

Agenda Item 3

Committee: Sustainable Communities Overview and Scrutiny Committee

Date: 6th November 2013

Agenda item:

Wards: Figges Marsh

Subject:

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Russell Makin, Chair of the Sustainable Communities overview and scrutiny panel.

Forward Plan reference number:

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Recommendations:

- A. That the Sustainable Communities Overview & Scrutiny Panel consider the additional information requested as part of the 'call-in' and decide whether to: -
- Refer the decision back to the Cabinet Member for Environmental Sustainability & Regeneration for reconsideration, or
 - Agree with the Cabinet Member's decision
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report provides an officer level response to the points raised in the call-in request relating to the Cabinet Member for Environmental Sustainability & Regeneration's decision regarding the Rediscover Mitcham project on 26th September 2013.
 - 1.2. The Cabinet Member for Environmental Sustainability & Regeneration's decision was taken based on the officer report and the recommendations of the Street Management Advisory Committee (SMAC).
 - 1.3. The report to SMAC (Appendix B) included details of the proposals to regenerate Mitcham Town Centre, the consultation methodology, a detailed analysis of the results of the consultation, project timetable, funding and details in relation to the traffic assessment based around a comprehensive package of highway improvements designed to enhance access to the whole of the town centre, particularly the Fair Green area.
 - 1.4. SMAC considered the report at the meeting on 18th September and endorsed the officer recommendations.
 - 1.5. Following the SMAC meeting, the Cabinet Member took the following decision:
 - A) To note the content and issues set out herein, related to the implementation of a town centre improvement scheme in Mitcham.
 - B) To note the outcome of the informal consultation conducted in June and July 2013, the issues raised, and officers' response to them, in relation to the broad scheme proposals.
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C) To note the considerations related to the funding, procurement, planning, implementation and legalities associated with the scheme and the steps officers are taking to ensure these issues are appropriately addressed as part of the project.

D) To agree that the necessary steps be taken for the implementation of Phase 1 of the scheme including further consultation related to Traffic Management Orders.

E) To agree that the steps necessary to progress the outline designs of Phases 2 to 6 of the scheme as set out in this report including further analysis related to cycle provision and traffic impacts are taken forward for further consideration by the Cabinet Member before approval for implementation.

2 DETAILS OF THE CALL IN REQUEST

- 2.1 The details of the call in request is attached at Appendix A. For ease of reference, the call-in text is copied into the report in ***bold italics***.
- 2.2 Call in request: ***We appreciate that the aspiration of the Cabinet member is to revitalise Mitcham Town Centre and we fully support this objective and many of the measures which are planned. However, we note that the Cabinet member has decided to proceed with routing buses through Mitcham's Fair Green despite significant local opposition, most notably from businesses around the Fair Green.***
- 2.3 As discussed in the most recent SMAC report, more than 900 responses were received in relation to the Rediscover Mitcham Stage 2 consultation. Section 3.1 to 3.8 in the SMAC report provides detailed analysis in relation to the 'bus street question'. A total of 62% of respondents supported the bus street proposal (44% strongly agree, 18% slightly agree) compared to 33% disagreeing with the proposal (6% slightly disagree, 27% strongly disagree). The support for the bus street was relatively well dispersed across the area, with particular spikes around the Cricket Green area and Sadler Close (see figure 2 in the SMAC report for further information). In addition, detailed analysis of the 'type of respondent' that answered the 'bus street' question, indicates that the business level support was higher than the average levels for all respondents. In summary, 71% of business respondents supported the proposals for the bus street (65% strongly agree, 6% slightly agree) compared to 29% disagreeing with the proposals (3% slightly disagree, 26% strongly disagree). Further information can be found in paragraph 3.3 in SMAC report.
- 2.4 Call in request: ***We do not believe that due and proper consideration has been given to the alternatives to introducing a bus 'street' through the Fair Green. Nor has there been detailed evaluation of all the alternatives. Whilst the Cabinet member refers briefly to some alternative options for enhancing Mitcham town centre and attracting a greater number of more diverse shoppers, these alternatives were not consulted on. It is not clear why residents and businesses weren't invited to give their views on the***

alternative options and why the council's consultation has been undertaken as a 'take it or leave it' exercise.

