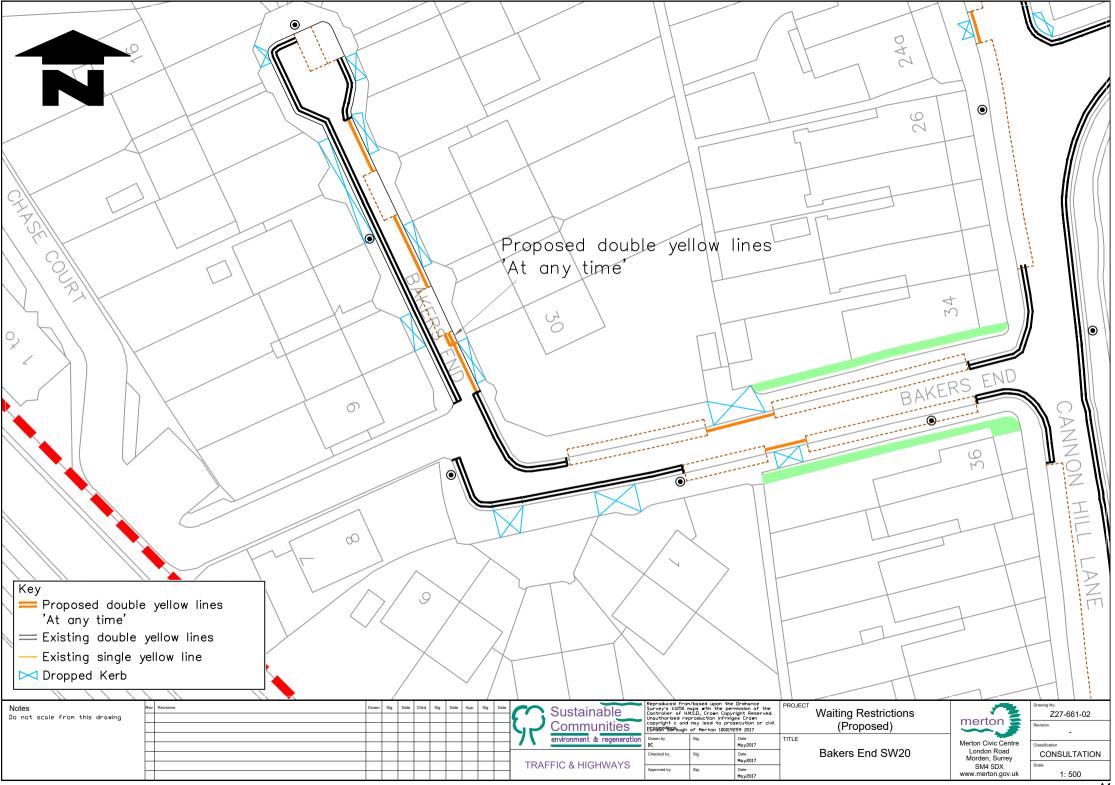
- 11.1 The following documents are to be published with this report and form part of the report.
- 11.2 Appendix A Drawing Nos. Z27-661-00 Z27-661-20
- 11.3 Appendix B Representations and Officer's Comments
- 11.4 Appendix C Revised Drawing No. Z27-661-10A

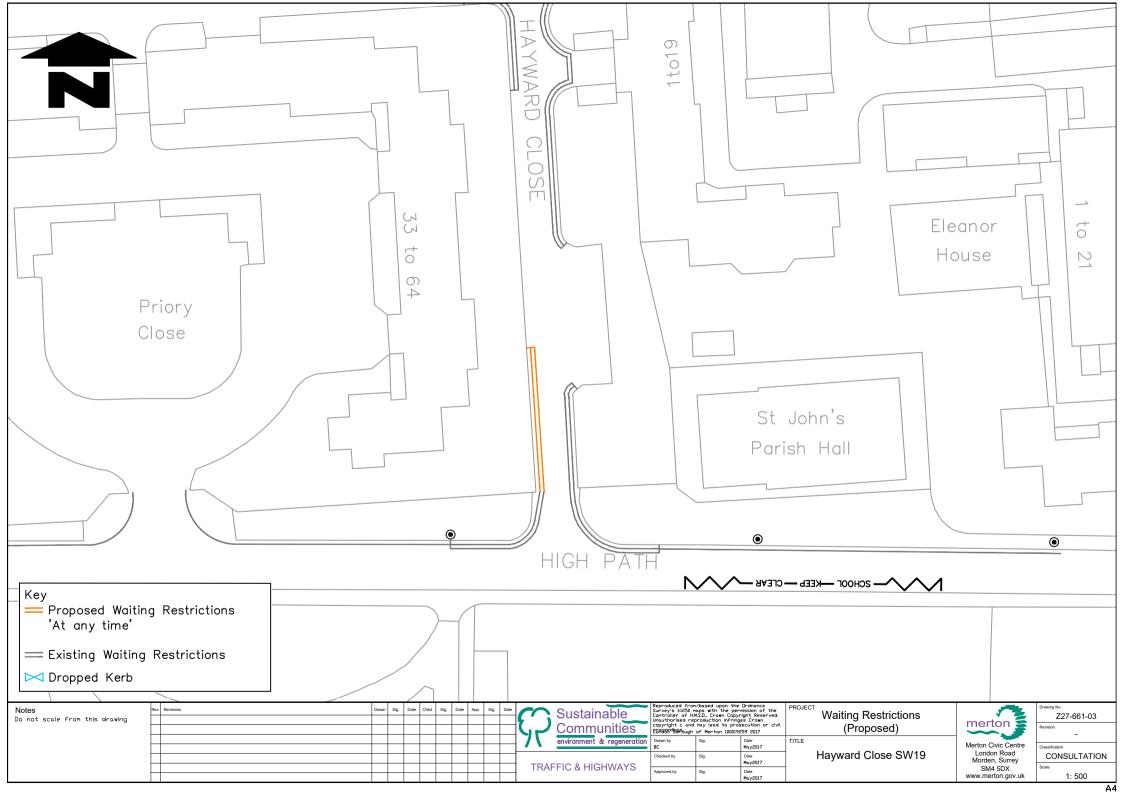
Appendix A - Drawing Nos. Z27-661-00 – Z27-661-20

