



**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: 10 June 2021

Dear Councillor

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

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

- **Proposed RPC1 CPZ Extension – Height Close**

and will be implemented at **noon on Tuesday 15 June 2021** 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 RPC1 CPZ extension - Height Close

2. Reason for exemption (if any)

3. Decision maker

Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport

4. Date of Decision

9 June, 2021

5. Date report made available to decision maker

9 June 2021

6. Decision

That the Cabinet Member considers the issues detailed in this report and

- A) Considers the result of the informal survey carried out between 7 and 28 May 2021 regarding inclusion of Height Close within the recently approved and implemented RPC1 CPZ extension.
- B) Agrees to proceed with making of the relevant Traffic Management Order for the introduction of a CPZ in Height Close as shown in Drawing No. Z78-366-01-E in Appendix 1
- C) Agrees to proceed with the making of the relevant Traffic Management Orders (TMO) and the implementation of single yellow lines in Height Close as shown in Drawing No. Z78-366-01-E except for the existing double yellow lines as shown in Appendix 1
- D) Agrees to the extension of the existing double yellow lines by 5m in Hillview at its intersection with Height Close as shown in Drawing No. Z78-366-01-E in Appendix 1
- E) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Reason for decision

To manage access to the residents' parking zone as a result of the introduction of a controlled parking zone in neighbouring roads.

To have single yellow on the whole instead of double yellow lines following a residents' meeting on Heights Close following a meeting on Thursday 27 May 2021 but also I am personally satisfied that it will not be a major access issue on the road given most have off-street parking.

The extension of double yellow lines at the entrance will make the road safer for those accessing Heights Close

8. Alternative options considered and why rejected

8.1 To Do nothing. This would not address the current parking demands of the local business community.

Double yellow lines on all the road were not supported by residents but they did want to see existing double yellow lines extended.

Martin Whelton

Councillor Martin Whelton

Cabinet Member for Housing, Regeneration, and the Climate Emergency

Wednesday 9 June, 2021

Committee: Cabinet Member Report

Date: 09th June 2021

Agenda item:

Wards: Village

Subject: RPC1 CPZ Extension – Height Close inclusion

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

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

Forward Plan reference number: N/A

Contact Officer: Paul Atie, Tel: 020 8545 333 [Email: mailto:paul.atie@merton.gov.uk](mailto:paul.atie@merton.gov.uk)

Recommendations:

That the Cabinet Member notes the contents detailed in this report and

- A) Considers the result of the informal survey carried out between 7 and 28 May 2021 regarding inclusion of Height Close within the recently approved and implemented RPC1 CPZ extension.
- B) Agrees to proceed with making of the relevant Traffic Management Order for the introduction of a CPZ in Height Close as shown in Drawing No. Z78-366-01-E in Appendix 1
- C) Agrees to proceed with the making of the relevant Traffic Management Orders (TMO) and the implementation of the 'At any time' waiting restrictions in Height Close as shown in Drawing No. Z78-366-01-E in Appendix 1
- D) Agrees to the extension of the double yellow lines by 5m in Hillview at its intersection with Height Close as shown in Drawing No. Z78-366-01-E in Appendix 1
- E) 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 is a supplementary report to a previous Cabinet Member report dated 9th March 2021 titled 'Proposed RPC1 CPZ extension Hillview area'. It reports the results of the informal survey carried out to further determine if residents of Height Close would like to be included within the RPC1 CPZ extension.
- 1.2 It seeks approval to include Height Close in the RPC1 extension and the implementation of the above recommendations.

2. CONSULTATIONS

- 2.1 A statutory consultation to introduce a CPZ in Hillview, Height Close and Cranford Close was carried out between 26 November and 18 December 2020.
- 2.2 The Majority of those who responded to the statutory consultation from Height Close remained against the scheme. The main objection was the proposed double yellow lines across their crossovers. They felt that not being allowed to park across their crossovers

and partially on the footway is a reduction of the residents' parking spaces. Within a CPZ, it is mandatory that all sections of the kerbside are controlled which allows the scheme to operate and be legally enforceable. All kerbside must either be controlled with yellow line waiting restrictions or designated parking places. The road is not wide enough to allow parking on one side of the road and the footway is also not wide enough to allow partial footway parking. Even if the road was wide enough there is no kerbside available to safely introduce regulated parking spaces due to number of existing crossovers. During a discussion with local Ward Councillors, it was agreed to uphold the objections thereby removing the road from the scheme until such time that residents change their minds. A decision was made to introduce extension to RPC1 CPZ with the exclusion of Height Close.

- 2.4 A newsletter detailing the outcome of the statutory consultation and the Cabinet Member decision to implement RPC1 extension in Hillview area and to exclude Height Close was delivered to the consultees on 25 March 2021. The newsletter also detailed the implementation programme with works starting on 14 April 2021.

