

**CORPORATE SERVICES DEPARTMENT**  
Director – Caroline Holland



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

**Direct Line: 0208 545 3357  
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**Date: 11 October 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 Waiting Restrictions Borough Wide (2021 Batch 1A)  
Statutory Consultation**

and will be implemented at **noon on Thursday 14 October 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**

## **Cabinet Member Report**

**Date:** 24<sup>th</sup> September 2021

Agenda item: Ward: Various

**Subject:** Proposed waiting restrictions borough wide (2021 Batch 1A) statutory consultation

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

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

**Forward Plan reference number:** N/A Contact Officer Paul Atie, Tel: 020 8545 3337 Email: [paul.atie@merton.gov.uk](mailto:paul.atie@merton.gov.uk)

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### **Recommendations:**

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

- 1) Notes the result of the statutory consultation carried out between 28th July and 27th August 2021 on the proposals to introduce 'at any time' waiting and loading restrictions and free parking bays at various locations across the borough.
- 2) Notes and considers the representations received in respect of the proposal as detailed in Appendix 2.
- 3) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting and loading 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-689-01 to Z27-689-05, Z27-689-08 and Z27-689-011 (see Appendix A).
- 4) 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 'at any time' waiting restrictions at various locations throughout the borough.
- 1.2 It seeks approval to progress with the above recommendations.

### **2 BACKGROUND**

- 2.1 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from emergency services, local ward members, local residents and other road users. 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 at any given time. Each request is added to a rolling programme for investigation / consultation 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 and loading restrictions at various locations (listed in section 3.2 of this report and in appendix A) was carried out between 28th July and 27th August 2021. The consultation included the erection of street Notices on lamp columns within the vicinity of the proposals and the publication of the Council's intentions in Wimbledon and Wandsworth Times and the London Gazette. The information was also available on the Council's website and at the Civic Centre.

3.2 Locations of proposals include (see Appendix A for drawings)

<b>Site/Location</b>	<b>Drawing No.</b>	<b>Representations</b>
Seymour Avenue	Z27-689-01	0
Canterbury Rd / Dore Gdns	Z27-689-02	1
Woodland Way	Z27-689-03	0
Rosedene Avenue	Z27-689-04	1
West Side Common	Z27-689-05	0
Boxley Road	Z27-689-08	0
Biggin Avenue /Camomile Avenue	Z27-689-011	0

3.3 The statutory consultation resulted in the Council receiving zero representations from Seymour Avenue Avenue, Woodland Way, West Side Common, and Boxley Road and Biggin Avenue / Camomile Avenue; 1 representation from Canterbury and Dore Gardens; 1 representation from Rosedene Avenue. Both representations and officer's comments are set out in Appendix B.

#### Ward Councillors

3.4 Ward Members of each affected Ward were informed of the proposed restrictions and the statutory consultation.

3.5 Waiting restrictions are applied to areas where safety and access concerns have been received. The Council makes every attempt to minimise the extent of any parking restriction and strike a balance of ensuring safety and maintaining unobstructed access for all road users whilst acknowledging the parking needs of the community.

### **4.0 PROPOSALS**

#### Seymour Avenue

4.1 The Council has received representations from a resident requesting yellow line restrictions to address the obstructive parking at its junction with Kingsbridge Road. It is, therefore, recommended 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 1.

### **Canterbury Road**

- 4.2 The Council has received representations from a Chaucer Centre Management requesting yellow line restrictions to address the obstructive parking at the two car park entrances in Canterbury Road. Also when large service vehicles exiting the Centre, they have difficulties due to vehicles parked opposite the entrances. It is, therefore, recommended to introduce 'At any time' waiting restrictions (double yellow lines) at the entrances and opposite. This will ensure improved sightlines, access and safety for all road users including pedestrians. It will also create the much needed passing gaps. Please see attached plan in appendix 1.

### **Woodland Way**

- 4.3 The Council has received representations and a petition from residents requesting double yellow lines restrictions to address the obstructive parking at the entrances between properties Nos. 2 and 6 Woodland Way to improve sightlines. These properties are in CH CPZ that operate between the hours of 11am and 3pm. Outside of these hours vehicles are parking adjacent to the kerb side (between the crossovers) that are not long enough to allow a designated parking space within the CPZ. It is, therefore, recommended to introduce 'At any time' waiting restrictions (double yellow lines) across the entrances to these properties. This will ensure improved sightlines, access and safety for all road users including pedestrians. Please see attached plan in appendix 1.

### **Rosedene Avenue**

- 4.4 Rosedene Avenue has a carriageway width of 5.6m and footway width of 1.7m and 1.8m respectively. There are existing single yellow line within the cul de sac and also at the end of TfL's network which is subject to double red lines to the northern flank wall of property No. 1 Rosedene Avenue. The Council has received representations from local residents regarding obstruction when vehicles are parked fully on the carriageway on both sides of the road, which does not leave enough room for vehicles to access the road more specifically service/refuse vehicles and emergency vehicles. Additionally, given the narrow nature of the road, it is necessary to introduce double yellow lines on the eastern side of the road and change the existing single yellow line to double yellow lines including within the cul de sac to prevent obstructive parking on both sides of the road. Currently, vehicles park within the cul de sac in the evenings and weekends preventing motorists from being able to turn round compelling them to reverse the length of the road which is considered unsafe. According to one of the representation, motorists routinely knock on the door of properties to find the owner of the vehicle causing the obstruction. The proposed waiting restrictions will allow and maintain safe access particularly for emergency vehicles; refuse/service vehicles and pedestrians. It is therefore, recommended that the proposed waiting restrictions are implemented to ensure safety and access for all road users are maintained at all times. Please see attached plan in appendix 1.

