



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

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Date: 1 August 2016

Dear Councillor

**Notification of a Decision taken by the Cabinet Member for
Environmental Sustainability and Regeneration**

The attached **Non-Key** decision has been taken by the Cabinet Member for Environmental Sustainability and Regeneration, with regards to:

- Proposed Recreation Way area waiting restrictions - statutory consultation.

and will be implemented at **Noon on Thursday 4 August 2016** 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

**Chris Pedlow
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 and reason for exemption (if any)

Proposed waiting restrictions in the Recreation Way area – statutory consultation

2. Decision maker

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

3. Date of Decision

29th July 2016

4. Date report made available to decision maker

29th July 2016

5. Date report made available to the Chairs of the Overview and Scrutiny Commission and of any relevant scrutiny panel

6. Decision

I agree to proceed with the making of the relevant Traffic Management Orders (TMOs) for part of the scheme and the implementation of the proposed waiting restrictions 'at any time' in the Recreation Way as set out below.

To address concerns raised regarding obstructive / dangerous parking at junctions waiting restrictions 'at any time' (double yellow lines) are proposed at the junctions of Brecon Close, Caernarvon Close, Cheshire Close, Glamorgan Close, Huntingdon Close, Kent Close, Lindsey Close and Monmouth Close off Recreation Way and on the 3 bends between Brecon Close and Caernarvon Close, Cheshire Close and Glamorgan Close; Lindsey Close and Monmouth Close.

The carriageway width of Recreation Way is insufficient to accommodate parking on both sides of the road. Therefore double yellow line waiting restrictions (at any time) are proposed along one side of the carriageway to ensure safety and access at all times.

To undertake further consultation with MOAT Housing who are the primary registered social landlord on the corners within Brecon Close, Caernarvon Close, Cheshire Close, Glamorgan Close, Huntingdon Close, Kent Close, Lindsey Close and Monmouth Close to assist with the turning and movement of emergency services/refuse vehicles, taking into account proposed regeneration work in the area with a further report to the cabinet member following that dialogue

Reason for decision

To address issues regarding obstructive parking and safety issues at junctions off Recreation Way. To take account and reflect current work being undertaken by MOAT housing on parking on the closes in conjunction with the proposed estate improvements before full implementation.

7. Alternative options considered and why rejected

Not to proceed with any parking and waiting restrictions would lead to safety issues which includes dangerous and obstructive parking.

8. Documents relied on in addition to officer report

Dialogue with MOAT Housing

9. Declarations of Interest

Previous correspondence in my capacity as a ward councillor for Pollards Hill on parking and waiting restrictions.

10. Publication of this decision and call in provision

Send this form and the officer report* to democratic.services@merton.gov.uk for publication. Publication will take place within two days. The call-in deadline will be at Noon on the third working day following publication.

*There is no need to resend Street Management Advisory Committee reports.

Martin Whetton
Cabinet member for Regeneration, Environment
and Housing
Friday 29th July, 2016

Cabinet Member for Environmental Sustainability and Regeneration:

Date: 29th July 2016

Agenda item:

Ward: Pollards Hill

Subject: Proposed waiting restrictions in the Recreation Way area (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 detailed in this report and:

- 1) Notes the result of the statutory consultation carried out between 3rd March and 29th March 2016 on the proposals to introduce 'at any time' waiting restrictions in the Recreation Way area.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the proposed waiting restrictions 'at any time' in the Recreation Way area Drawing No. Z78-650-01 in Appendix A.
- 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 on the Councils' proposals to introduce 'At any time' waiting restrictions in Recreation Way area.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce waiting restrictions in Recreation Way area operational 'At any time' as shown in Drawing No. Z78-650-01 in Appendix A.

2. BACKGROUND

- 2.1 Residents in the Recreation Way area contacted their Ward Councillors regarding their safety concerns relating to obstructive / dangerous parking and potential accidents. Upon a site investigation it has been concluded that some waiting restriction is necessary to prevent dangerous and obstructive parking.

