

**CORPORATE SERVICES DEPARTMENT**  
Director – Caroline Holland



**Democracy Services  
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Merton Civic Centre  
London Road  
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**Date: 13 March 2020**

Dear Councillor

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

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

- **Proposed Waiting Restrictions Borough Wide 2019 Batch 6–  
Statutory Consultation**

and will be implemented at **noon on Wednesday 18 March 2020** 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

**Amy Dumitrescu  
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 2019 Batch 6 (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**

13 March 2020

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

12 March 2020

**6. Decision**

- 1) Notes the contents of the report dated 12 March 2020 titled Batch6\_19-20 Borough Wide Waiting Restrictions Report.
- 2) To agree to undertake a statutory consultation on the proposed waiting and loading restrictions as set out in the report.

**7. Alternative options considered and why rejected**

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

**8. Documents relied on in addition to officer report**

None

**9. Declarations of Interest**

None



Cllr Martin Whelton

Cabinet member for regeneration, housing and transport

13 March, 2020

# Cabinet Member for Regeneration, Housing and Transport:

Date: 12<sup>th</sup> March 2020

Agenda item:

Wards: Borough Wide.

Subject: Proposed Borough Wide Waiting Restrictions – Statutory consultation

Lead officer: Chris Lee, Director of Environment & Regeneration

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

Forward Plan reference number: N/A

Contact Officer: Sadiq Merchant, Tel: 020 8545 3840

Email: <mailto:sadiq.merchant@merton.gov.uk>

## Recommendations:

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The purpose of this report is to seek Cabinet Member approval to undertake a statutory consultation to introduce waiting restrictions in roads identified in the table below. Plans showing the extent of the restrictions are attached in Appendix 2:

Site/Location	Drawing No.
Camborne Road	Z27-682-00
Rosedene Avenue	Z27-682-01
White Bridge Avenue	Z27-682-02
Buckleigh Ave, Beaford Grove	Z27-682-03
Heathfield Drive	Z27-682-04
Boxley Road	Z27-682-05
Canterbury Rd jun Dore Gdns	Z27-682-06
Biggin Ave, Camomile Ave jun Lavender Ave.	Z27-682-07
Morden Road	Z27-682-08
Kingsbridge Rd jun Seymour Ave	Z27-682-09
Cecil Place	Z27-682-10
Martin Way	Z27-682-11

## 1. INTRODUCTION

- 1.1 The purpose of this report is to seek approval to undertake a statutory consultation to introduce waiting restrictions and parking bays in the roads listed in the above table. Plans showing the extent and nature of the restrictions are attached in Appendix 2.

- 1.2 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from general road users including 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 in batches. Each request is added to a rolling programme for investigation and the appropriate proposals and recommendations to the Cabinet Member are formulated in one report.
- 1.3 Over the last year there have been requests/demands for double yellow lines at specific locations throughout the borough. The majority of the complaints relate to vehicles parking close to/at junctions or communal access points, obstructing sightlines and making it difficult and hazardous for vehicles to enter and exit side roads safely. Concerns have also been expressed over emergency vehicle and the Council's refuse vehicles access being obstructed by inconsiderate parking. Additionally, complaints are also received from pedestrians where vehicles park on the footway causes access difficulties.
- 1.4 These requests are prioritised by taking into account the location, accident statistics, site observations, level of access difficulties, speed limit and local environmental amenities and associated activities.
- 1.5 In light of these requests, each site has been investigated to determine the extent of the appropriate measure. Every attempt is made to minimise the proposed restrictions without compromising access and safety. For details of the restrictions please refer to appendices 1.

## **2 BACKGROUND**

- 2.1 It is the policy of the Council to improve the environment by making it safer for all road users (motorists and pedestrians). One way this can be achieved is by regulating the number of parked vehicles in an area, particularly at key locations such as at junctions, narrow roads, cul de sacs and at bends. The aims of the proposed double yellow lines waiting restrictions are to improve visibility and to provide clear access for all road users, particularly for 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.
- 2.2 When considering road safety, 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.
- 2.3 The Highway Code stipulates that motorists should not park within 10 metres of a junction. The failure by a person to observe any provision of the Highway Code does not in itself render that person liable to criminal proceedings, such a failure may though be relied upon by any party to proceedings (whether civil or criminal) in order to establish or negate liability (s.38 (7) Road Traffic Act 1988). Although a failure to observe the Code does not then itself amount to a criminal offence, and neither does it create a presumption of negligence, a breach of the code may as a matter of fact amount to strong evidence to prove lack of proper driving. Given that not stopping within 10 metres of a junction or on a bend is an express provision of the Code it is of relevance when considering road safety in this area.

### **3 PROPOSALS**

- 3.1 The following sites have been investigated based on concerns and complaints received. Given the nature of concerns it is considered that the proposals detailed below and as shown on attached plans will improve access, safety and sightlines. It is recommended that a statutory consultation be undertaken for the introduction of the proposed waiting restrictions. The proposals are shown on the attached plans in Appendix 2.
- 3.2 Ward Councillors will be provided with copies of the proposals and will be forwarded a copy of the newsletter (where appropriate) prior to the start of the statutory consultation. Given the nature of some of the locations and to remain cost effective not all proposals would be subject to a newsletter.

### **4 Locations**

#### **4.1 Camborne Road**

Camborne Road (north-western arm) has a footway width of 2.m (1.5m paving and 1m grass verge) and the carriageway width is 6.2m. Camborne Road (south side) has a footway width of 2.4m (1.5m paving and 1m grass verge) and the carriageway width is 6.2m. The Council has received a representation from a local resident regarding obstructive parking. He has highlighted that when cars are parked on both sides of the carriageway there is not enough room for emergency and service vehicles to pass by safely. It is therefore proposed to introduce 'At any time' waiting restrictions on one side of the carriageway. This will allow safe access particularly for emergency vehicles; refuse /service vehicles and pedestrians.

#### **4.2 Rosedene Avenue**

Rosedene Avenue has a carriageway width of 5.6m with 1.7m wide footway on both sides and therefore cannot accommodate parking on the footway or on both sides of the carriageway. The Council has received a representation from a local resident regarding obstructive parking at the turning head in Rosedene Avenue, making turning manoeuvres an impossibility. Currently the turning head is subject to a single yellow line restriction; however, due to obstructive parking after the operational hours, it is necessary to convert the single yellow line to double yellow lines so as to ensure access and to facilitate a safe turning area at all times.

Additionally, given the narrow nature of the road, it is necessary to introduce double yellow lines the eastern side of the road.

Also, at its junction with St Helier Ave, there are some single yellow lines that protects the junction and the slight bend. It is proposed to retain some of this restriction but convert much of it to double yellow lines. The proposed waiting restrictions will allow and maintain safe access particularly for emergency vehicles; refuse /service vehicles and pedestrians.

#### **4.3 White Bridge Avenue**

White Bridge Avenue is a cul-de-sac that has a carriageway width of 5m with 1.8m wide footway on both sides. Obstructive parking on the footway and on the carriageway, especially around the bends has an adverse impact on pedestrian safety and impedes access for emergency services and service vehicles. Vehicles parked in this section of the road completely block the footway forcing pedestrians to walk in the carriageway. Being aware of such safety risks, the Council cannot allow inconsiderate parking on carriageway and footway obstruction to continue. The proposed waiting restrictions will allow safe access particularly for emergency vehicles; refuse /service vehicles and pedestrians.

#### 4.4 **Buckleigh Ave & Beaford Grove**

Buckleigh Avenue on its different arms has a carriageway width varying between 4.9m and 5.1m with footway width varying between 3.5m and 3.7m on both sides, which consists of 1.4m paving width with the remainder being grass verge.

Beaford Grove has a carriageway width varying between 4.9m and 5.1m with 3.5m and 3.7m wide footway on both sides, which consists of 1.4m wide paving with the remainder being. The Council has received representations from a local resident regarding obstructive parking around the bends. To ensure safety and access, it is proposed to introduce 'At any time' waiting restrictions along its various lengths as shown on plan in appendix 2.