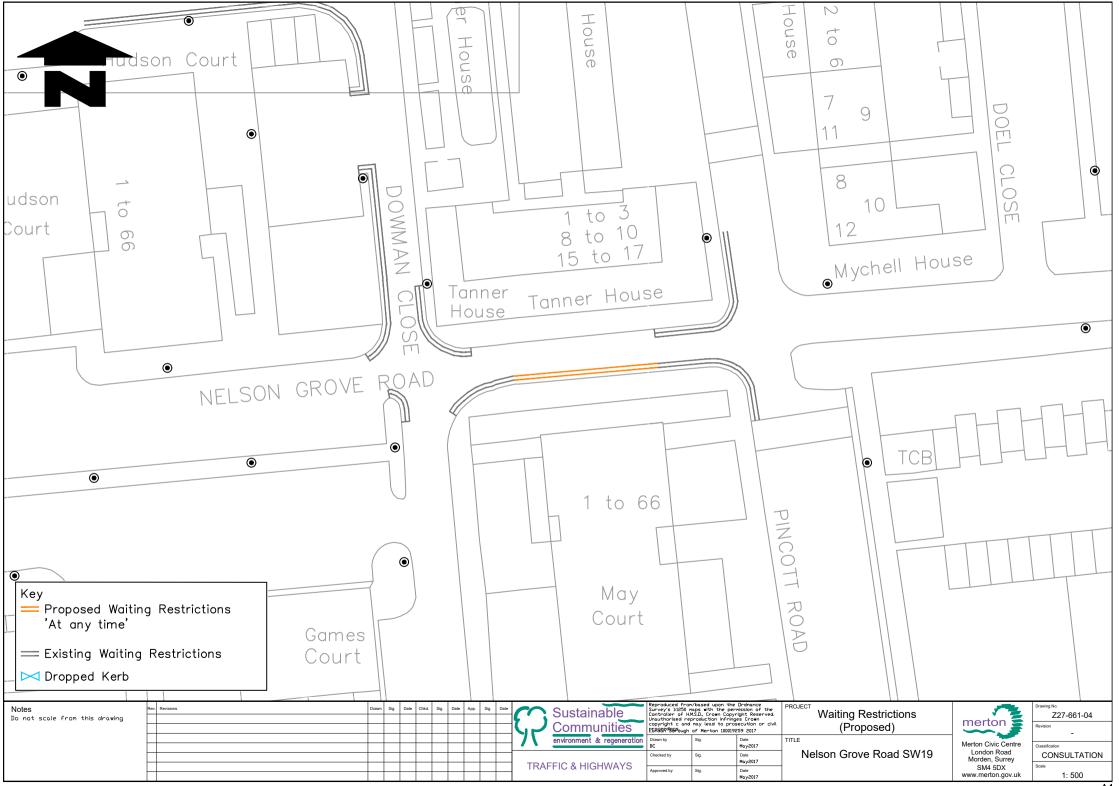


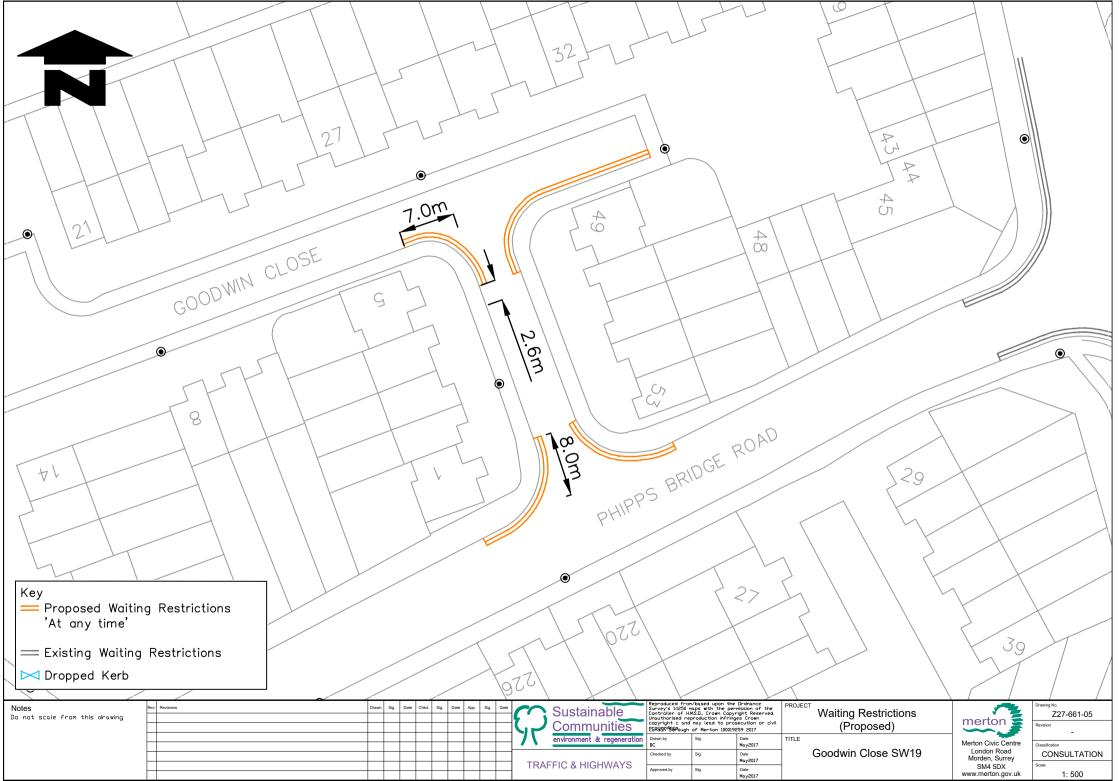
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