- 2.5 As part of the development of the scheme the council's project team has undertaken a high level analysis of the options for physical changes to the town centre to help achieve the regeneration ambitions for Mitcham. The key objective is to increase visitor numbers to the heart of the town centre; increase the length of time they spend there and increase the amount of money spent in the area. Previous dialogue in relation to alternative options has focused primarily on gyratory removal to achieve these regeneration ambitions. As discussed in both of the SMAC reports, based on high level traffic engineering analysis, gyratory removal could not be achieved in Mitcham Town Centre without the acquisition of third party land, with compulsory purchase required, particularly in relation to the building on the corner of Raleigh Gardens and London Road. This would not be achievable within existing budgets and, moreover, it would be difficult to justify losing existing businesses and residential units for such purposes.

Alternative options have also been given high level consideration, including assessing ways to redistribute buses around the town centre in order to improve access to Fair Green. Again, due to the sensitivities of the road network, the physical arrangements of streets and the routes of buses, there are limited options available to improve access to the core of the town centre and significantly increase footfall in this area without re-routing services through Fair Green

- 2.6 Call in request: ***There is considerable doubt about the robustness of the council's projections that introduction of a bus lane through the Fair Green will attract 6,000 additional shoppers. This needs to be properly considered and evaluated in public as it is fundamental to the argument presented by the Cabinet member for his decision. Fears remain that this is an outdated number that has subsequently been discounted and disproved.***
- 2.7 Based on London Buses' figures collected in October 2012 approximately 6000 people board and alight buses each working day on stops which could be relocated to town centre area. These stops are currently dispersed throughout the town centre and their current locations do not support local spend. The data has been provided directly by Transport for London and forms part of the technical assessment of the highway changes.
- 2.8 Call in request: ***Claims about lack of parking provision in Mitcham town centre as a justification for introduction of the bus lane are also erroneous. It is generally agreed that there is already sufficient town centre parking in Mitcham so this is not a relevant argument.***
- 2.9 It is not clear which claims are being referred to here. The justification for the bus lane has never been to increase car parking but to provide additional footfall, better natural surveillance and to increase overall usage of the town centre. The reference may be to the proposed 'Perimeter Street' which was endorsed unanimously by SMAC and will be implemented as part of the Phase 1 works.

- 2.10 Call in request: ***In terms of due consultation, there seems not to have been proper consideration of the high levels of opposition among businesses and shops in the area immediately adjacent to the Fair Green. The Mitcham Society has conducted two surveys of businesses and shops both of which showed 80% opposed to the bus lane proposal. 91 businesses recently signed an open letter to the Cabinet member opposing the bus lane but it is not clear that this strength of local feeling among the business community has been given due consideration. Meanwhile an online survey in March by the Mitcham & Morden Guardian showed 52% of respondents were opposed to the plans.***
- 2.11 The issue of consultation is considered at length in the SMAC report. The report sets out the Mitcham consultation in the context of best practice, and compares Rediscover Mitcham to the recent Destination Wimbledon consultation relating to public realm improvements. The consultation (carried out twice over the period of 9 months) consistently demonstrated significant (between 60 and 70%) support for the bus street proposals. While petitions were presented against the proposals from local businesses, petitions have previously been presented to the council in support of the bus street proposals, with some businesses appearing in both petitions. As stated in 2.2, businesses were also more supportive of the bus street proposals than the general public during the consultation. As such, the contention that given the scope and scale of these consultations, large numbers of businesses opposed to the proposals were not able or motivated enough to submit any response to the council through the formal consultation channels seems unlikely.
- 2.12 Call in request: ***Given the high level of objections and the availability of a range of alternative measures to the bus lane, we do not believe this decision is proportionate and we ask that further consideration is given to the alternatives. This should include in depth an analysis of the long-term economic benefits to Mitcham that could be brought about by measures such as the removal of the one-way gyratory system in conjunction with Transport for London; the relocation of bus stops to improve pedestrian access to Fair Green and London Road; and changes to road junctions to make them more pedestrian friendly.***
- In terms of removal of the gyratory, this decision seems to be based on short term assumptions about lack of funds and makes no reference to the capital funding that has been included in the council's capital budget for precisely this purpose ever since 2010, as was confirmed by the Cabinet member for Finance in a recent response to a written council question.***
- 2.13 The issue is discussed in 2.5. Gyratory removal was also addressed in both the first and second report to SMAC. In summary, one key issue revolves around the practicality of achieving this removal given that third party land is required and could only be gained through a major commercial development not currently on the horizon. Given that one of the key determinants in attracting such an investor would be through the wider regeneration of the town centre, the strategy of 'Fair Green first' would actually support long term aspirations for gyratory removal.