### **West Side Common**

- 4.5 The Council has received several representations from a resident regarding obstructive sightlines, requesting the removal of two parking bays on the left hand side of the communal crossover to block of flats at No 22 West Side Common when exiting. The removal of these two parking bays and the introduction of the double yellow lines will improve sightlines when exiting the communal entrance. It is, therefore, recommended to introduce 'At any time' waiting restrictions (double yellow lines) across the entrance and the removal of the two parking bays to the left of the entrance. This will ensure improved sightlines, access and safety for all road users including pedestrians. Please see attached plan in appendix 1.

### **Boxley Road**

- 4.7 The Council has received representations from Waste Services who are unable to gain access due to cars being parked all along Boxley Road and in particular in front of the pathway from the back of the property (where the bins are stored). They are therefore unable to pull out the bins and get them to the refuse vehicle. It is therefore, proposed to introduce 'at any time' waiting restrictions to ensure safe access to the bins. Please see attached plan in appendix 1.

### **Biggin Avenue and Camomile Avenue.**

- 4.10 The Council has received representations from Waste Services who are unable to gain access due to cars being parked all along Camomile Avenue which has a carriageway width of 4.m and footway width of 1.8m and 1.8m respectively and Biggin Avenue which has a carriageway width of 3.9m and footway width of 1.9m and 1.8m respectively; when vehicles are parked partially on the footway and fully on the carriageway on one or both sides of these roads, this does not leave enough room for vehicles to access the road especially service/refuse vehicles and emergency vehicles.

Given the narrow nature of these roads, it is necessary to introduce double yellow lines on the both sides of the road within the cul de sac. The proposed waiting restrictions will allow and maintain safe access particularly for emergency vehicles; refuse/service vehicles and pedestrians. It is, therefore, recommended that the proposed waiting restrictions are implemented to ensure safety and access for all road users at all times. Please see attached plan in appendix 1.

## **5.0 Officer's recommendations**

- 5.1 The Council has a statutory responsibility to respond appropriately to concerns raised regarding obstructive parking / access and to ensure safety and access for all road users are maintained at all times.
- 5.2 The objective of any parking management including the proposed restrictions is to ensure clear access is maintained on public highway (carriageway and footway) more specifically along narrow roads / footways; at bends, junctions, turning heads etc.

- 5.3 The proposed restrictions ensure clear sightlines, access and manoeuvrability for all road users especially for pedestrians, service vehicles and emergency services. Although it is acknowledged that loss of parking would be unacceptable to some residents, it is not for the Council to facilitate the parking needs of residents and visitors. The Council's statutory duty is to ensure access and safety are maintained at all times. Once the Council is aware of obstructive parking, lack of mitigating action could put the Council at risk. The Council could be accused of not acting responsibly in discharging its statutory duties. In the event of an emergency, lack of emergency access could also put lives of residents at risk.

## **6 TIMETABLE**

- 6.1 If agreed the Traffic Management Orders could be made six weeks after Cabinet Member decision. This will include the erection of the Notices on lamp columns in the area, the publication of the made Orders in Wimbledon & Wandsworth Times and the London Gazette. The documents will also be made available on the Council's website. The measures will be introduced soon after.

## **7. ALTERNATIVE OPTIONS**

- 7.1 Do nothing. This would be contrary to the concerns expressed by some road users and would not resolve the dangerous and obstructive parking that is currently taking place. In the event of an incident, lack of action could put the Council at risk.

## **8 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS**

- 8.1 To introduce the proposed restrictions will cost approximately £5k. This includes the making of The Traffic Management Orders. The set up costs will be funded from the budget identified for 2020 / 2021.

## **9 LEGAL AND STATUTORY IMPLICATIONS**

- 9.1 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.
- 9.2 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.

## **10 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 10.1 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.