#### 4.5 **Heathfield Drive**

The Council has received representations from a resident via the local MP regarding obstructive parking close to the junction in Heathfield Drive. To remove this obstructive parking and ease access for refuse vehicles, it is proposed to introduce 'At any time' waiting restrictions as shown on the plan attached as appendix 2.

#### 4.6 **Boxley Road**

The Council has received representations from a resident regarding obstructive parking across a rear access path leading serving a block of flats, which is used by refuse service for bin collection for these block of flats. It is, therefore, proposed to introduce 'At any time' waiting restrictions (double yellow lines) in front of the access on Boxley Road as shown on plan in appendix 2.

#### 4.7 **Canterbury Rd / Dore Gardens junction**

The Council has received a representation from Chaucer Centre based in Canterbury Road regarding obstructive parking at the Canterbury Road junction with Dore Gardens, making turning and accessing their driveways difficult. It is, therefore, proposed to introduce 'At any time' waiting restrictions (double yellow lines) at this junction. This will also ensure improved sightlines and safety for pedestrians and other road users. Please see attached plan in appendix 2.

#### 4.8 **Biggin Ave, Camomile Ave jun Lavender Ave**

The Council has received representations from a resident via the local MP regarding obstructive parking close to Camomile Avenue/Lavender Avenue junction. Camomile Avenue is a very narrow road that has an average carriageway width of 4m with 1.9m & 1.8m wide footway on each side and therefore cannot accommodate parking on the footway or the carriageway.

Biggin Avenue is a very narrow road that has a carriageway width of 4m with 1.9m & 1.8m wide footway on both sides and therefore cannot accommodate parking on the footway or the carriageway. Parking therefore, has an adverse impact on safety and access as emergency services would not be able to gain access; it also impacts refuse vehicles as well as other service vehicles. Vehicles parked in this section of the road completely block the footway forcing pedestrians to walk in the carriageway. Being aware of such safety risks, the Council cannot allow carriageway and footway obstruction to continue. The proposed waiting restrictions will ensure safety and access for pedestrian and motorist at all times. Please see attached plan in appendix 2.

#### 4.9 **Morden Road**

The Council has received representations from a local business based in Morden Road that all day free parking on Morden Rd is occupied by long term parking that is adversely restricting the essential loading/unloading activities thereby impacting on the operation of the business.

According to the Public House, deliveries are made on Mondays. It is, therefore, proposed to introduce restricted hours along a section of the road immediately outside the Public house on Mondays between 8.30 and noon, no parking would be permitted – this will allow for unloading activities; after this period, parking will be permitted on Mondays between noon and 6.30pm for a maximum stay of 4 hours with no return within 2 hours. Restricted parking will also be permitted between Tuesdays and Saturdays between 8.30am and 6.30pm for a period of 4 hours, no return within 2 hours. For the remaining road space so as to prevent all day parking and maximise available parking for customers and visitors, it is proposed to allow parking Mon-Sat between 8.30am and 6.30pm, maximum stay 4 hours with no return within 2 hours. Please see attached plan in appendix 2.

#### 4.10 **Kingsbridge Rd jun Seymour Ave**

The Council has received representations from a resident via one of the local Councillor requesting yellow line restrictions to address the obstructive parking at the bend at junction Kingsbridge Road/Seymour Avenue. It is, therefore, proposed to introduce 'At any time' waiting restrictions (double yellow lines) at this junction. This will ensure improved sightlines, access and safety for pedestrians and other road users. Please see attached plan in appendix 2.

#### 4.11 **Cecil Place**

The Council has received representations from a resident regarding obstructive parking in Cecil Place. Cecil Place is a cul-de-sac that has a carriageway width of 3.9m with 1.4m wide footway on both sides. Obstructive parking on the footway and on the carriageway especially around the bends has an adverse impact on pedestrian safety and access as emergency services would not be able to gain access; it also impacts refuse vehicles as well as other service vehicles. Vehicles parked in this section of the road completely block the footway forcing pedestrians to walk in the carriageway. Being aware of such safety risks, the Council cannot allow inconsiderate parking on carriageway and footway to continue. The proposed waiting restrictions will allow safe access for all road users.

#### 4.12 **Martin Way**

The Council has received representation via a Ward councillor from a business based on Martin Way that the available kerbside space is routinely occupied long term by commuters using the nearby train station. This restricts customer parking and deliveries to this parade of shops. It is, therefore, proposed to allow parking Mon-Sat between 7am-7pm for a max stay of 2 hours no return within 1 hour. Please see attached plan in appendix 2.

### 5 **ALTERNATIVE OPTIONS**

- 5.1 Do nothing. This would be contrary to the concerns and requests received from the local communities and will do nothing to address representations received particularly in terms of dangerous and obstructive.

## **6 LEGAL IMPLICATIONS & STATUTORY PROVISION**

- 6.1 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.

## **7 STATEMENT OF REASONS**

- 7.1 The proposed measures will improve safety for all road users by ensuring clear visibility and access at all times particularly for the emergency vehicles. The proposed waiting restrictions will 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. Some of the proposed restricted parking facilitate the loading / unloading / customer parking needs of the local businesses.
- 7.2 It would be irresponsible of the Council to ignore the manner of obstructive parking that is currently taking place. The Council has duty of care to ensure the safety of all road users and to maintain access at all times, particularly for the public service vehicles and the emergency services.
- 7.3 The Council also makes every effort to facilitate the needs of local businesses.

## **8 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 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.
- 8.4 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.
- 8.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

## **9 RISK MANAGEMENT IMPLICATIONS**

- 9.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to all road users and to the residents, in the case of an emergency, and access difficulties will not be addressed. It would also be contrary to the concerns expressed and could lead to loss of public confidence in the Council. It could also place the Council at risk for not exercising its duties in ensuring safety and access.
- 9.2 The risk of introducing the proposed restrictions could lead to possible extra pressure on the current parking demand. However, the proposals will address safety concerns by improving access and visibility for both all road users which outweigh loss of parking.



## **10 FINANCIAL IMPLICATIONS**

10.1 To introduce the proposed restrictions will cost approximately £5,000. This includes the making of The Traffic Management Orders and the road markings. The cost of this proposal can be met from the Environment and Regeneration revenue budget for 2020/2021 which contains a provisional budget for Parking Management schemes.

## **11 TIMESCALES**

11.1 If a decision is made to proceed, the statutory consultation will be carried out soon after. The Council's intentions will be published in the London Gazette and The Wimbledon Times. Notices will also be erected on lamp columns within the vicinity of the proposed restrictions. The documents will be made available at the Link, Civic Centre and on the Council's website.