3. PROPOSALS

- 3.1 To address concerns raised regarding obstructive / dangerous parking at junctions waiting restrictions 'at any time' (double yellow lines) are proposed at the junctions to the closes off Recreation Way, on the 3 bends between Brecon Close and Caernarvon Close, Cheshire Close and Glamorgan Close; Lindsey Close and Monmouth Close and at various corners within each of the closes to assist with turning and movement of emergency services / refuse vehicles.

- 3.2 The carriageway width of Recreation Way is insufficient to accommodate parking on both sides of the road. Therefore double yellow line waiting restrictions (at any time) are proposed along one side of the carriageway to ensure safety and access at all times.

4. STATUTORY CONSULTATION

- 4.1 The statutory consultation on the Council's proposal to introduce waiting restrictions in the Recreation Way area commenced on 3rd March 2016 and ended on 29th March 2016. 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 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.

- 4.2 The statutory consultation resulted in the Council receiving a total of 3 representations, one in support of the proposals and two with comments.

- 4.3 The first representation with comments noted the recent footway parking review carried out by the Council's Parking Enforcement in April 2016 and was concerned that footway parking was not authorised in Recreation Way, that there are very few parking spaces and parking is already an issue. The representation also noted that the access road to the garages running behind the properties adjacent to the library is often blocked by cars and has requested double yellow lines or other restrictions within the said access road as residents are currently reluctant to use their garages as they often cannot get out.

Officer's comment - Footway parking is not within the remit of these proposals; however, following the Council's Parking Enforcement Team's footway parking review in April 2016, due to insufficient footway width Recreation Way has not been approved suitable for footway parking. As part of the proposals on Recreation Way, waiting restrictions 'at any time' (double yellow lines) are proposed for the access road entrance, adjacent to the junction with Brecon Close. This will ensure clear access for vehicles to enter / egress the service road running up to the library, especially in the event of emergency, access must be available for a fire engine / ambulance service vehicles.

- 4.4 The second representation with comments is stating that there is not enough parking facilities in Monmouth Close and is suggesting the removal of the grassed areas on the estate to be converted to parking spaces and that there will be no need for yellow lines if proper parking areas were introduced.

Officer's comment - Each of the closes already has large amounts of road surface allocated for parking places, irrespective of the fact that the majority of properties have off-street garage parking. The Council will not consider the removal of green space areas for further parking places. Council's policy is to retain as much green space as possible. There are many advantages of grassed areas and trees such as drainage/flooding; the supply of oxygen and absorbing CO2 and pollutants in the air, softening urban landscape, which may be reflected positively in property values and contribute to green / stress reducing areas in the built-up environments.

- 4.5 It is important to note that the council must strike a balance of ensuring safety and maintaining unobstructed traffic flow with maintaining the attractiveness and amenity of the borough's streets, particularly in town centres and residential areas whilst acknowledging the parking needs of the community.

Ward Councillor Comment

- 4.6 The Ward Members have been engaged during the statutory consultation process and following the conclusion of the consultation, they are in agreement with the proposals and have no further comments to make.

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 Order. 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 businesses, and would not resolve the dangerous and obstructive parking that is currently taking place. It will do nothing to assist the businesses with their operational needs in terms of access and deliveries.

7. FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 To introduce the proposed restrictions will cost approximately £6k. This includes the making of The Traffic Management Orders. The set up costs will be funded from the Environment and Regeneration revenue budget identified for controlled parking zones within 2016/2017.

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 No. Z78-650-01
- 11.3 Appendix B – Representations and Officer's Comments



Key

Proposed waiting restrictions 'at any time'

Existing waiting restrictions



Notes Do not scale from this drawing	Revisions																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Appendix B - Representations and Officers' Comments

Recreation Way, CR4

ES/WRREC/038

I am a resident of Recreation Way and would like to comment on your parking proposals concerning the area between 1 Recreation Way (the roundabout) and up to the beginning of the estate (Brecon Close).