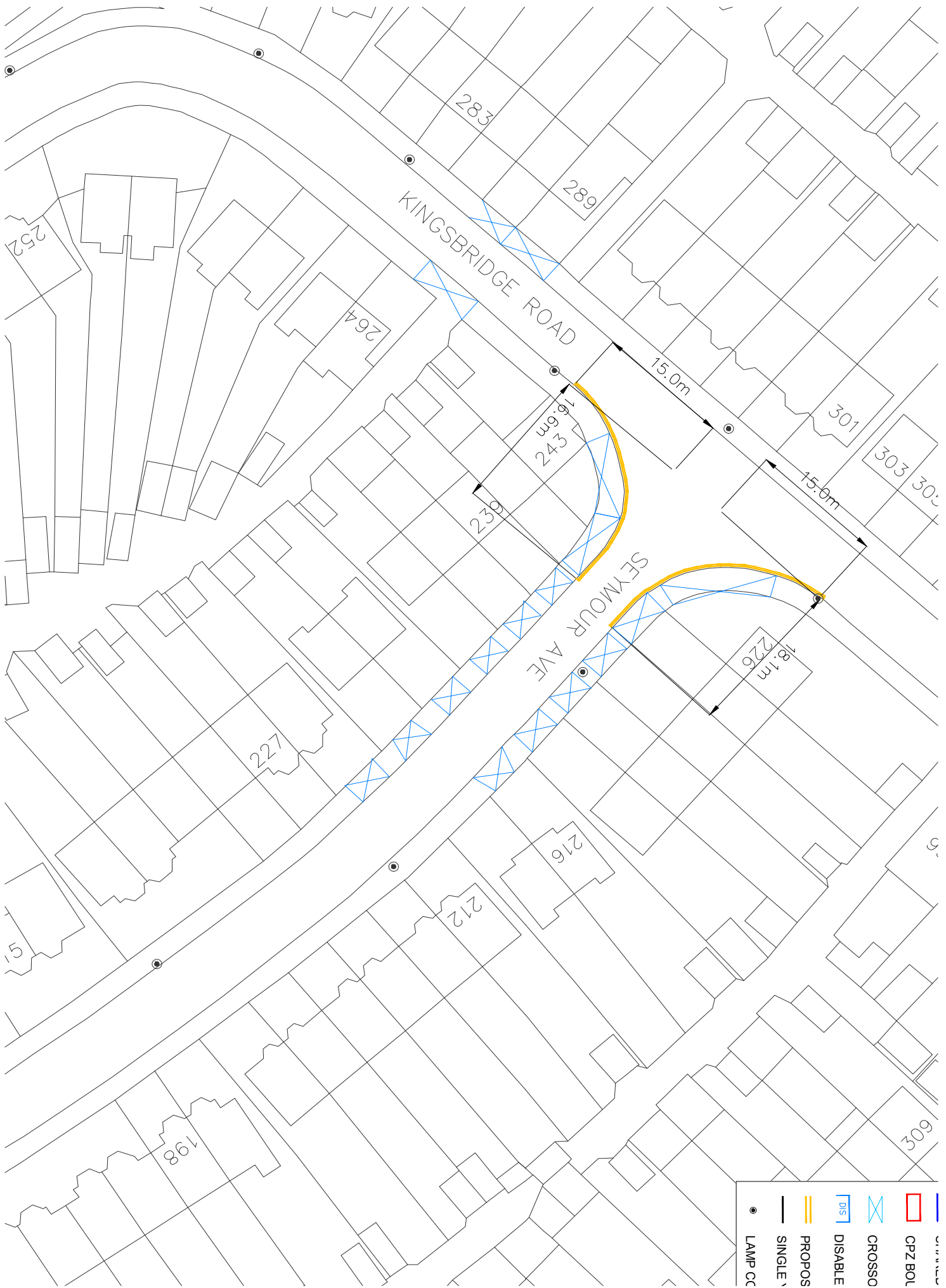
- 10.2 Bodies representing motorists, including commuters are included in the statutory consultation required for draft traffic management and similar orders.
- 10.3 The implementation of waiting restrictions affects all sections of the community especially the young and the elderly and assists in improving safety for all road users as well as achieving the transport planning policies of the government, the Mayor for London and the borough.
- 10.4 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.
- 10.5 Regulating and formulating the flow of traffic will ensure the safety of all road users and improved access throughout the day.

## **11 RISK MANAGEMENT IMPLICATIONS**

- 11.1 The risk in not introducing the proposed restrictions would be the potential risk to all road users, occupants of affected properties 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.
- 11.2 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 essential safety and access benefits of the proposals outweigh the possible increase in demand.

## **12 APPENDICES**

- 12.1 The following documents are to be published with this report and form part of the report.
  - Appendix A – plans of proposed restrictions
  - Appendix B – Representations and Officer's Comments