## **12 APPENDICES**

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

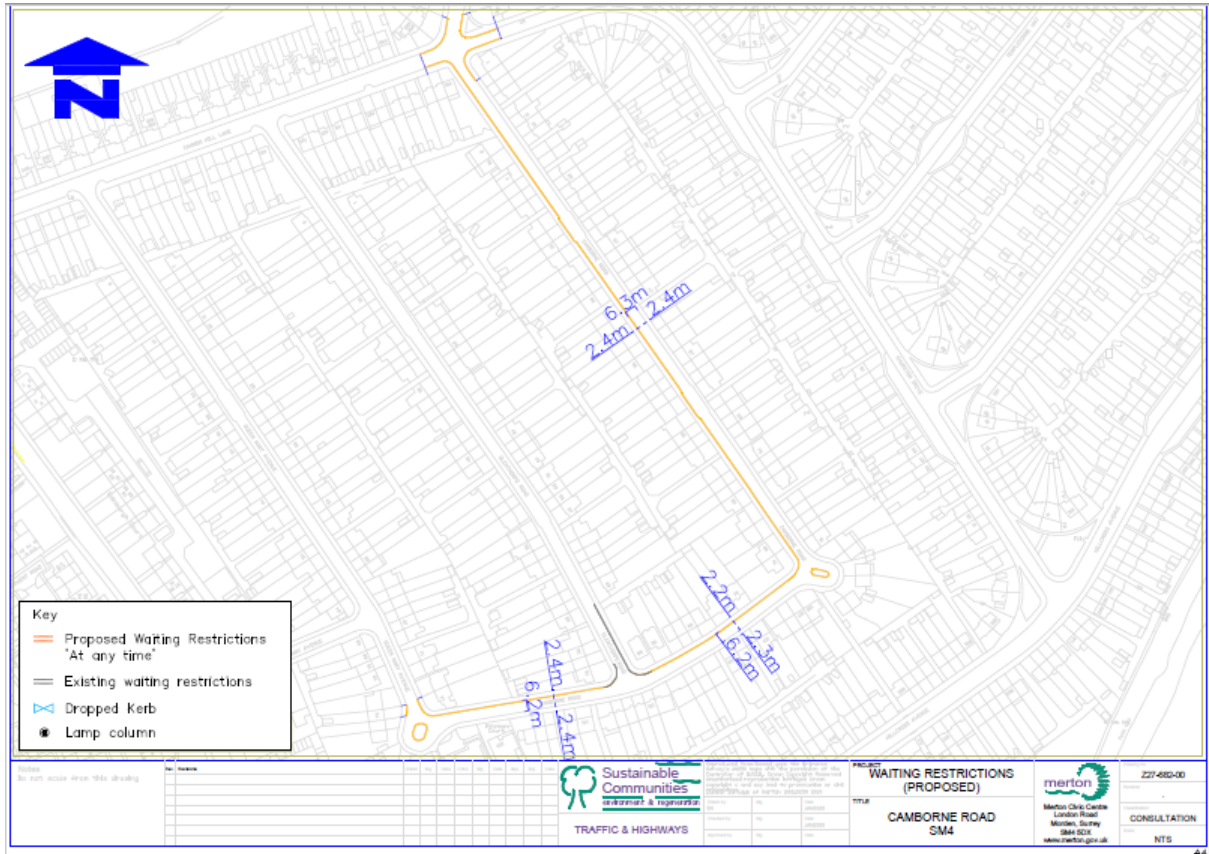
- Appendix 1 – Location of restrictions & Drawings of proposals

**Definition of Proposed Waiting Restrictions**

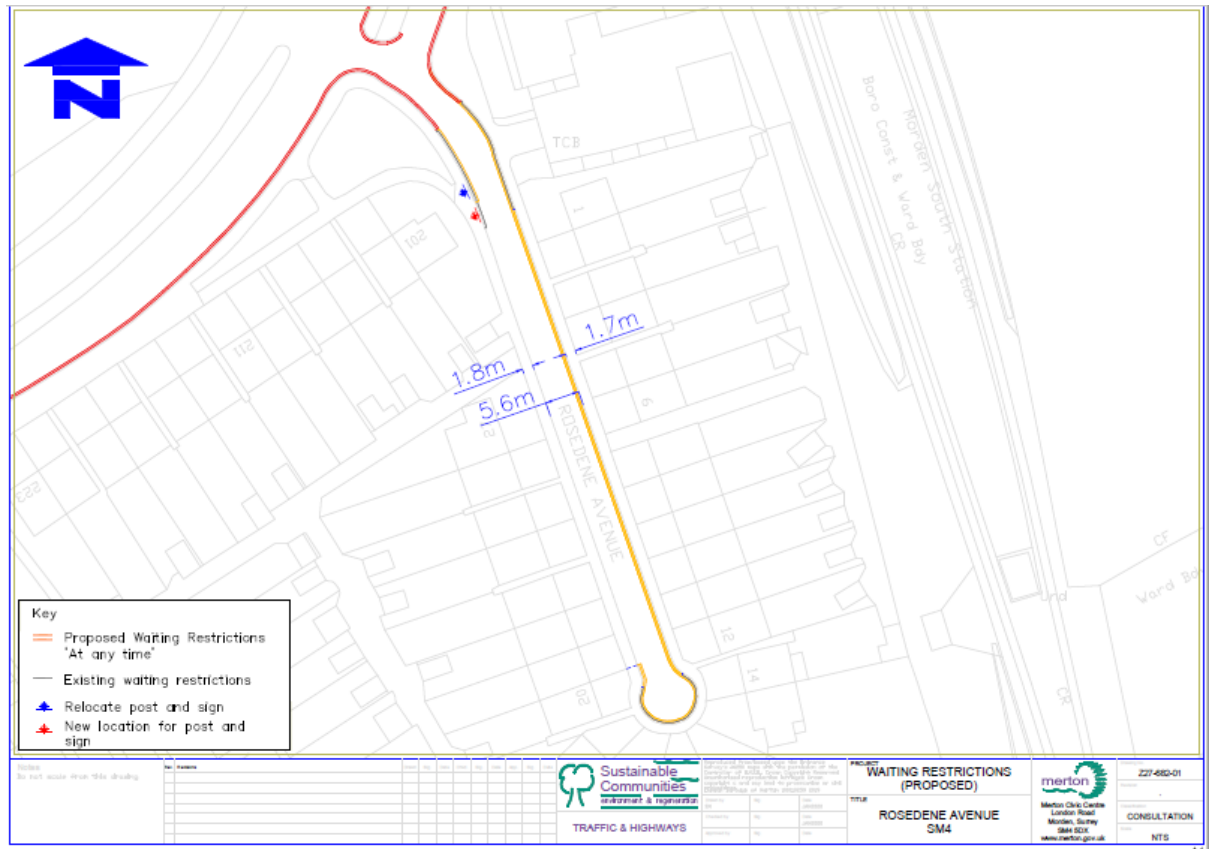
<b>Road</b>	<b>Site Observation</b>	<b>Definition of proposed waiting restrictions ('at any time' waiting restrictions unless otherwise specified)</b>
Camborne Road	Vehicles parked on both sides of highway, restrict access for large vehicles.	As per drawing (Z27-682-00).
Rosedene Avenue	Obstructive parking at the turning head at the cul-de-sac making turning circle difficult.	As per drawing (Z27-682-01).
White Bridge Avenue	Obstructive parking on highway restricts local resident's accessing their driveway and large vehicles, often struggles to pass through. Vehicles parked close to junctions and on bends restricts sightlines for other road users and raises safety concerns for pedestrian.	As per drawing (Z27-682-02).
Buckleigh Ave, Beaford Grove	Obstructive parking on highway restricts local resident's accessing their driveway and large vehicles, often struggles to pass through. Vehicles parked close to junctions and on bends restricts sightlines for other road users and raises safety concerns for pedestrian.	As per drawing (Z27-682-03).
Heathfield Drive	Vehicles parked on highway close to the junction restrict access for refuge vehicles.	As per drawing (Z27-682-04).
Boxley Road	Vehicles parked on highway blocks the rear common access path leading from large block of flats for refuge bin collection.	As per drawing (Z27-682-05).
Canterbury Road jun Dore Gardens	Vehicles parked close to junction raises safety concerns for other road users and pedestrians.	As per drawing (Z27-682-06).
Camomile Avenue Biggin Avenue	Obstructive parking on highway restricts local resident's accessing their driveway and large vehicles, often struggles to pass through. Also part footway parking raises safety concerns for pedestrian. Vehicles parked close to junctions and on bends restricts sightlines for other road users and raises safety concerns for pedestrian.	As per drawing (Z27-682-07).
Morden Road	Free parking on highway is occupied by residents parking restricts loading/unloading activity and delivery service for local pub.	As per drawing (Z27-682-08).
Kingsbridge Rd jun Seymour Ave	Vehicles parked close to junctions and on bends restricts sightlines for other road users and raises safety concerns for pedestrian.	As per drawing (Z27-682-09).
Cecil Place	Obstructive parking on highway restricts local resident's accessing their driveway and large vehicles, often struggles to pass through. Also part footway parking raises safety concerns for pedestrian. Vehicles parked close to junctions and on bends restricts sightlines for other road users and raises safety concerns for pedestrian.	As per drawing (Z27-682-10).
Martin Way	Free parking on highway is occupied by commuters travelling by nearby train station, restricts customers parking and delivery service to this parade of shops.	As per drawing (Z27-682-11).