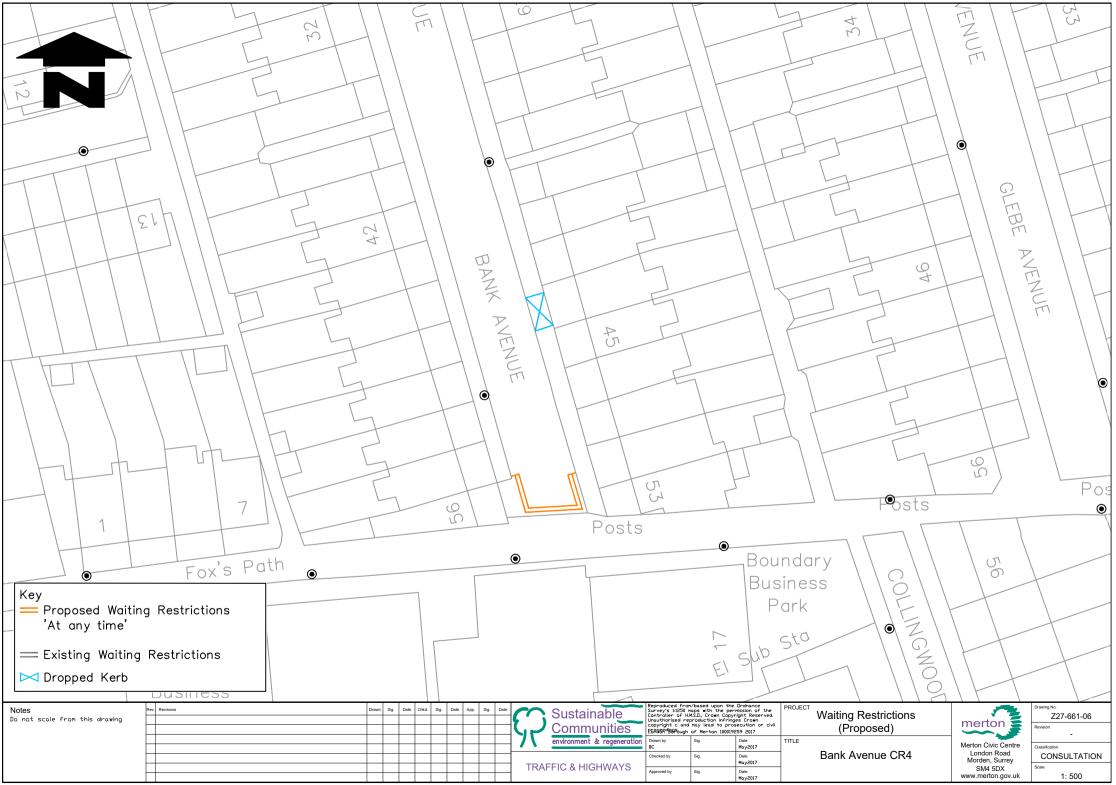
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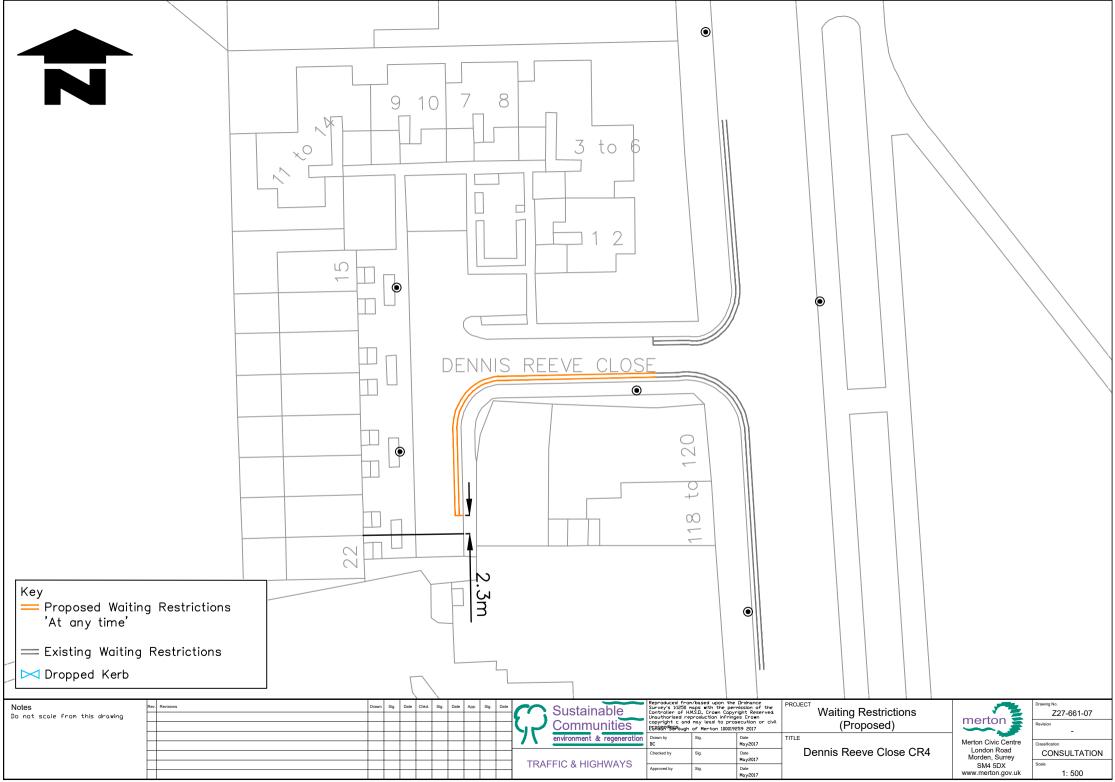