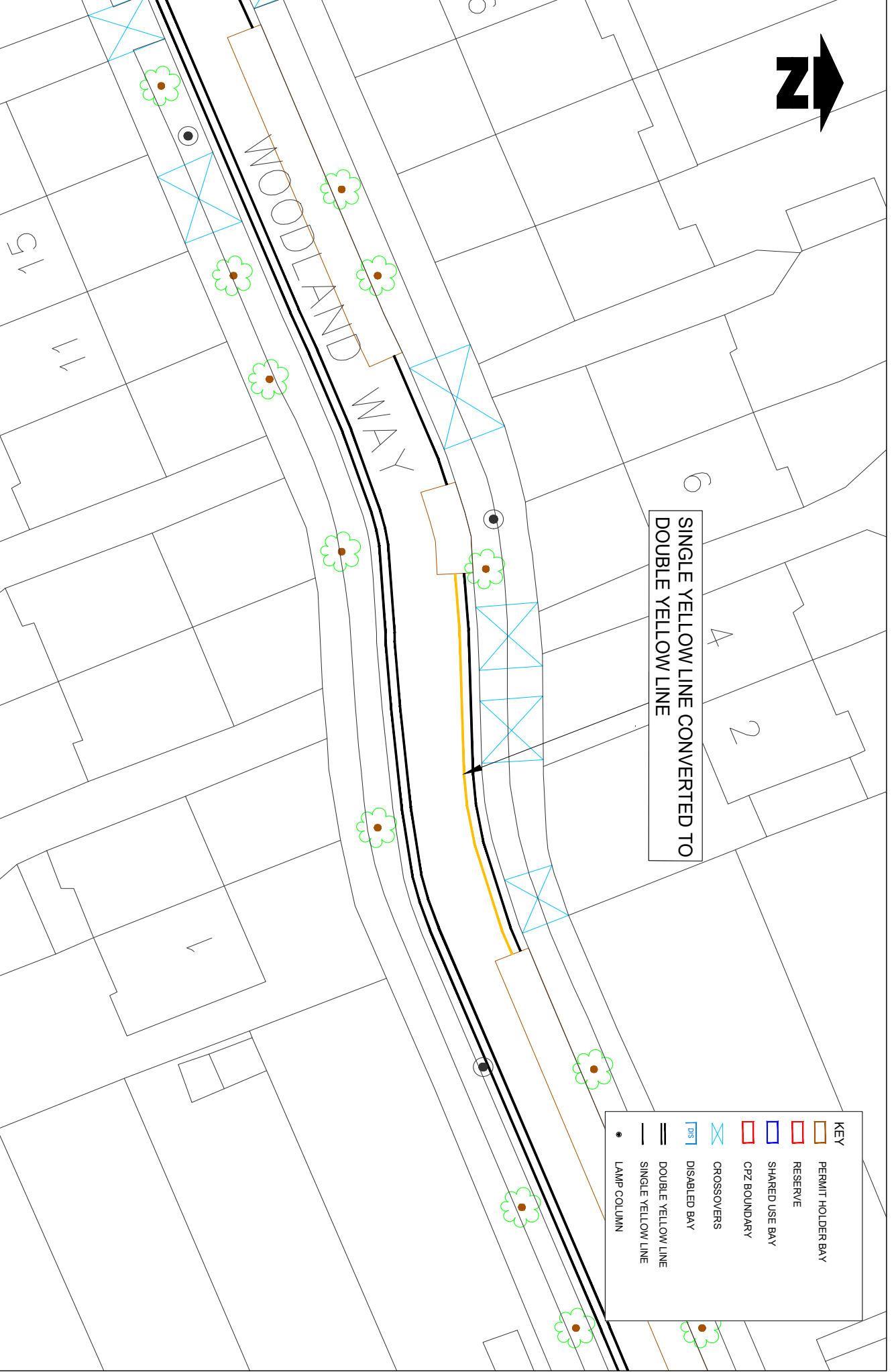






SINGLE YELLOW LINE CONVERTED TO DOUBLE YELLOW LINE

KEY	
	PERMIT HOLDER BAY
	RESERVE
	SHARED USE BAY
	CPZ BOUNDARY
	CROSSOVERS
	DISABLED BAY
	DOUBLE YELLOW LINE
	SINGLE YELLOW LINE
	LAMP COLUMN



Notes  
Do not scale from this drawing

Rev	Description	Drawn	By	Date	Checked	By	Date	Approved	By	Date

**Sustainable Communities**  
environment & regeneration  
FUTURE MERTON

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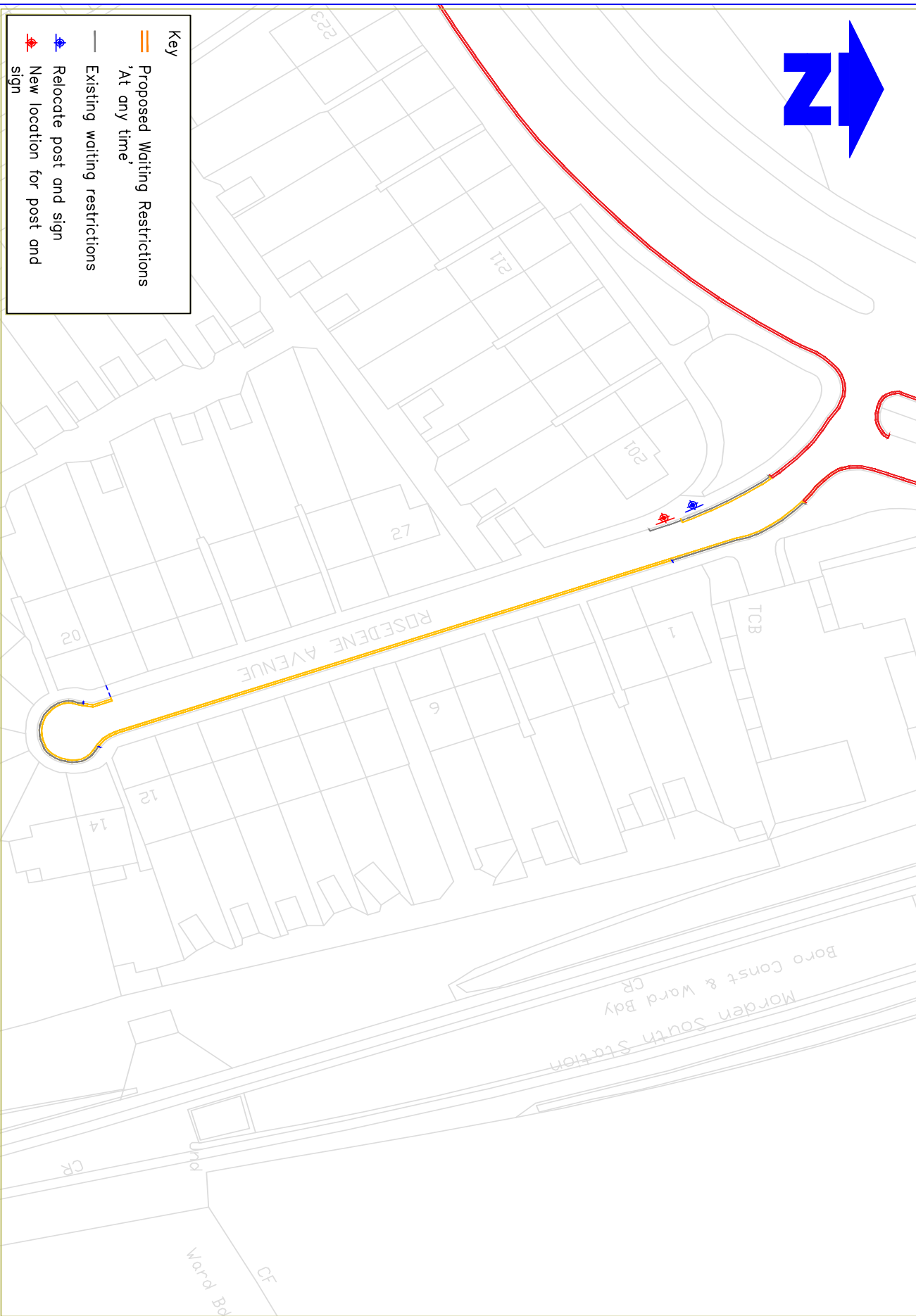
PROJECT  
**Controlled Parking Zones  
WAITING RESTRICTIONS**