**Proposed Waiting Restrictions**

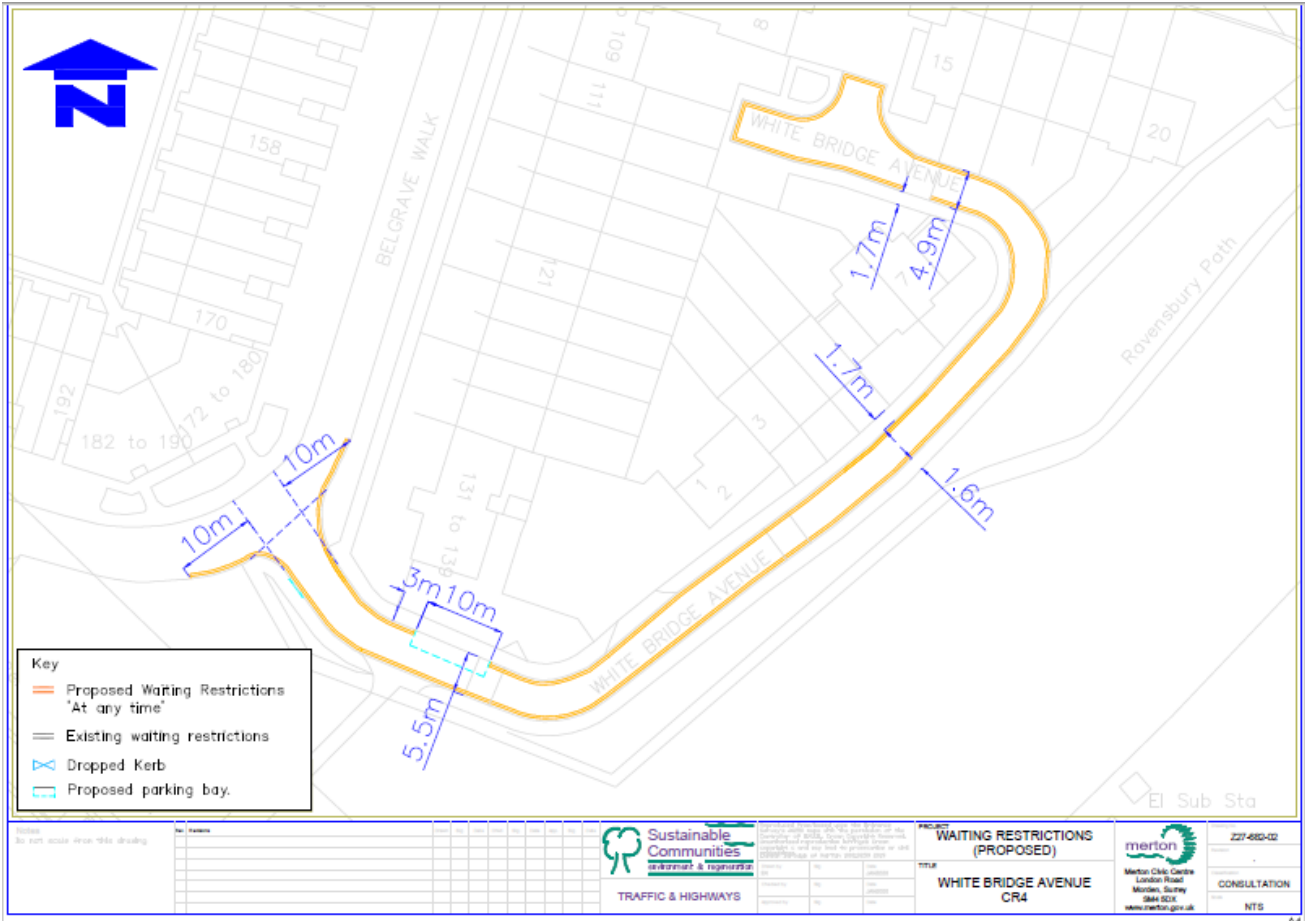
**Camborne Road**



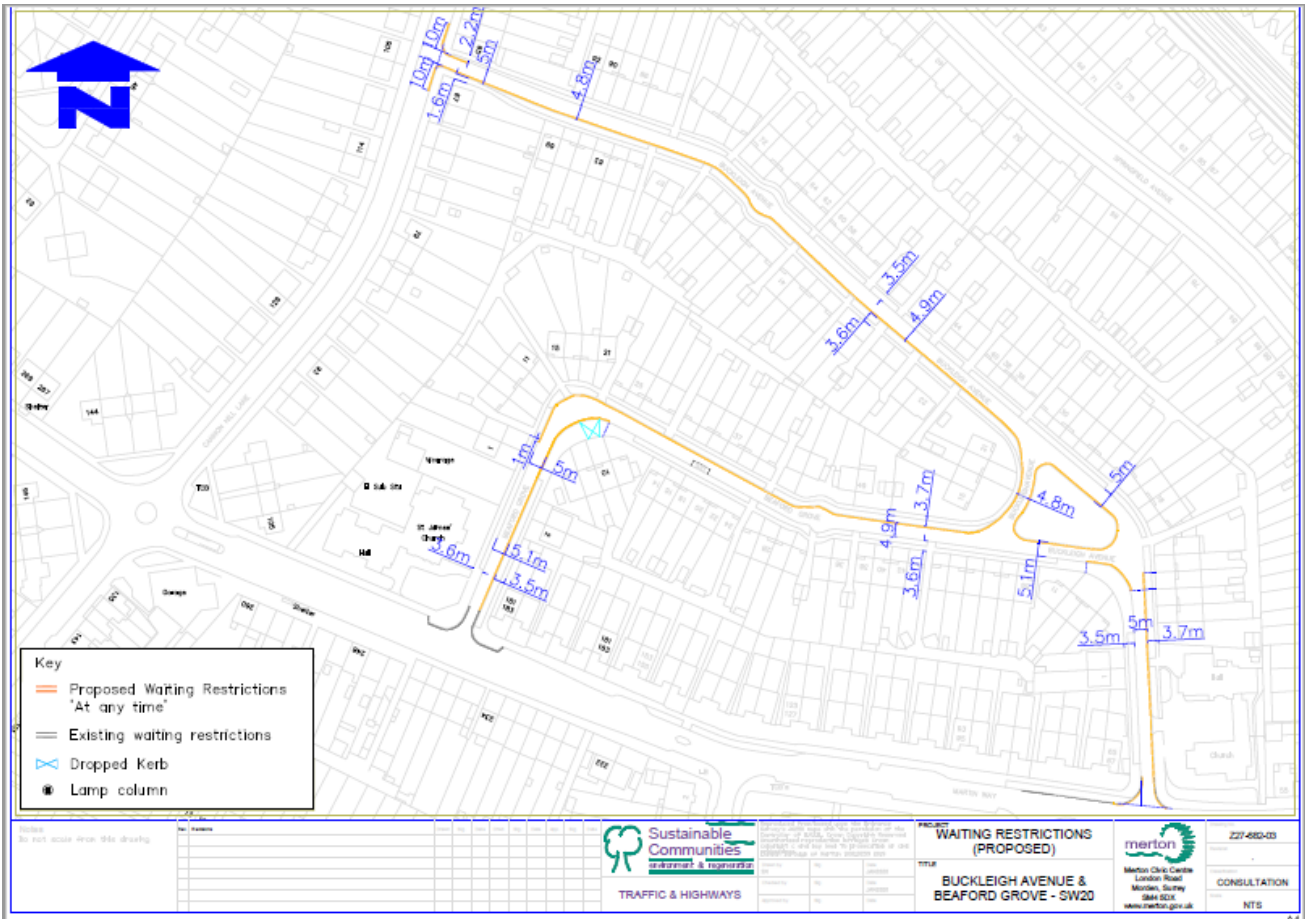