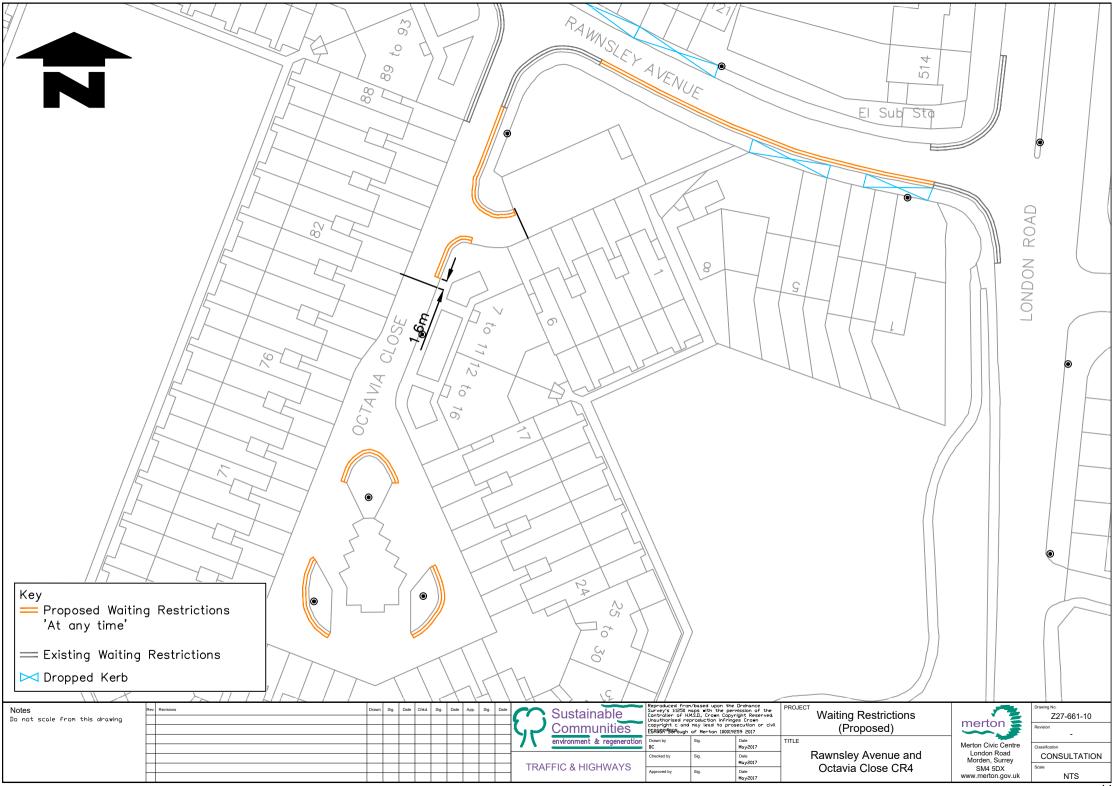


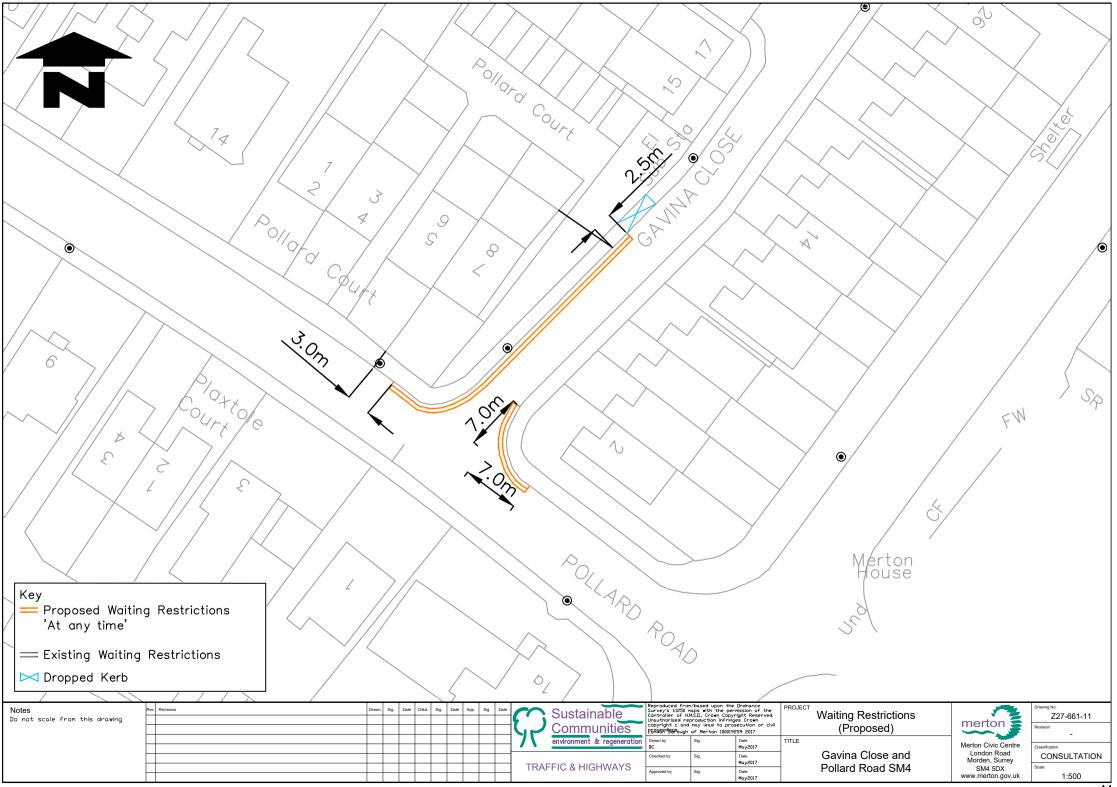


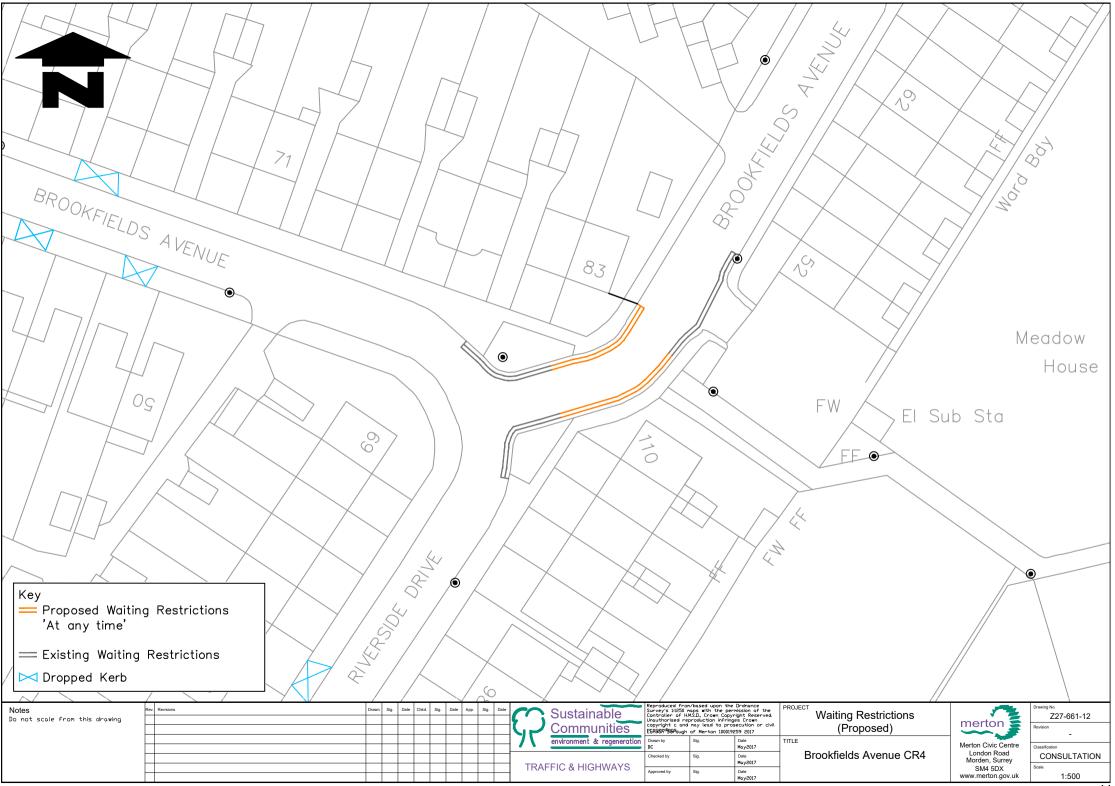