TITLE  
**WOODLANDS WAY**

Checked by: Merton Council  
London Road  
Morden, Surrey  
SM4 5DX  
www.merton.gov.uk

Drawn by:	Z27-689-03
Checked by:	CONSULTATION
Scale:	1:200

Drawing No. Z27-689-03  
Scale: 1:200



**Key**

- Proposed Waiting Restrictions 'At any time'
- Existing waiting restrictions
- Relocate post and sign
- New location for post and sign

NOTES  
Do not scale from this drawing

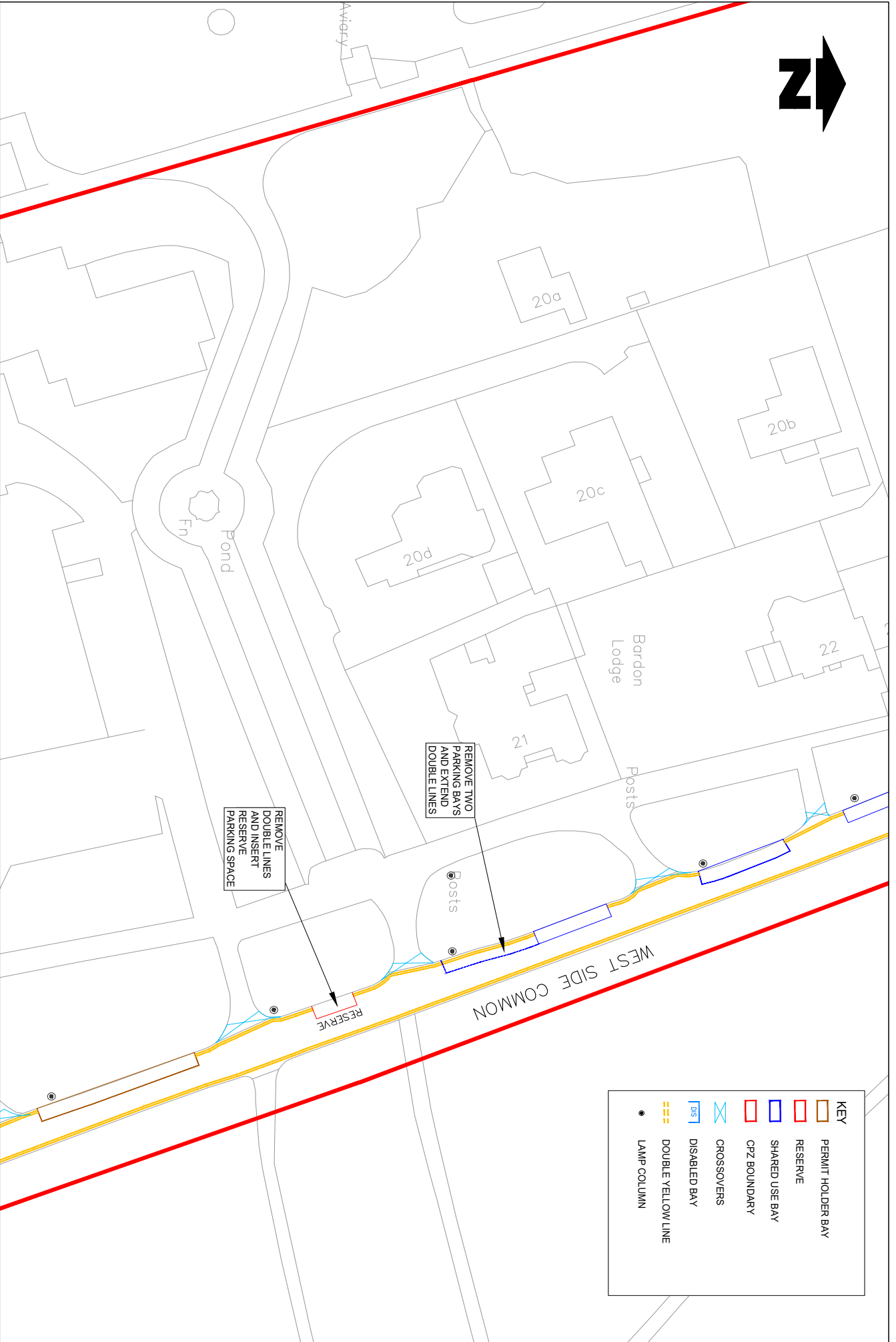
Rev.	Reasons	Drawn By	Checked By	Date	Appr'd By	Date