**Rosedene Avenue**



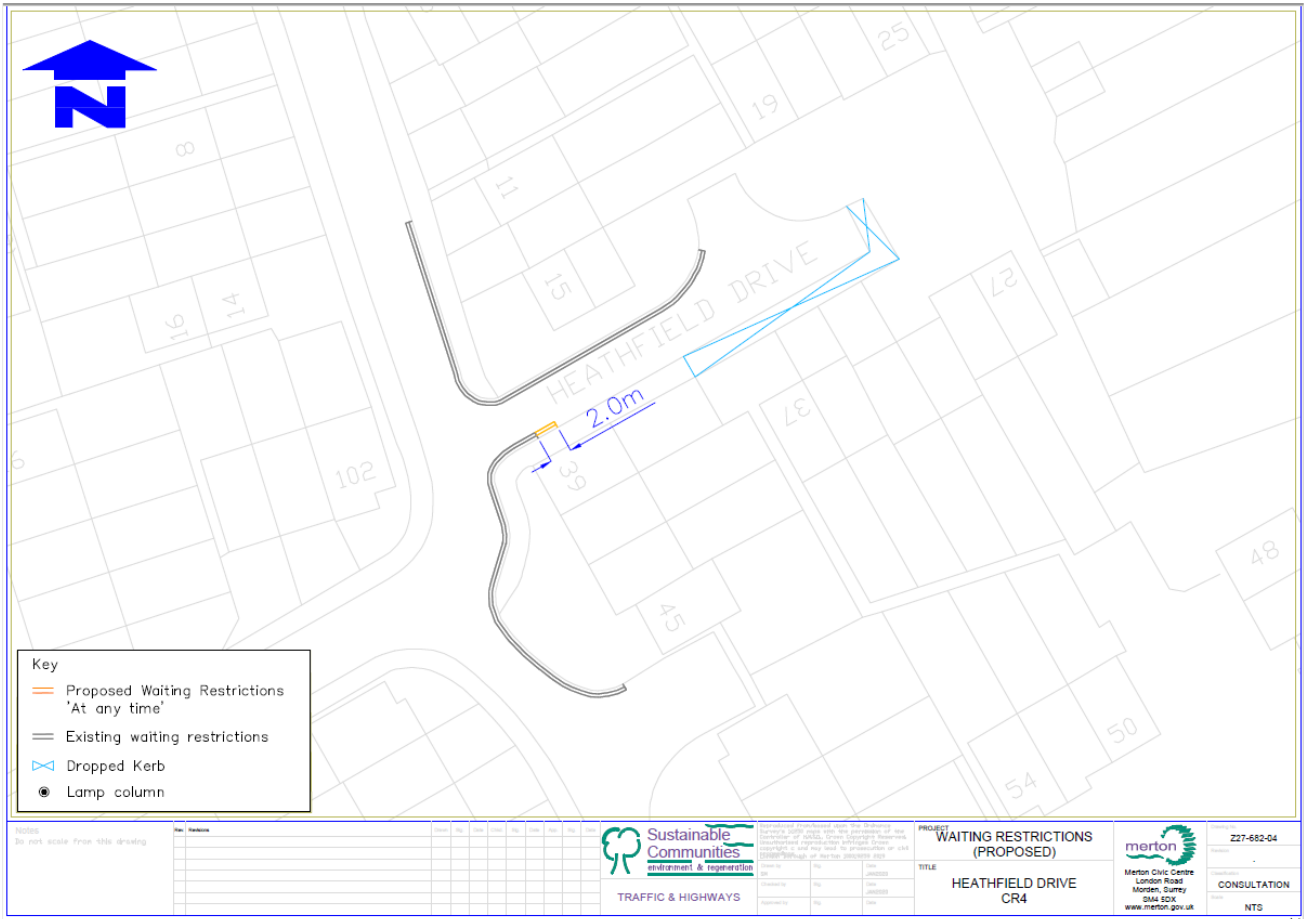
# White Bridge Avenue



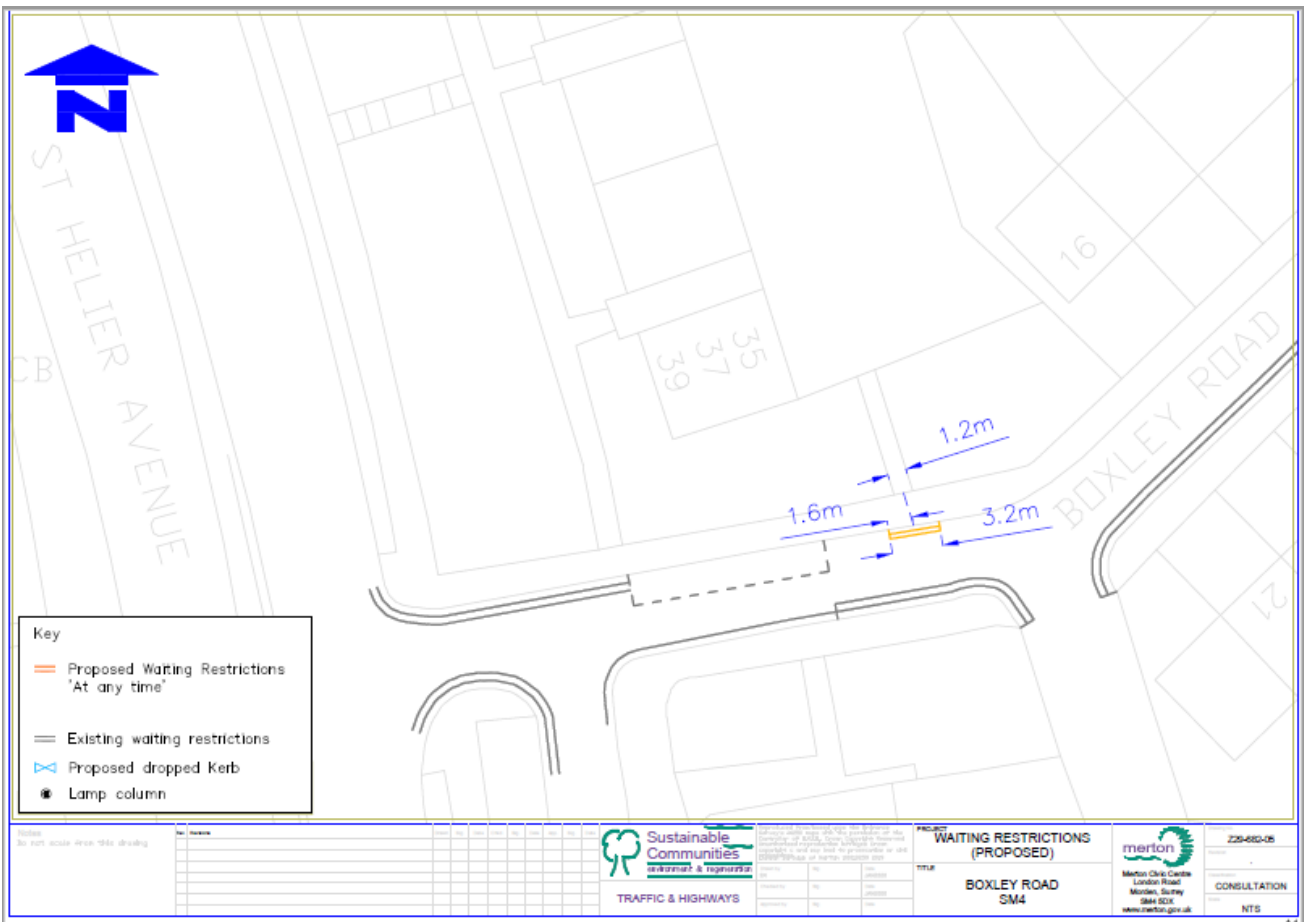
# Buckleigh Ave & Beaford