These are all private maisonettes and there must be about 40 residences there. There are very few parking spaces there and parking is already an issue. If, as proposed, you stop allowing people to park with two wheels on the kerb this problem will be vastly increased. Perhaps we can have white lines on the pavement allowing us to park up to them as in surrounding streets?

Also, the access road to the garages running behind the properties of the odd numbers (adjacent to the library) is very often blocked by cars whose owners have gone shopping. Perhaps some double yellow lines or other restrictions can be put in front of the said access road as residents are currently reluctant to use their garages as they often can't get out.

Officers Comments:

Footway parking is not included in the remit of these proposals; however following the Council's Parking Enforcement Team's footway parking review in April 2016 Recreation Way has not been approved suitable for footway parking.

The waiting restrictions are proposed along stretches of carriageway on one side where the width is insufficient to support parking on both sides of the road and at junctions and bends to assist with sightlines and access / flow of traffic, especially emergency service vehicles and the Council's refuse collection services.

As part of the proposals on Recreation Way, waiting restrictions 'at any time' (double yellow lines) are marked across the access road entrance, adjacent to the junction with Brecon Close. This is to ensure clear access for vehicles to enter / egress the service road running up to the library, especially in the event of emergency access must be available for a fire engine / ambulance service vehicles.

The Council's duties under Section 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. The design provides safe parking spaces for residents and clear access for all road users including the emergency services.

Double yellow lines are introduced to remove obstructive parking and to maintain clear access at all times. Access always takes priority over parking.

ES/WRREC/051

Parking permits is a fantastic idea, I live in ** Caernarvon Close and there is a big problem (as) there are 8 different families. Living in 47 and 48 and so that is 8 cars and vans between them. Please, please make some restrictions.

ES/WRREC/052

I am writing regarding the yellow lines proposed at Pollards Hill white flats. I live at ** Monmouth Close and there is not enough parking facilities. There are grass areas in the closes that can be changed into parking. The grass area in Monmouth Close is approx. 25 metres x 11 metres approx. 275-300 square metres. Also other closes are the same with grass areas that are 50 metres in length by widest point of 20 metres reducing to 2 metres. There are also trees in the closes that are 20 metres high angle block out the light in people's living rooms and they are uplifting the pavement which also takes up 8 parking spaces in Lindsey Close. I think there will be no need for yellow lines if proper parking was introduced.

Officers Comments:

The waiting restrictions are proposed along stretches of carriageway on one side where the width is insufficient to support parking on both sides of the road and at junctions and bends to assist with sightlines and to address obstructive parking and assist with traffic flow, especially for emergency service vehicles and the Council's refuse vehicles.

Double yellow lines are introduced to remove obstructive parking and to maintain clear access at all times. Access

always takes priority over parking.

Each of the closes already has large amounts of road surface allocated for parking places, irrespective of the fact that the majority of properties have off-street garage parking. The Council will not consider the removal of trees or green space for further parking places.

There are many advantages of grassed areas and trees such as drainage, the supply of oxygen and absorbing CO2 and pollutants in the air, softening urban landscape, which may be reflected positively in property values and contribute to green / stress reducing areas in the built-up environments.

Merton Council - call-in request form

1. Decision to be called in: (required)

--

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

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

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

3. Desired outcome

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

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

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

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

5. Documents requested

6. Witnesses requested

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

8. Notes

Call-ins must be supported by at least three members of the Council
(Part 4E Section 16(c)(a)(i))

The call in form and supporting requests must be received by by 12 Noon on
the third working day following the publication of the decision
(Part 4E Section 16(c)(a)(iii)).

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
(Part 4E Section 16(c)(a)(iv)) to Democracy Services, 7th floor, Civic
Centre, London Road, Morden SM4 5DX.