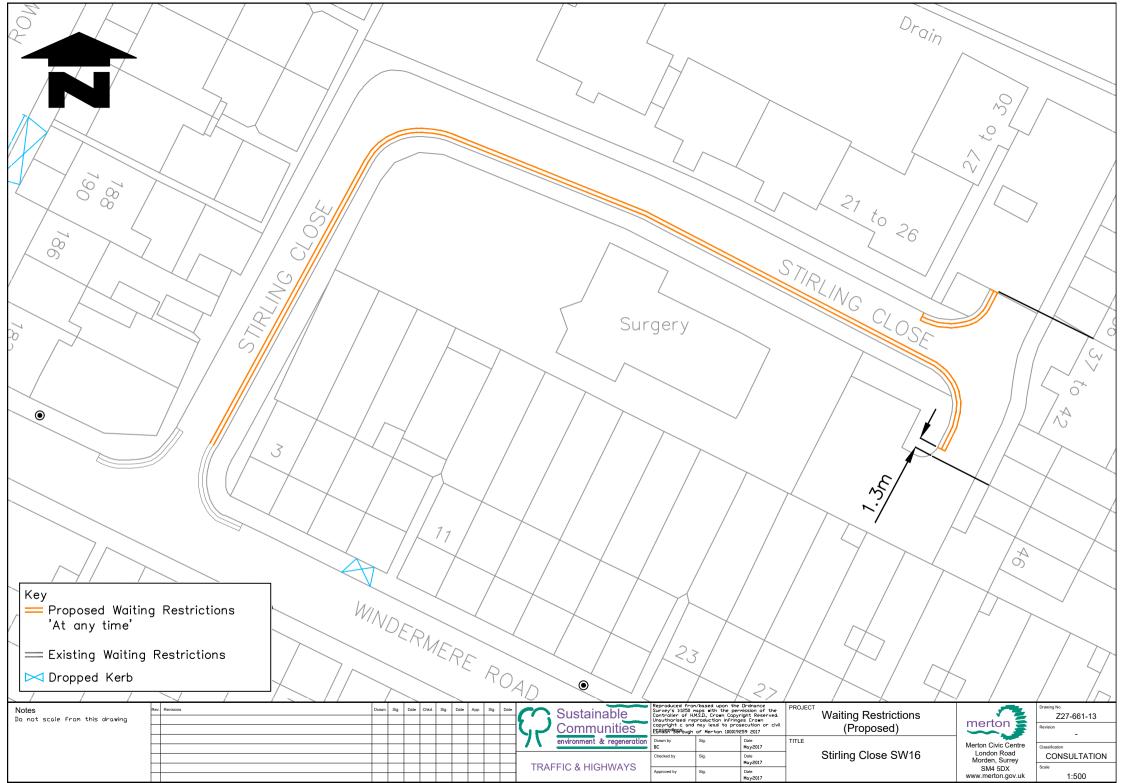
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