**Sustainable Communities**  
Environment & Regeneration

TRAFFIC & HIGHWAYS

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<b>PROJECT</b> WAITING RESTRICTIONS (PROPOSED)	<b>PROPOSED</b> ROSEDENE AVENUE SMA4
<p>Merton Civic Centre London Road Morden, Surrey SMA 50X www.merton.gov.uk</p>	
REFERENCE: Z27-689-201 CONSULTATION: NTS	



	PERMIT HOLDER BAY
	RESERVE
	SHARED USE BAY
	CPZ BOUNDARY
	CROSSOVERS
	DISABLED BAY
	DOUBLE YELLOW LINE
	LAMP COLUMN

NOTES  
Do not scale from this drawing

Rev	Description	Date	By	App'd

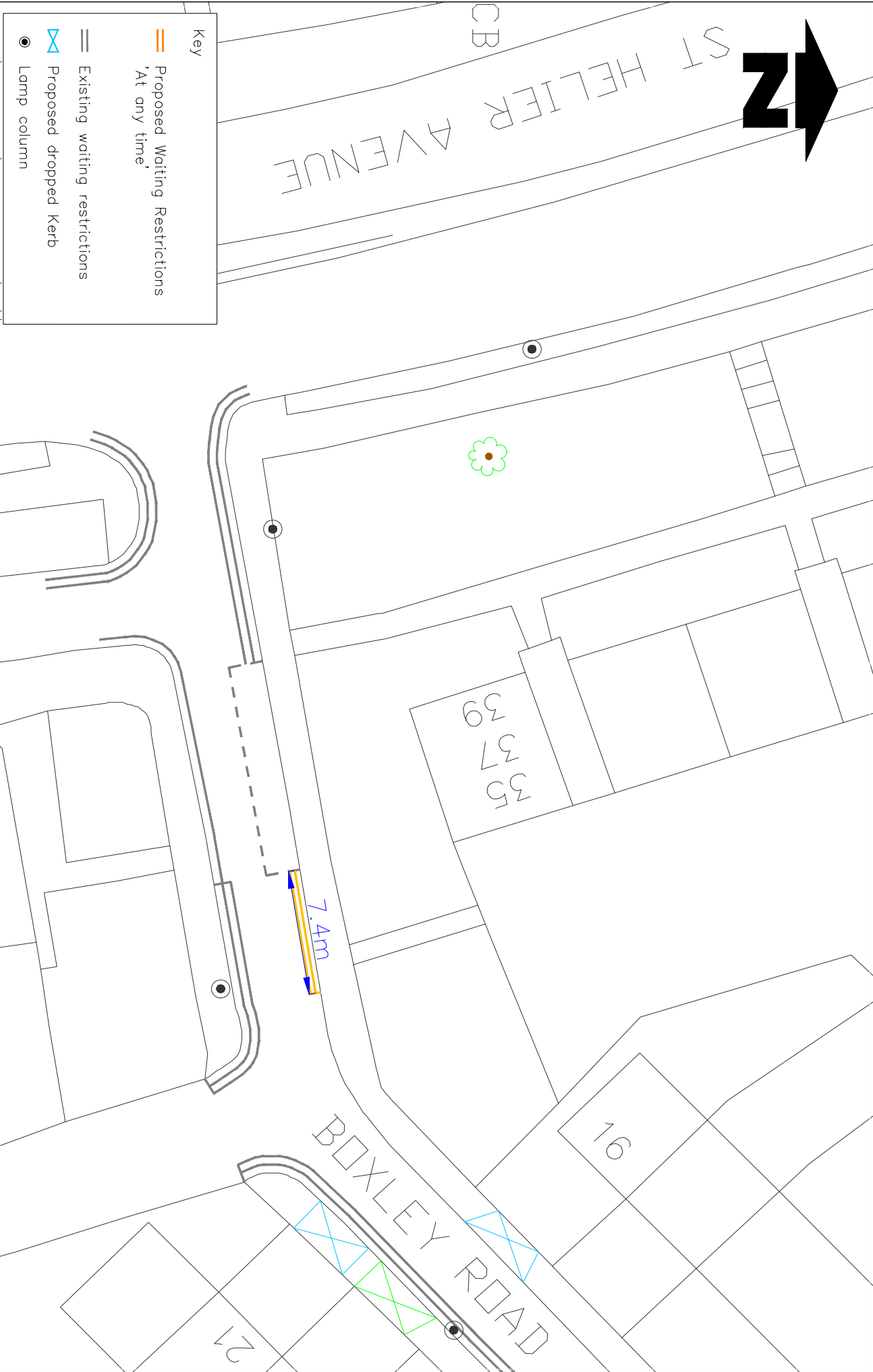
1125258087  
 Merton Council  
 Planning Department  
 PO Box 97  
 Merton Road  
 Merton  
 London SW19 6XG

NO	DESCRIPTION	DATE
1		12 May 21
2		13 Aug 21

PROJECT: Controlled Parking Zones  
 WAITING RESTRICTION  
 TITLE: WEST SIDE COMMON

Merton Civic Centre  
 Maiden St  
 Merton  
 Surrey  
 SM4 5DX  
 www.merton.gov.uk