- 2.14 Call in request: ***It is also unclear how this decision relates to current best practice elsewhere in the UK and beyond. There are a number of examples of places removing bus lanes such as the one proposed for Fair Green and yet this point is not addressed in the Cabinet member's decision.***
- 2.15 The first report to SMAC in January 2013 makes reference to other examples of 'bus only streets' and discusses the reasons for failure of the pedestrianisation scheme in Mitcham. The wider point made was that (similar to gyratory removal) the approach taken in Mitcham must be tailored to the specific circumstances of that area rather than using "off the shelf" solutions taken from other town centres. For example, pedestrianisation is often a preferred option where shopping centres are already strong; where they are failing it may actually accelerate that decline as has been the case in Mitcham. Moreover, the specific geographical layout of Mitcham offers a rare opportunity for allowing bus only access to the town centre while keeping general traffic on the bypass. Other town centre (e.g. Barking, East Ham, Clapham, Hackney) have also adopted 'bus only streets' for reasons that include accessibility and regeneration but, again, each has specific layout issues which means they are not strictly analogous with Mitcham.
- 2.16 Call in request: ***In terms of respect for human rights and equalities, due consideration does not seem to have been given to the other parts of Mitcham not included within these proposals. There is considerable commercial activity along Monarch Parade and around Mitcham library yet the issues in this part of the town are not addressed. There is also minimal reference to the impact of introducing a bus lane which splits the Fair Green in two on the wellbeing and safety of specific groups such as the elderly, vulnerable residents or young people.***
- 2.17 The Rediscover Mitcham scheme must be considered within the context of a range of previous assessments which have been carried out in relation to the decline of the town centre. These include the council's Unitary Development Plan, town centre specific Supplementary Planning Guidance, Mitcham Urban Village policies and, more recently, the Local Development Framework. This significant body of work has consistently identified the regeneration of the 'core' primarily around the Fair Green as being the most viable and effective strategic approach for Mitcham. This recognises the reality that many of the satellite parades are relatively successful and self-sustaining, but this does not create any wider spill over to the town centre as a whole. This approach was clearly set out in the first Rediscover Mitcham consultation in which it is stated:
- "The shopping facilities in and around Fair Green are often inferior to surrounding retail parades in London Road and Upper Green East. There are now a number of closed shops and the area towards St Marks Road has been particularly badly affected by loss of business. The lack of successful businesses, in addition to the traffic issues affecting Fair Green, create a negative perception of the area, deterring businesses from investing in Mitcham"*

In the context of the available resources there must be focus on high quality outcomes in limited areas to ensure that the impacts of investment are not

dissipated. It is also worth noting that throughout both the consultations, the objection that the geographic focus of the scheme was misplaced was not raised, nor was it identified in any of the discussions at Street Management Advisory Committee in January and September 2013.

- 2.18 In terms of considering the well being of vulnerable groups the following key points should be raised
- All measures are subject to detailed safety audit which is carried out by independent assessors. Within the report to SMAC in September 2013, reference was made to the specific design issues which will be considered to maximise safety in the area. These include ensuring safe pedestrian crossing movements and formal opportunity to cross, good sight lines for all users of the space, effective lighting and way finding.
 - A full accessibility audit has been undertaken considering the impact of the proposals for people with mobility impairments. The report was based on extensive engagement with disabled people including a specific workshop to address concerns held in January 2013. This report was appended to the SMAC paper in January 2013 and the audit addressed specific issues to consider within the design process. The overall conclusion of the audit was *“The range of measures represent a significant increase in overall accessibility to the town centre for a wide range of users in particular disabled and older people whether they be pedestrians, cyclists, bus users or car users.”*
- 2.19 Call in request: ***Finally, the Cabinet member’s decision makes clear that further work is needed on some aspects of his proposals before they can be implemented and we welcome this. We agree that action is needed to improve walking, cycling and vehicle movements in and around Mitcham and to deliver a better quality environment in the town centre. However, given the serious questions raised about the specific bus lane proposal, no clear justification has been provided for why consideration of this specific part of the plan could not wait until the other measures have been fully actioned and their impact has been properly evaluated. This would mean that proposals for a bus lane could still be considered at a future date if deemed necessary, and provided a cohesive and comprehensive justification of its value to the regeneration of Mitcham town centre could be provided.***
- 2.20 To reiterate the results of the consultation discussed in 2.3, the proposals for the bus street were supported by 62% of respondents, with increased supported among businesses.