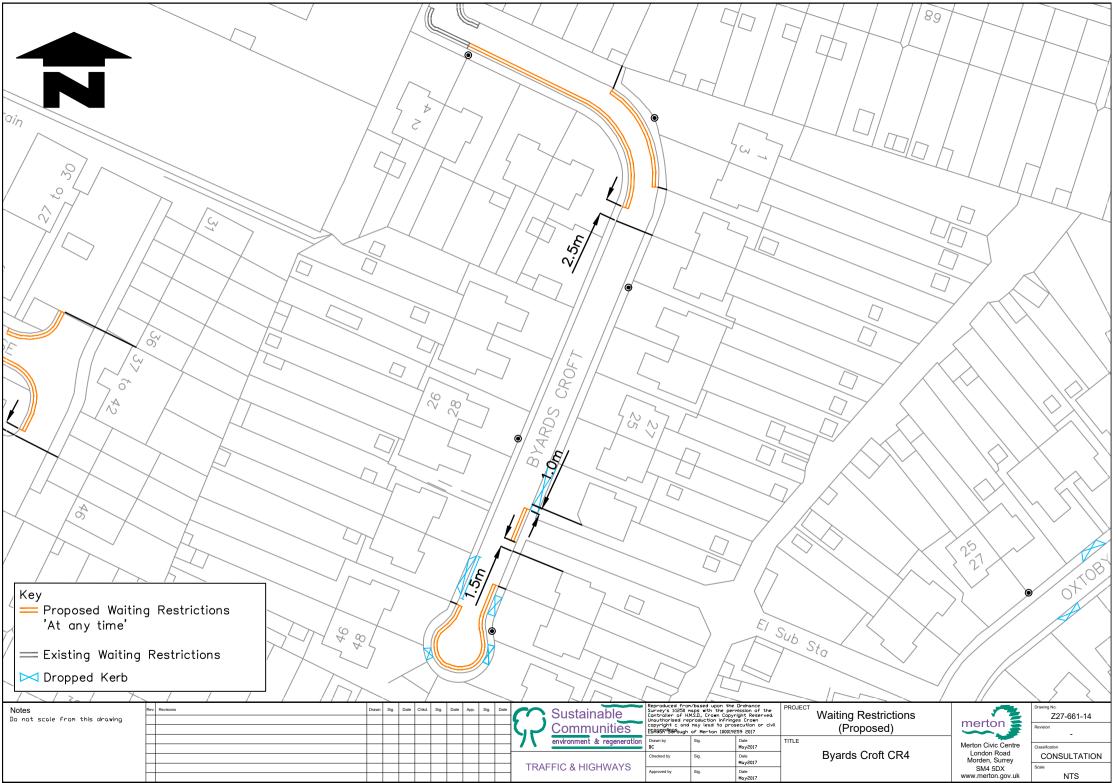
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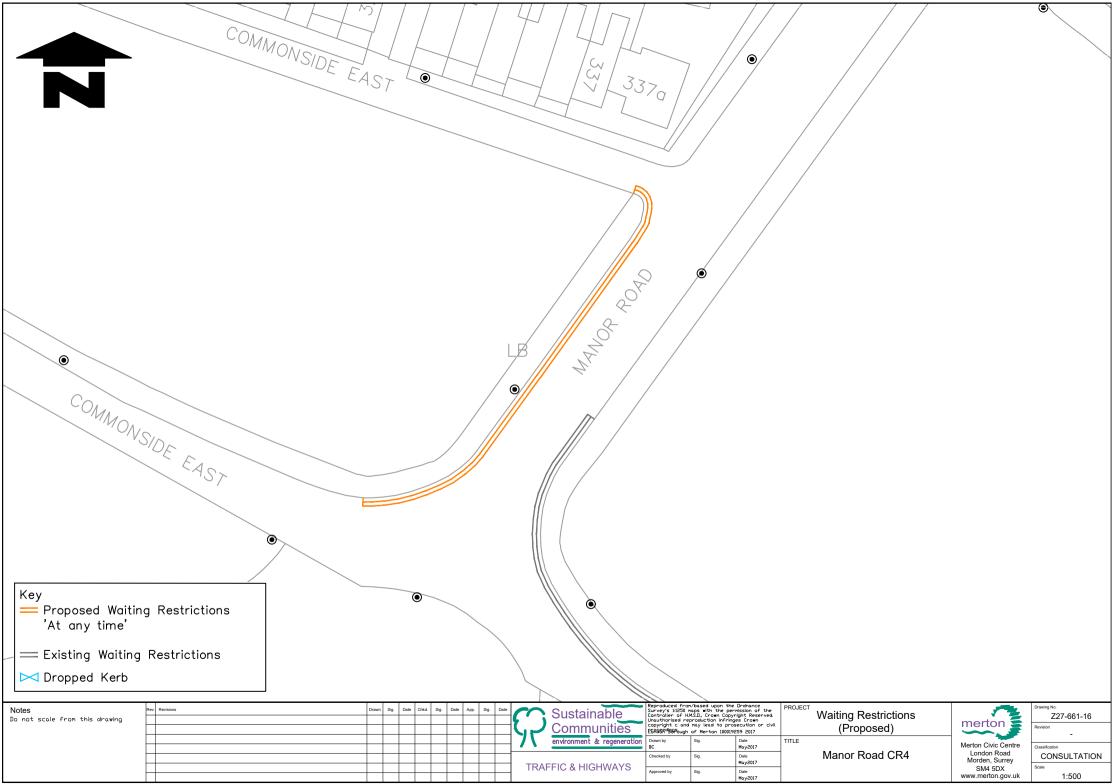