Height Close informal survey

- 2.5 Following the implementation of the RPC1 CPZ extension in Hillview and Cranford Close, the Council received a number of complaints and requests from Heights Close residents for permits which had to be refused as only those within a CPZ are entitled to a permit.
- 2.6 In order for residents of Height Close to be allowed to purchase parking permits, it was agreed that a short survey would be carried out to determine if there is support for inclusion.
- 2.7 An informal survey letter which included a plan of the proposed restrictions was delivered to Height Close residents. The online survey was carried out between 7 and 21 May but was later extended to 28 May 2021 due to a break in the webpage survey link. The survey was simply a yes or no vote. Due to the already completed statutory consultation, there will not be a need for a second statutory consultation. The letter also explained that inclusion would also mean the introduction of double yellow lines.
- 2.8 The residents of Hillview and Cranford Close were informed of the delay in start of the enforcement of the CPZ which was originally due to start in 3 May 2021
- 2.9 The survey resulted in a total of 27 responses received (after removing duplicates/multiple returns from households). 26 from Height Close and 1 from outside the area. Of the 27 who responded, 81% (22) support a CPZ inclusion, compared to 7% (2) who do not and 11% (3) who are unsure.
- 2.9 During the survey period, on 17 May 2021, there was an online meeting involving 3 representatives of Height Close residents, the Cabinet Member and 2 officers. The reasons for the double yellow lines and the criteria for permits was explained to the residents. The residents requested for an extension to existing double yellow lines when entering Height Close and continued to reject the explanation for the need for the double yellow lines across the crossovers and the Council's requirement to prevent illegal footway parking. The Cabinet Member agreed to visit the road before making a decision. The Cabinet Member

also encouraged the residents to respond to the survey. The start of the CPZ enforcement was also delayed to allow for a final decision involving Height Close inclusion.

3. OFFICER'S RECOMMENDATIONS

- 3.1 Based on the results of the informal survey, it is recommended that the Traffic Management Orders (TMOs) be made to include Height Close in the RPC1 CPZ extension operational Monday to Friday between 12 Noon – 1pm as shown in Drawing No. Z78-366-01- E and attached in Appendix 1.
- 3.2 Given that footway parking is illegal and the road is not wide enough to allow parking across the crossovers outside the CPZ hours, it is recommended that the double yellow lines are introduced as shown on the Z78-366-01- E and attached in Appendix 1. Considering that the majority of residents have off street parking and once included within the CPZ, they would be able to park within the zone, it is not considered essential that residents be permitted to continue park in an obstructive manner.
- 3.3 As per resident's request and as agreed on site with the Cabinet Member, the existing double yellow lines to be extended by 5m at the entry point to Height Close.

4. TIMETABLE

- 4.1 If agreed, since the TMO for RPC1 extension is yet to be made and the statutory consultation did include Height Close, it would be possible to include Height Close without a further consultation. Height Close can be implemented immediately.

5. ALTERNATIVE OPTIONS

- 5.1 Do nothing. This would not address the complaints and demand for parking permit that has been received requesting inclusion by Height Close residents.
- 5.2 To allow illegal footway parking to continue. This would be against every design standards, adopted best practice, the legislation and will set a precedent which will put the Council at risk not to mention the fact that vulnerable road users such as wheelchair users and those with push chairs would be forced into the road.
- 5.3 To allow parking across the extensive lengths of crossovers. The road is not wide enough and parking on the road across the crossovers would cause obstruction to flow of traffic. Again, this would be against the Council's adopted best practice and parking management and will set a precedent and put the council at risk not to mention other road users. This has never been permitted not even in areas where parking capacity is far less than parking demand.

6. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 6.1 The cost of implementing the proposed measure is estimated at £1k. This includes the additional newsletters, the road markings and signs.