Grove



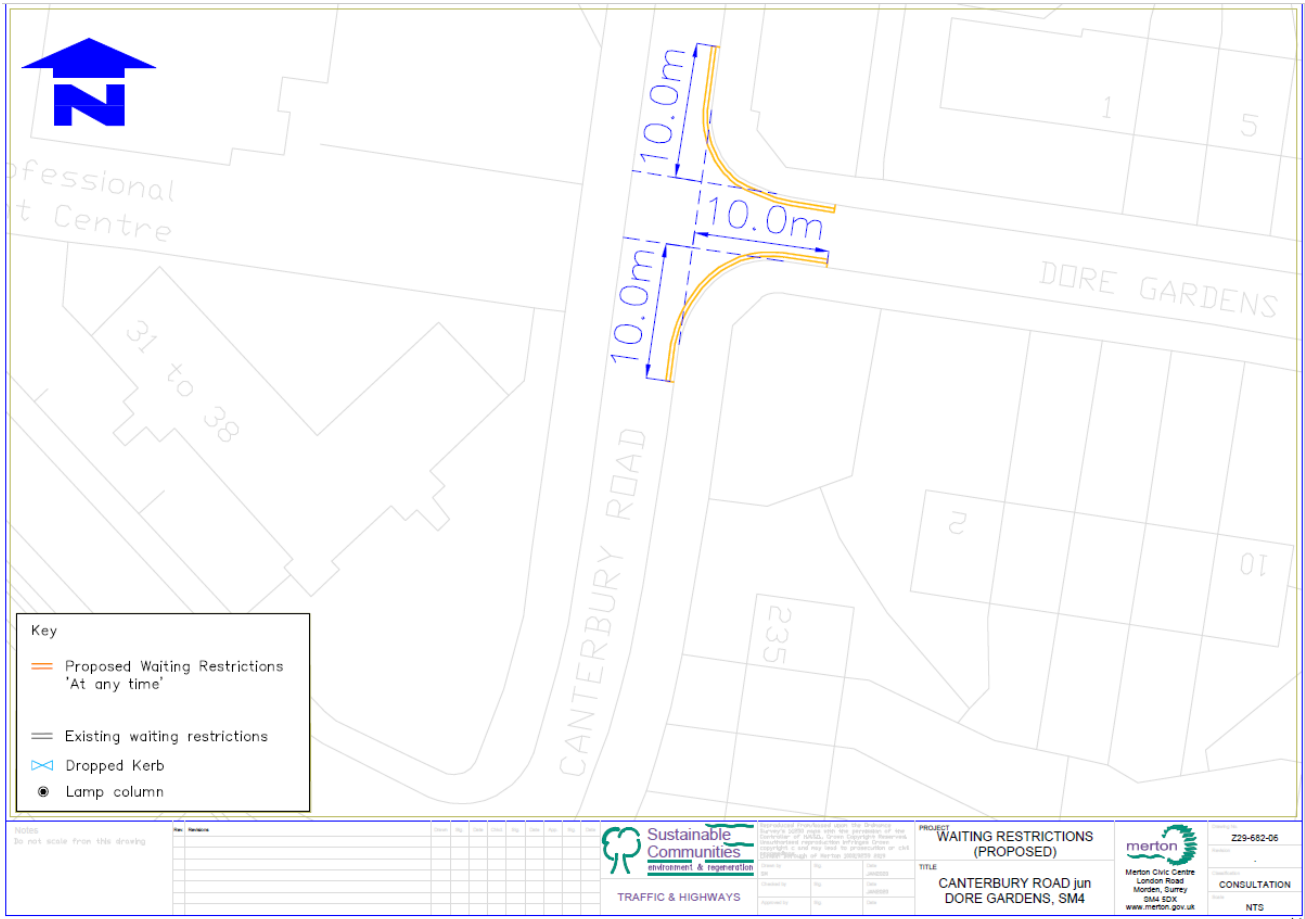
# Heathfield Drive



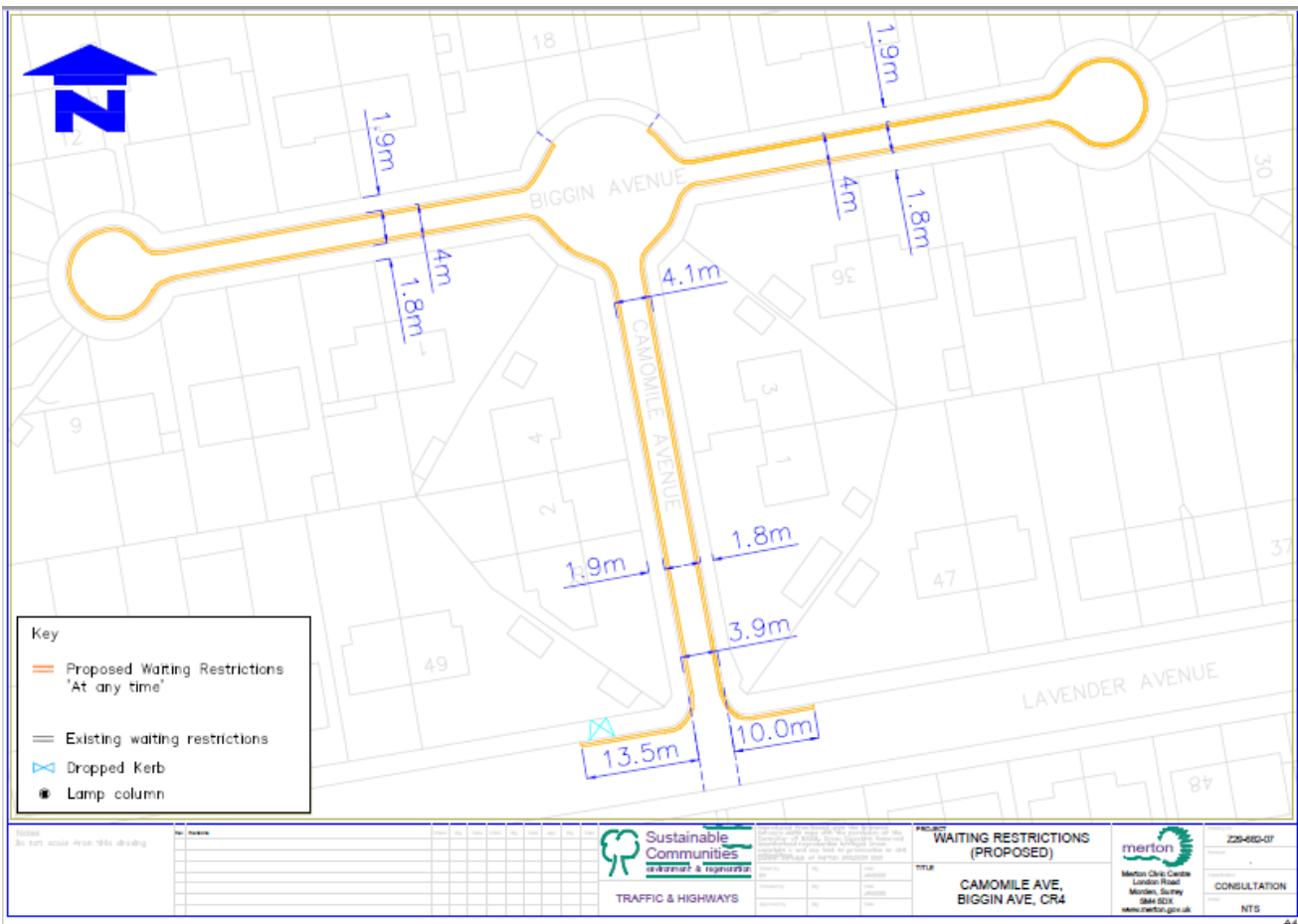
# Boxley Road