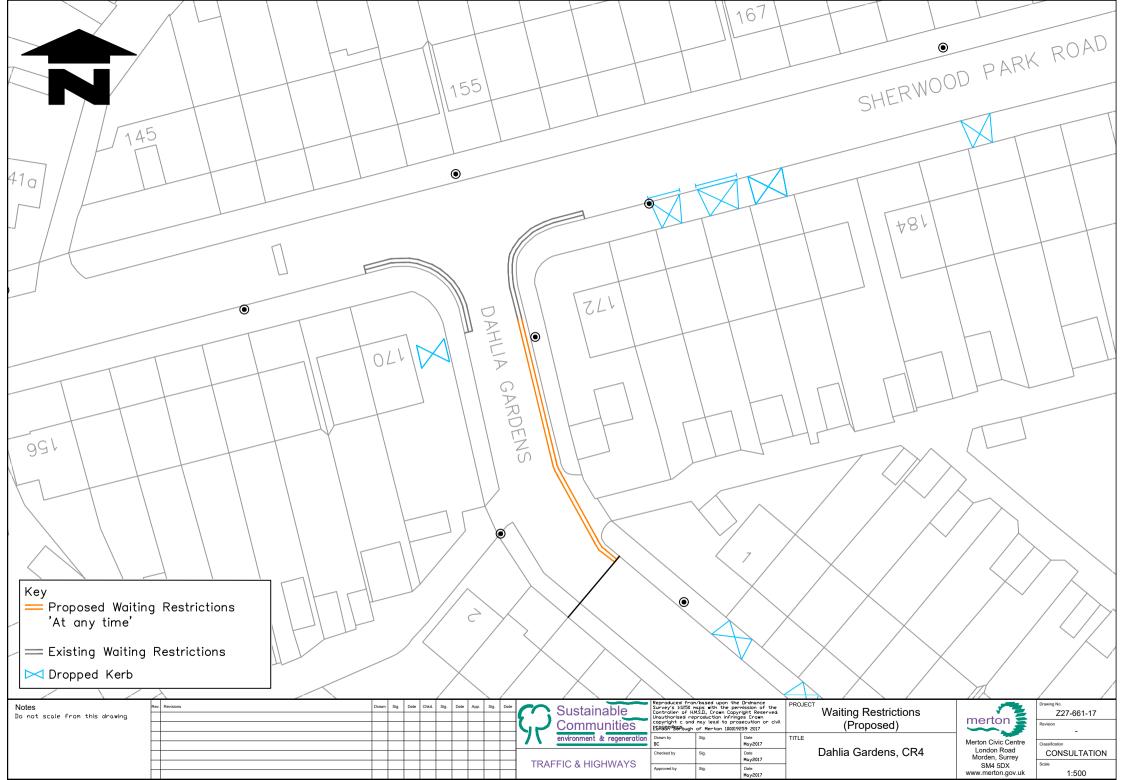




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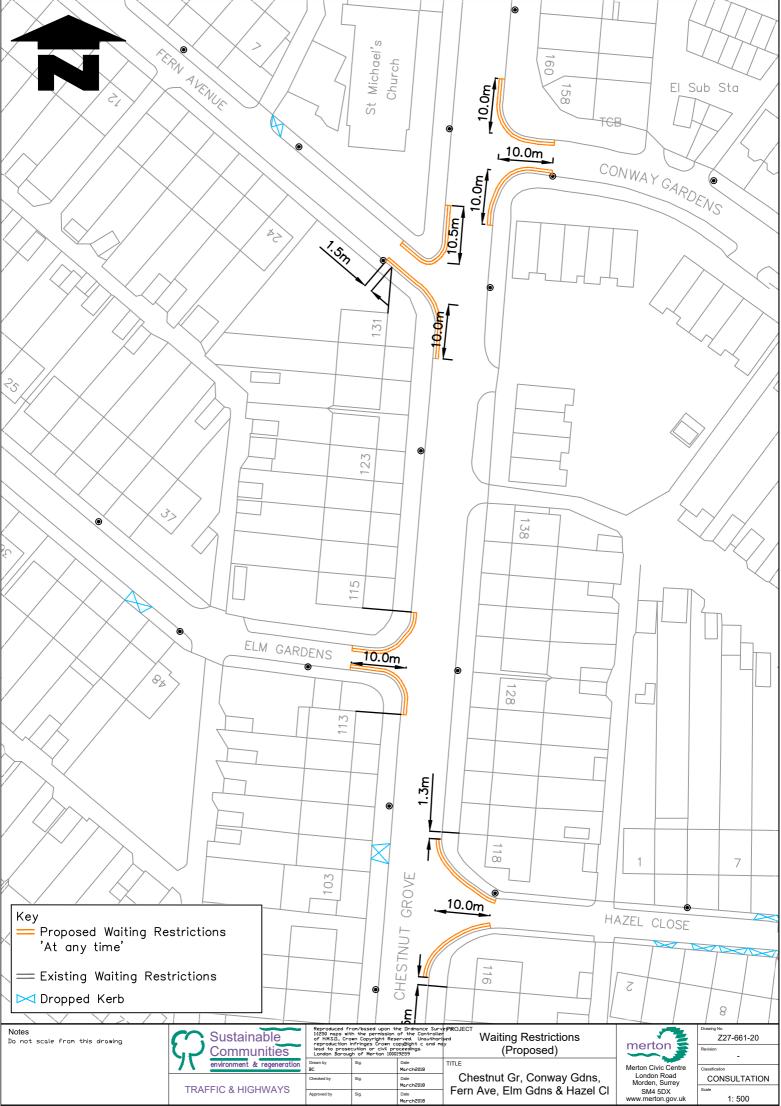
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#### Rawnsley Avenue and Octavia Close, CR4

#### ES/WR2018B2/002

I am a resident of Rawnsley Avenue and I can tell you that this is not what the area needs. It is already extremely difficult to park around here and, rather than try and help the situation, you just want to paint more lines on the road. There isn't anywhere to park a motorbike, never mind a car. It's not quite as bad during the day so maybe single yellow lines could be an option.

Has anyone been round here at night time to see how bad the parking is?

I would be interested to hear where you think the residents are going to park. Because every house has a driveway, on street parking is already extremely limited. There are not enough parking bays for the flats and people in the houses, who often have several cars, use these bays as well.

Your map doesn't show the top end of Rawnsley Avenue. Are you going to bring in the same restrictions on the circle there as you are proposing in Octavia Close?

#### **Officer's Comments:**

The aim of the proposal is to maintain clear access through the road, especially to assist emergency and waste collection services. The carriageway width of Rawnsley Avenue at the entrance section into the estate is not sufficient to accommodate parking on both sides of the carriageway. Proposal is in response to Watermeads Resident Association requesting parking restrictions at the entrance road to the estate to ensure clear access at all times. Reports of obstruction due to vehicles parked both sides of the road preventing access and that those affected being the refuse collection on numerous occasions, deliveries, fire engines & most recently an ambulance.

It is important to note that waiting restrictions are proposed where parking cannot be accommodated without causing obstruction, where parking can be accommodated restrictions are not proposed. I appreciate that parking may be a priority for you but as the Traffic and Highway Authority, Council's priority is to ensure that safety and access are maintained at all times and as a result officer's recommendations would be to introduce the proposed restrictions. However, consideration has been given to the representations received and appreciation to the existing parking pressure expressed and the proposed extents of the parking restrictions have been slightly reduced following further investigation, to enable a further 3 parking places to remain

#### ES/WR2018B2/003

Overall, I agree with the proposed plans while acknowledging the problems the loss of parking spaces will bring, but safety has to be the primary objective.

With regard to the three areas around the central garden area where new yellow lines were put down on the 8/3/18. Parking on these 'corners' has again caused road restrictions & they should be enforced. I fear that objections will be raised in favour of parking here totally oblivious to the safety aspect. There is NO advantage in gaining access onto the Estate only to be prevented from reaching your destination because of restrictions elsewhere.

In the event the three central garden proposals are not adopted (heaven forbid) may I request that a more prominent one way sign be displayed & also a speed restriction sign of 10 mph. (On a daily basis, vehicles are driven the wrong way round.)

#### ES/WR2018B2/004

Your map shows only Octavia Close and not the main part of Rawnsley Avenue. Is this because you are not intending to impose my restrictions in that part of the estate? If you are intending to do so would you let me have that plan please?

The Resident's Association fully support Clarion Housing's view that careless parking on the estate can obstruct access by Fire Brigade, ambulance etc. and therefore presents a potential life hazard. As a residents association we have held meetings in an attempt find a way forward with some of these problems. **ES/WR2018B2/005** 

Many residents on the estate have had a long standing concern about the potential lack of access on to the estate for emergency services, refuse collection trucks, and delivery lorries. This has been cause by thoughtless, or selfish, parking of vehicle owners, particularly owners of large vans.

In the interests of access and safety I welcome the new proposed yellow line that prohibits parking along the south

side of Rawnsley Avenue from its junction with Bishopsford Road.

However at several meetings over a long period of time residents have raised the lack of available party spaces on the estate. The estate was built in 1976 when fewer people owned fewer cars. Already, there are barely enough parking spaces for residents. Added to that non-residents also use the estate to park their cars as they set off to work on the tram or on buses.

For this reason, some years ago, our residents' association agreed with Circle Housing (Clarion) that "informal" yellow lines should be painted around the central flower beds in Octavia and Rawnsley in order to deter non-residents from using the estate as a convenient car park.

I have looked at the map of your proposed restrictions.

As you may know the central garden is a one way street with a 20 mile an hour speed limit.

The corner of the flower bed that faces No 66 Octavia is a potential "black spot", particularly if a van is parked there. I agree with you that parking should not be permitted on that corner.

The same may be true for the corner that faces No 24 Octavia.

However I don't think that the same can be said for the corner that faces the block of flats No 53-64. Problems do not appear to arise on that corner.