The recommendation in relation to the bus street matter, as per the Cabinet Member’s decision, is as follows:

To agree that the steps necessary to progress the outline designs of Phases 2 to 6 of the scheme as set out in this report including further analysis related to cycle provision and traffic impacts are taken forward for further consideration by the Cabinet Member before approval for implementation.

The overall timescales for implementation of the scheme are also included in Section 6 of the SMAC report.

- 2.21 The first key issue is the importance of considering the scheme in its entirety. The business case for the scheme is based on the overall project and will be subject to approval by Transport for London. It is not possible to disaggregate the business case into smaller parts because the scheme design is based on a linked set of coherent measures and objectives. For example, the proposal to increase accessibility across Western Road junction is predicated on the broader regeneration triggered by the bus proposals. If the proposals for the buses do not proceed then this calls into question the benefits of providing significant upgrade to the Western Road junction as the justification for increased footfall across it is weakened.
- 2.22 In terms of the practicalities of planning and delivering a major scheme, it is not conceivable to complete part of the scheme, wait for a sufficient long term evaluation period (assumed to be at least 5 years) and then complete the rest of the scheme. This is due to the following reasons:
- Specific junction designs are linked. For example, improvements to the St Marks Road junction cannot be made without knowing if buses are coming through this junction;
 - Modelling outcomes are linked. For example, the modelling of the Western Road junction will be carried out based on assumptions relating to bus movements etc. If these assumptions are uncertain then the modelling will not be robust and this could impact approvals from TfL and the long term validity of the design;
 - This junctions would need to be redesigned shortly after being implemented with significant abortive costs and disruption;
 - Funding is not portioned on the basis of building half a scheme and then completing it many years later. Funding is provided on scheme wide basis and is made available for a short period. This would raise the real possibility that further works could not be funded.

3 ALTERNATIVE OPTIONS

The Sustainable Communities Overview and Scrutiny Panel can select topics for scrutiny review and for other scrutiny work as it sees fit, taking into account views and suggestions from officers, partner organisations and the public.

Cabinet is constitutionally required to receive, consider and respond to scrutiny recommendations within two months of receiving them at a meeting.

- 3.1. Cabinet is not, however, required to agree and implement recommendations from Overview and Scrutiny. Cabinet could agree to implement some, or none, of the recommendations made in the scrutiny review final report.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. The Panel will be consulted at the meeting

5 TIMETABLE

- 5.1. The Panel will consider important items as they arise as part of their work programme for 2013/14

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. None relating to this covering report

7 LEGAL AND STATUTORY IMPLICATIONS

- 7.1. None relating to this covering report. . Scrutiny work involves consideration of the legal and statutory implications of the topic being scrutinised.

8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

- 8.1. It is a fundamental aim of the scrutiny process to ensure that there is full and equal access to the democratic process through public involvement and engaging with local partners in scrutiny reviews. Furthermore, the outcomes of reviews are intended to benefit all sections of the local community.

9 CRIME AND DISORDER IMPLICATIONS

- 9.1. None relating to this covering report. Scrutiny work involves consideration of the crime and disorder implications of the topic being scrutinised.

10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

- 10.1. None relating to this covering report

11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

Appendix A: Call in request form

Appendix B: Street Management Advisory Committee Report
(September 2013)

12 BACKGROUND PAPERS

- 12.1 Decision of Cabinet Member (26th September 2013)
Street Management Advisory Committee Report (January 2013)
Travel and Spend in London's Town Centres Report (June 2011)
Analysis of Bus Footfall
Correspondence in relation to the town centre project