Drawing No: Z27-689-05  
 Scale: 1:500  
 Consultants: CONSULTANTS



**Key**

- Proposed Waiting Restrictions 'At any time'
- Existing waiting restrictions
- Proposed dropped Kerb
- Lamp column

NOTES  
Do not scale from this drawing

Rev	Reasons	Drawn	Sig	Date	CHKD	Sig	Date	APP	Sig	Date

**Sustainable Communities**  
environment & regeneration

**TRAFFIC & HIGHWAYS**

Reproduced from/derived upon the Guidance for Unauthorised reproduction in Project Charter 2019  
 Approved by Merton Council on 10th March 2019  
 Checked by JANEBO  
 Date JANEBO  
 Approved by JANEBO  
 Date JANEBO

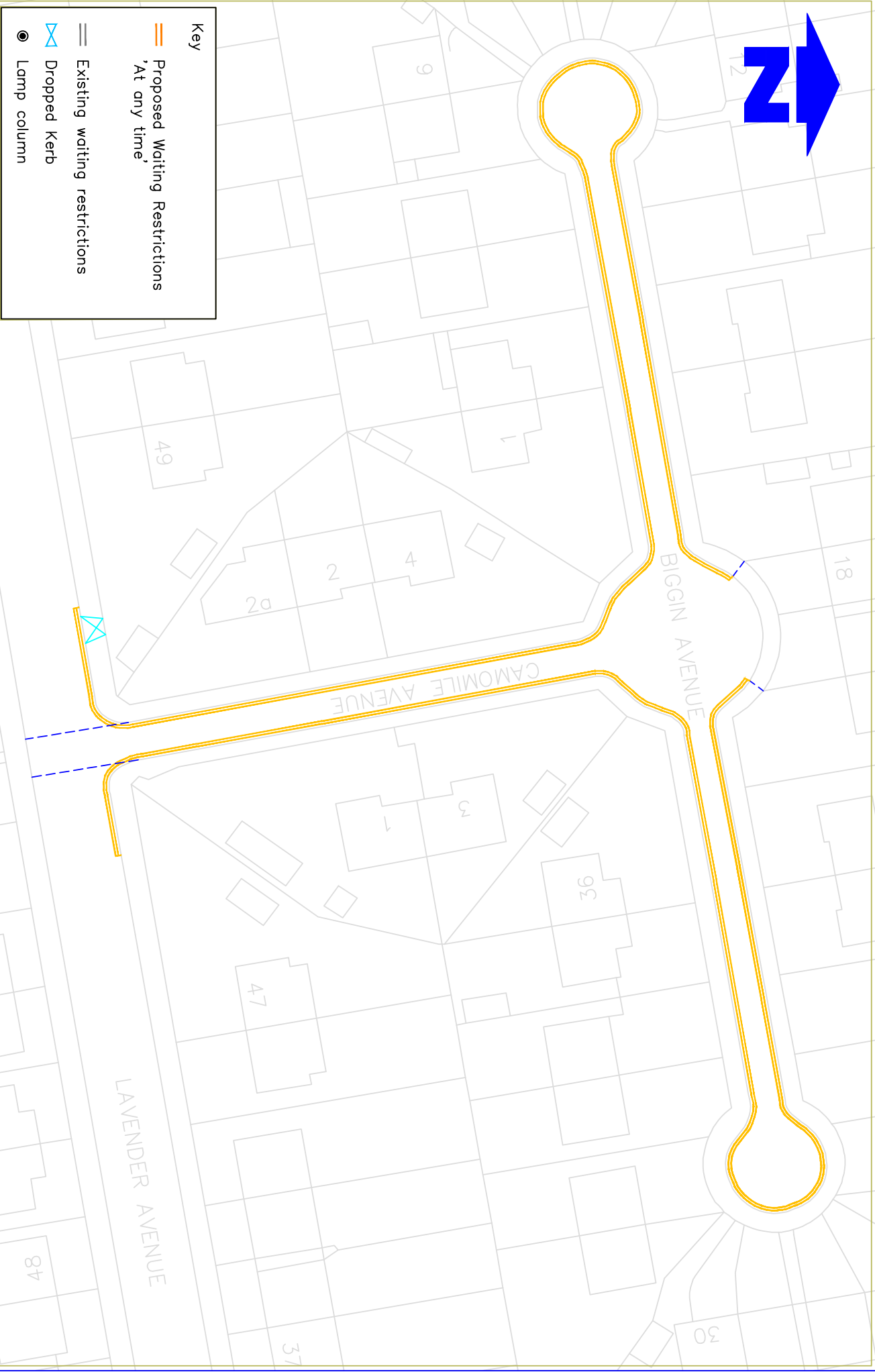
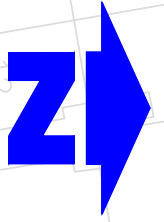
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WAITING RESTRICTIONS (PROPOSED)  
BOXLEY ROAD SM4

**Revision No.**  
Z27-689-08

**Classification**  
CONSULTATION

**Scale**  
NTS

Merton Civic Centre  
London Road  
SM4 5DY  
www.merton.gov.uk



**Key**

- ▬▬▬ Proposed Waiting Restrictions 'At any time'
- ▬▬▬ Existing waiting restrictions
- X Dropped Kerb
- Lamp column