I wonder, that even if you decide to mark all three corners, some of the road between the corned might be left unmarked? Taking this approach might save four or five parking spaces?

Would it not also be possible to leave a gap in the line between the corner of Rawnsley and Octavia and the first left had turn into the parking bays? This would potentially save a couple of parking spaces.

A couple more parking spaces could be saved if there was a significant break in the yellow line on the road between that parking bay and the proposed Disability Parking bay.

I have no wish to compromise the safety of anyone who lives on, or visits the estate, particularly children. I am making suggests that might protect some of the parking while rendering the estate a safer place.

I would welcome a couple more speed signs; the one that we already have is not very visible.

Speeding on parts of the estate can be a concern. In fact it may be worth considering reducing the speed limit to 15 MPH.

A larger One Way sign would also be useful. If you were to decide to reduce the proposed scope of the restrictions there would be nothing to prevent you from extending them at a future date, should that prove necessary.

#### Officer's Comments:

Consideration has been given to the representations received and appreciation to the existing parking pressure expressed and the proposed extents of the parking restrictions have been slightly reduced following further investigation, to enable a further 3 parking places to remain.

Officers have noted residents' concerns for further waiting restrictions and this will be progressed with future investigation as part of the Council's borough-wide proposed waiting restrictions programme. Traffic calming measures did not form part of the waiting restriction proposals / statutory consultation and therefore cannot be considered at this time.

#### Chestnut Grove, CR4

#### ES/WR2018B2/001

I would like to object to the proposed restrictions on Chestnut Grove CR4. I especially have concerns for the junction of Elms Road and Chestnut Grove. I live at 132 Chestnut Grove CR4 1RB. Currently it has become impossible to find a parking space for my vehicle near my house due to so many cars parked on this road. I have to use the corner space where you have proposed the new restrictions, on the junction of Elms Road and Chestnut Grove. I would be so grateful if this can be cancelled as there are lots of people from the same road anticipating disruptions. If an alternative can be provided, such as helping us with a driveway on our property then I would be accepting your proposal. If matters are still going ahead then there will definitely be unrest between the neighbours for the limited space available.

It would be amazing and really appreciated if funding can be a provided in order for the kerb to be dropped and then

help assist towards building a driveway outside my property. I really don't want to go through this process as i love my front forecourt. But will if assistance can be provided.

#### **Officer's Comments:**

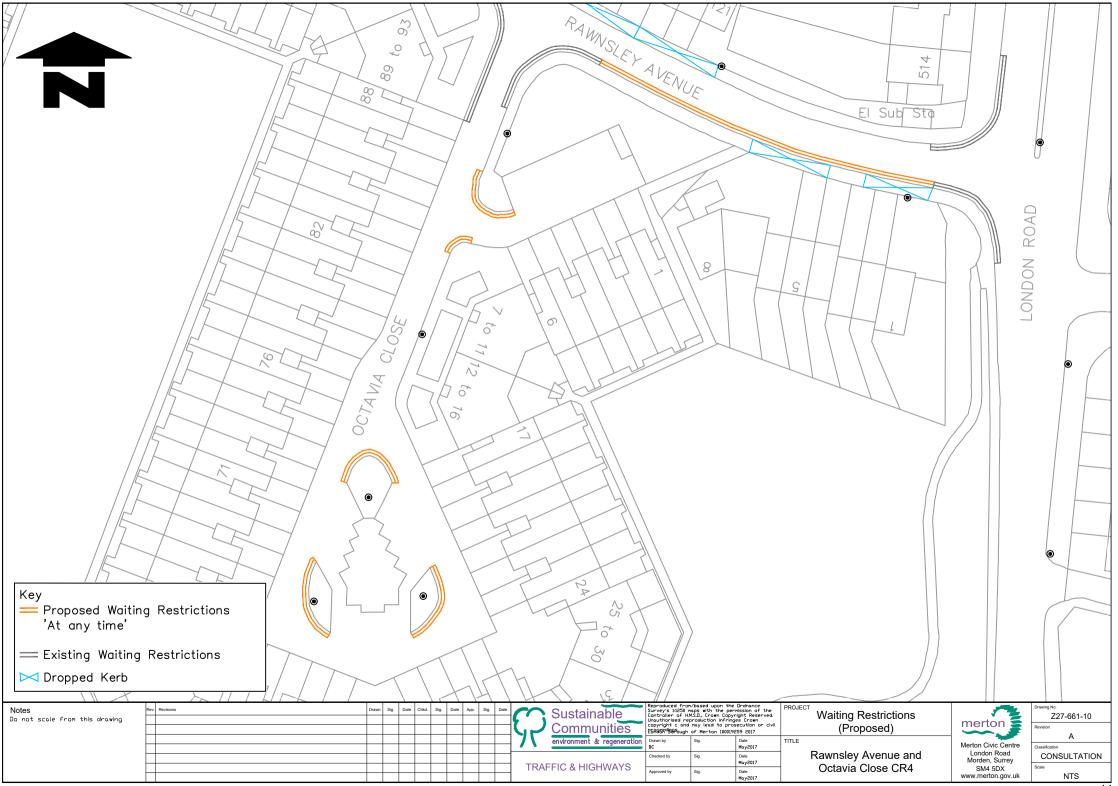
The aim of the proposal is to maintain clear access through the road, especially to assist emergency and waste collection services. However, giving consideration to the representations and the parking pressure expressed from the community the extents of the proposed waiting restrictions are to be reduced to address specifically the reported locations only where vehicles parking causes obstruction, due to the narrow width of the carriageway.

It is important to note that waiting restrictions are proposed where parking cannot be accommodated without causing obstruction, where parking can be accommodated restrictions are not proposed. Although I appreciate that parking may be a priority for you but as the Traffic and Highway Authority, Council's priority is to ensure that safety and access are maintained at all times and as a result officer's recommendations would be to introduce the proposed restrictions.

For further information with regards to the application of dropped kerb access for driveways please use the following web page link.

https://www.merton.gov.uk/streets-parking-transport/streets-and-pavements/dropped-kerbs

# Appendix C – Revised Drawing No. Z27-661-10A



# 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:

<ul> <li>(a) proportionality (i.e. the action must be proportionate to the desired outcome);</li> </ul>	
<ul><li>(b) due consultation and the taking of professional advice from officers;</li></ul>	
(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 <u>democratic.services@merton.gov.uk</u>
- **OR** as a signed paper copy to the Head of Democracy Services, 7<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

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