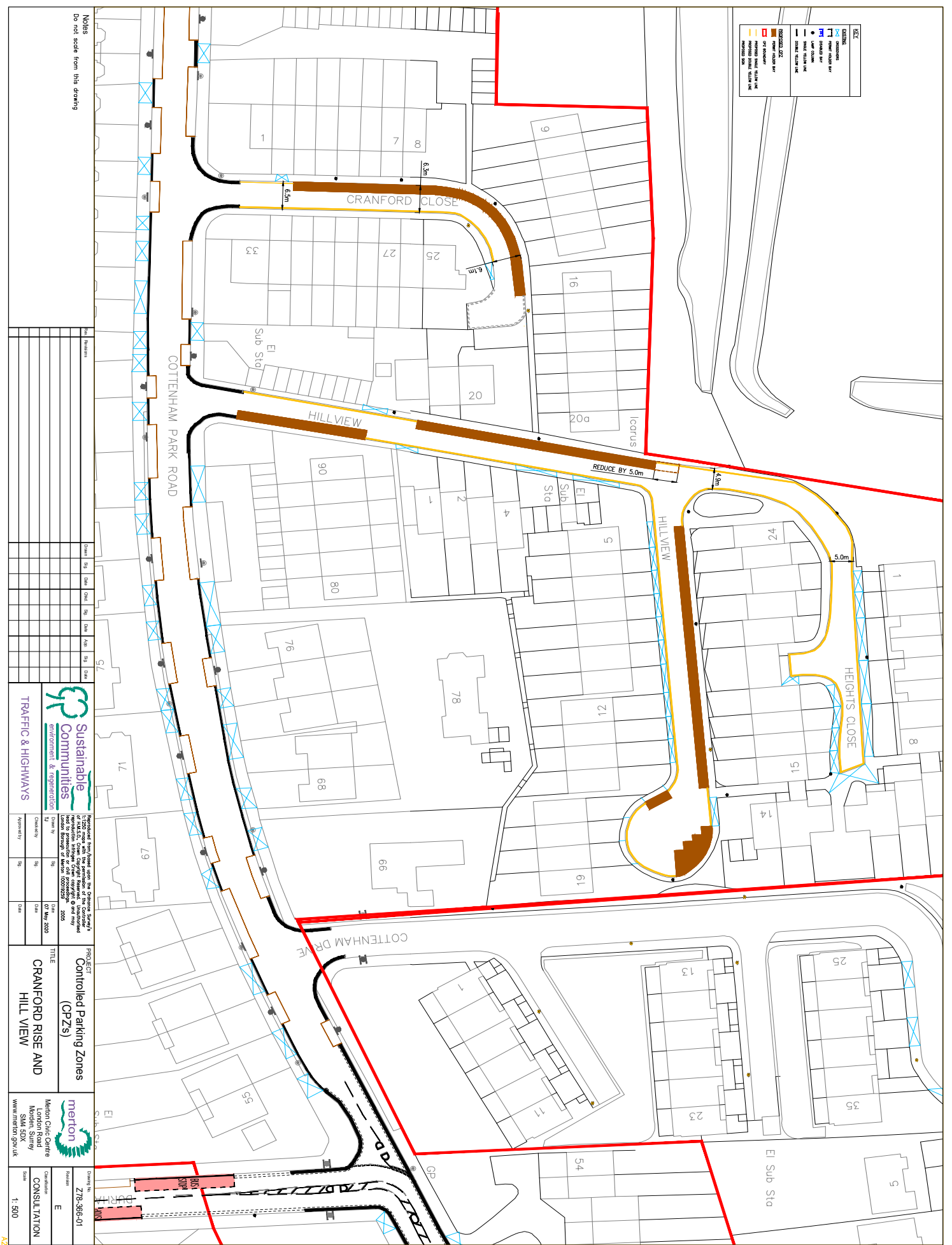
- 5.2 The cost of this proposal can be met from the Environment and Regeneration revenue budget for 2021/2022 which contains a provisional budget for Parking Management schemes.

6.0 LEGAL AND STATUTORY IMPLICATIONS

- 6.1 The Traffic Management Orders would be made under Section 6 and Section 45 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.
- 6.2 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 Council in reaching a decision.
- 6.3 The Council's powers to make Traffic Management Orders arise mainly under sections 6, 45, 46, 122 and 124 and schedules 1 and 9 of the RTRA 1984.

7. BACKGROUND PAPERS

- 7.1 Cabinet Member report dated 9th March 2021 titled proposed RPC1 Extension Hillview Road area.



KEY	
---	PROPOSED HIGHWAY
---	PROPOSED PARKING ZONE
---	PROPOSED BOUNDARY
---	PROPOSED DRIVE
---	PROPOSED WALKWAY
---	PROPOSED FOOTWAY

Notes
Do not scale from this drawing

NO	REV	DESCRIPTION	DATE

 Sustainable Communities environment & regeneration	Proposed from/As per the Cotenham Survey 1:250 scale, with the permission of the Controller of Ordnance Survey, and the Controller of Her Majesty's Stationery Office, London October 2000 (OS Reference: TQ30)
	Date: 07 Aug 2008 Drawn by: [Name] Checked by: [Name] Approved by: [Name]

TRAFFIC & HIGHWAYS PROJECT Controlled Parking Zones (CPZs) CRANFORD RISE AND HILL VIEW	Merton Merton Civic Centre London Road Morden, Surrey SM4 5DX www.merton.gov.uk	Drawing No: Z87-366-01 E CONSULTATION Scale: 1:500
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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
- **OR** as a signed paper copy to the Head of Democracy and Electoral Services, 1st floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy and Electoral Services on

020 8545 3409