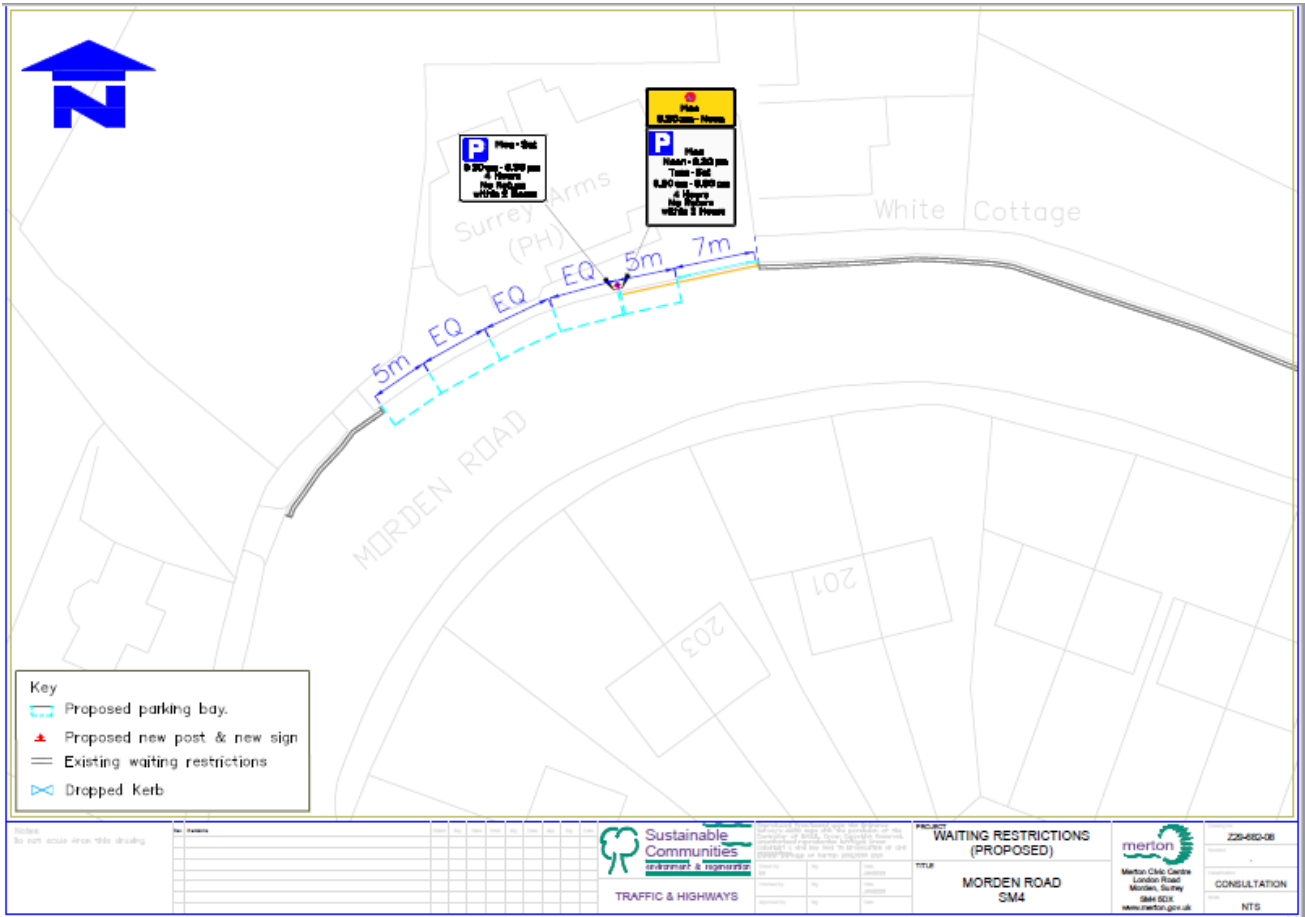
## Canterbury Road



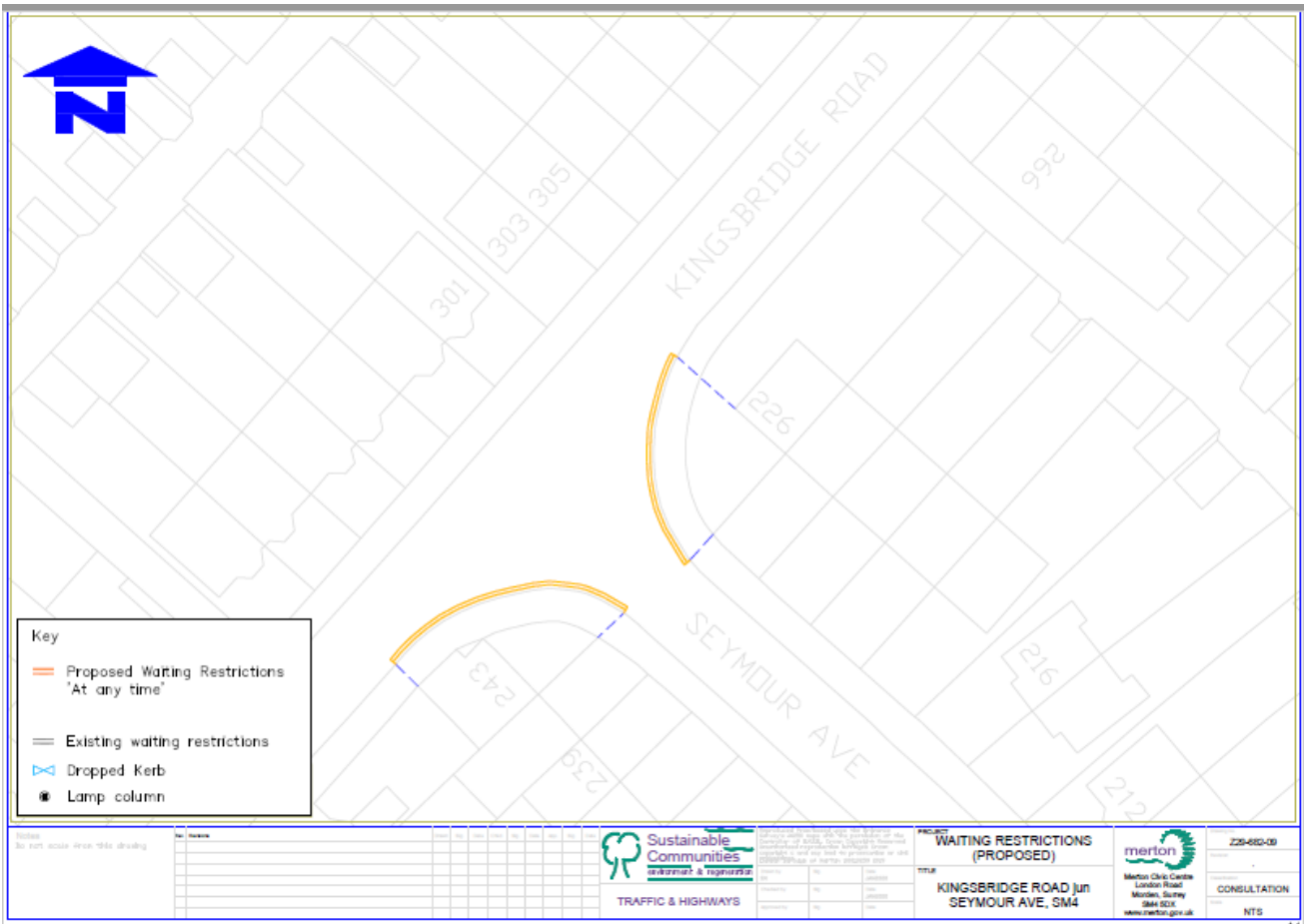
## Biggin Avenue, Camomile Avenue jun Lavender Ave