Notes  
Do not scale from this drawing

Rev	Revision	Date	By	Check	By	Date	By	Date	By

**Sustainable Communities Environment & Regeneration**

TRAFFIC & HIGHWAYS

**PROJECT TITLE**  
WAITING RESTRICTIONS (PROPOSED)  
CAMOMILE AVE, BIGGIN AVE, CR4

**Client:** Merton Civic Centre  
London Road  
Morden, Surrey  
SM4 5DX  
www.merton.gov.uk

**Reference:** Z29-682-07  
**Document:** CONSULTATION  
**Scale:** NTS

**014 - Canterbury Rd/Dore Gdns SM4**

I'm writing regarding the consultation for the proposed double yellow lines on Canterbury Road / Dore Gardens. I was very surprised to read that there had been reports from the community regarding 'obstructive and dangerous parking'; I have lived at 213 Canterbury Road for 18 years, and since March of last year, have been working from home where my desk overlooks this section of the road. I have never seen any instances of people parking on the opposite side of the road in a manner that obstructs the road; in fact it is not possible to do so as bollards were installed a few years ago which prevent people from doing this. There is a small area closer to Darley Gdns where there aren't bollards, and I rarely see cars park there; on the few occasions when they do, this does not obstruct the road at all.

I'd be interested to know the nature of the reports of obstructive parking; ie: how many reports there have been and what manner of obstructions are reported. I have genuinely never seen any vehicle have difficulty passing through this section of road.

I strongly object to the proposal for 25.8m of double yellow lines across from the gates to the Chaucer Centre. This would take away 1/3 of the parking spaces used by the 14 residences on this part of the road, which are very much needed. In my opinion, taking away space for 6-7 cars to park would be an excellent way to encourage people to park inappropriately. This would also potentially make it unsafe for people who may need to park some distance from their home rather than directly in front of their property after dark; similar concerns for older people or those with mobility issues. I see absolutely no rationale for these lines being placed in this location. I'm guessing it has something to do with vehicles being able to enter the gates, but I have seen large lorries and even full-size coaches on occasion entering those gates with absolutely no problem.

I have no issue with the double yellow lines on the corner of Dore Gdns, or on the Chaucer Centre side of the road, as these make sense, but the 25.8m section would cause huge inconvenience and increase congestion in the surrounding area. We only just have enough parking for the cars in the local area; taking away these spaces would just force people to park further away, or in the Chaucer Centre car park during the day, causing annoyance for everyone involved.

I would appreciate it if somebody could let me know the nature of the complaints received, as I genuinely can't see what issues there are that need to be resolved. I would also appreciate it if you could let me know of any meetings I could attend to ensure I can make my feelings heard. I am happy to be contacted by email or mobile should you wish to discuss.

**020 Rosedene Avenue, SM4**

With reference to the letter of the 28th July 2021, reference ES/WR2021B1. Whilst we understand the need to enforce no parking or waiting restrictions to the turning head of Rosedene Avenue, we do not agree that it is appropriate or necessary to have restrictions to the eastern side of the Avenue.

**Officer's comments**

All the above proposals are as a direct result of receiving complaints about safety and access due to inconsiderate and obstructive parking.

Upon being made aware of safety and access issues, the Council undertakes a site assessment and determine the appropriate extent of restrictions. Every effort is made to minimise the extent of restrictions which is primarily determined by the width of the carriageway and the footway.

Although it is acknowledged that loss of parking would be unacceptable to some residents, it is not for the Council to facilitate the parking needs of residents and their visitors but it is the Council's statutory duty to ensure that access and safety are maintained at all times. Once the Council is aware of obstructive parking, lack of mitigating action could put the Council at risk. The Council could be accused of not acting responsibly in discharging its statutory duties.

It is appreciated that parking is a priority for residents; however, safety and access must be given priority and the removal of illegal / obstructive parking cannot be considered as loss of parking.





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

**1. Title of report**

Proposed waiting restrictions borough wide 2021 Batch 1A (statutory consultation)

**2. Reason for exemption (if any)**

**3. Decision maker**

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

**4. Date of Decision**

8 October 2021

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

25 September 2021

**6. Decision**

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

- 1) Notes the result of the statutory consultation carried out between 28th July and 27th August 2021 on the proposals to introduce 'at any time' waiting and loading restrictions at various locations across the borough.
- 2) Notes and considers the representations received in respect of the proposal as detailed in Appendix 2.
- 3) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting and loading 'at any time' at various locations across the borough as shown in the table below attached as Appendix 1 with the exception of Biggin Avenue/Camomile Avenue (Z27-689-011) pending further consultation with residents

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

<b>Site/Location</b>	<b>Drawing No.</b>
Seymour Avenue	Z27-689-01
Canterbury Rd / Dore Gdns	Z27-689-02
Woodland Way	Z27-689-03
Rosedene Avenue	Z27-689-04
West Side Common	Z27-689-05
Boxley Road	Z27-689-08

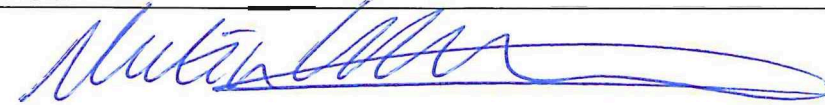
Biggin Avenue /Camomile Avenue	Z27-689-011
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**7. Alternative options considered and why rejected**

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.

**8. Declarations of Interest**

None



Cllr Martin Whelton

8 October, 2021.

## 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 and Electoral Services, 1<sup>st</sup> 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