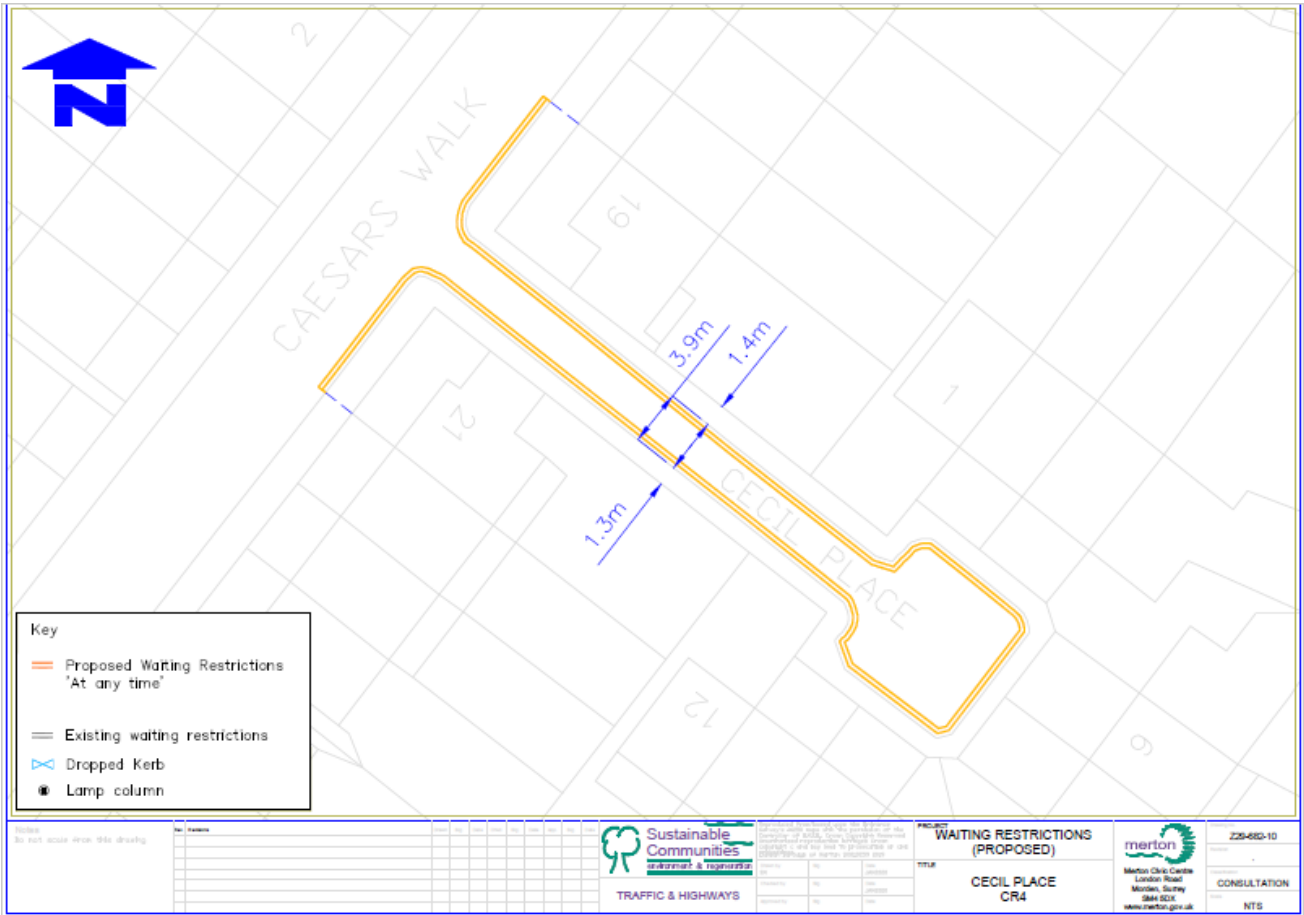
# Morden Road



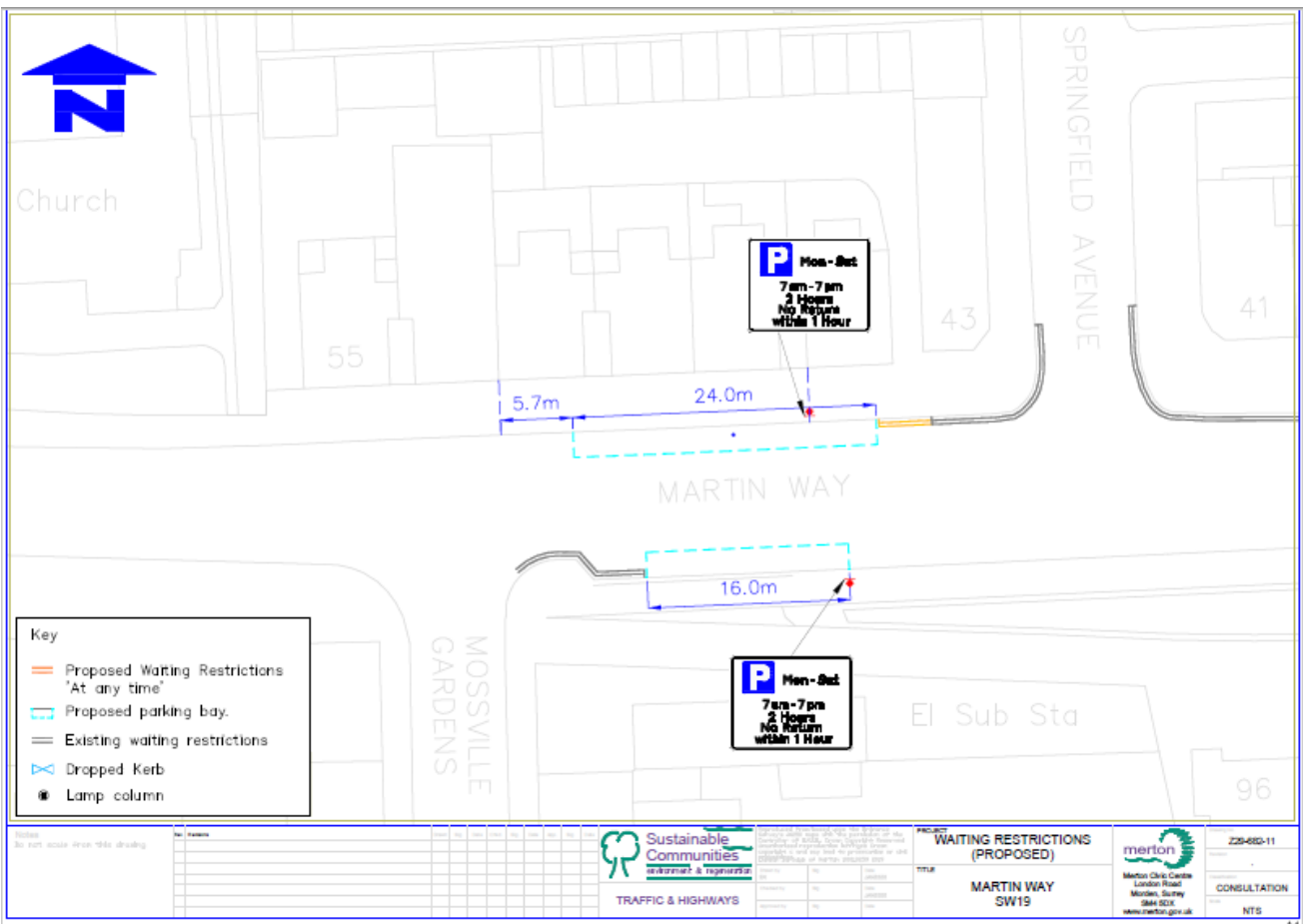
# Kingsbridge Rd junc Seymour Ave



# Cecil Place



# Martin Way





## Merton Council - call-in request form

### 1. Decision to be called in: (required)

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### 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](mailto:democratic.services@merton.gov.uk)
- **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