

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



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

**Direct Line: 0208 545 3616
Email: democratic.services@merton.gov.uk**

Date: 30 November 2017

Dear Councillor

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

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

- Proposed Waiting Restrictions and Parking Management in Willow Lane Business Estate – statutory consultation.

and will be implemented at **noon on Tuesday 5 December** 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

**Lisa Jewell
Democracy Services**

NON-KEY DECISION TAKEN BY A CABINET MEMBER

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 and Parking Management in Willow Lane Business Estate – statutory consultation

2. Decision maker

Cabinet Member for Regeneration, Environment and Housing

3. Date of Decision

28 November 2017

4. Date report made available to decision maker

24 November 2017

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

N/A

6. Decision

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

- A) Notes the result of the statutory consultation carried out between 20 July and 11 August 2017 on the proposals to introduce parking management measurements including waiting restrictions, overnight HGV parking and free parking bays in the Willow Lane Business Estate to include Bunting Close, Ellis Road, Forval Close, Osier Way, Willow Lane, Wandle Way and Wates Way.
- B) Notes and considers the representations received in respect of the proposals as detailed in Appendix 3.
- C) Agrees to proceed with the making of the Traffic Management Order (TMOs) and the implementation of waiting restrictions and parking management as shown in Drawing No. Z27-654-01 and attached in Appendix 1.
- D) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Reason for decision

- 1) To address obstructive parking and to improve safety, visibility and provide clear access, at anytime waiting restrictions are proposed at all corners, junctions and across crossovers/access points.
- 2) To deal with the issue of overnight parking on Willow Lane at by introducing a single yellow line waiting restriction that will operate Monday - Sunday 10pm - 5am and provide the opportunity for street cleansing to take place.

3) Support shown by businesses on Willow Lane for restrictions to take place.

8. Alternative options considered and why rejected

8.1 Do nothing. This would not address the current parking demands of the residents in respect of their views expressed during the informal consultation, as well as the Council's duty to provide a safe environment for all road users.

8.2 Not to introduce the proposed double yellow lines. In the event of an incident, however, this would put the Council at risk and the Council could be considered as failing in its duties by not giving safety and access priority

9. Declarations of Interest

None

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.



Martin Whelton

Cabinet member for regeneration, environment and housing

Committee: Cabinet Member Report

Date: 20th November 2017

Wards: Cricket Green

Subject: Proposed Waiting Restrictions and Parking Management in Willow Lane Business Estate – statutory consultation.

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

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

Contact Officer: Barry Copestake, Tel: 020 8545 3840

Email: [mailto: barry.copestake@merton.gov.uk](mailto:barry.copestake@merton.gov.uk)

Recommendations:

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

- A) Notes the result of the statutory consultation carried out between 20 July and 11 August 2017 on the proposals to introduce parking management measurements including waiting restrictions, overnight HGV parking and free parking bays in the Willow Lane Business Estate to include Bunting Close, Ellis Road, Forval Close, Osier Way, Willow Lane, Wandle Way and Wates Way.
- B) Notes and considers the representations received in respect of the proposals as detailed in Appendix 3,
- C) Agrees to proceed with the making of the Traffic Management Order (TMOs) and the implementation of waiting restrictions and parking management as shown in Drawing No. Z27-654-01 and attached in Appendix 1,
- D) 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 presents the results of the statutory consultation carried on the Council's proposals to introduce parking management measurements including waiting restrictions, overnight HGV parking and free parking bays in the Willow Lane Business Estate to include Bunting Close, Ellis Road, Forval Close, Osier Way, Willow Lane, Wandle Way and Wates Way.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the proposed parking management proposals in Bunting Close, Ellis Road, Forval Close, Osier Way, Willow Lane, Wandle Way and Wates Way as shown in Drawing No. Z27-654-01 and attached in Appendix 1.

2. DETAILS

- 2.1 Due to reports received from the businesses throughout the Willow Lane business estate regarding obstructive parking hindering access and concerns for road safety, the Council designed a parking management scheme to address these issues and carried out a statutory consultation on its intention to introduce the scheme.

3. ALTERNATIVE OPTIONS

- 3.1 Do nothing. This would not address the current concerns of the business community regarding obstructive parking in the area, as well as the Council's duty to provide a safe environment for all road users.

4. STATUTORY CONSULTATION

- 4.1 The statutory consultation on proposals to introduce waiting restrictions and parking bays in the Willow Lane Business Estate commenced on 20 July 2017 and ended on 11 August 2017. 265 premises were consulted via documents containing a newsletter explaining the proposals and an associated plan showing the proposed scheme layout. A copy of the consultation document is attached as Appendix 2. The consultation document was posted to all business units and residential properties within the catchment area. Notification of the proposals along with the consultation document and plan were also posted on the Council's website.
- 4.2 The consultation resulted in a total of 23 representations being received, with all representation being supportive of the proposals. No objection to the proposals was received. These representations are detailed in appendix 3.

Ward Councillor Comments

- 4.3 The local Ward Councillors have been engaged during the consultation process with no comments received.

5. PROPOSED MEASURES

- 5.1 To address obstructive parking and to improve safety, visibility and provide clear access, at anytime waiting restrictions are proposed at all corners, junctions and across crossovers/access points.
- 5.2 Informal parking places (free parking bays - no permits required) will be marked along the carriageway to better manage parking and address the issues of double parking and obstructive footway parking. The layout of the parking bays are arranged in a manner that provides the maximum number of suitable parking spaces without jeopardising road safety and the free movement of traffic.
- 5.3 A single yellow line waiting restriction that will operate Monday - Sunday 10pm - 5am will be marked within the informal parking places. This will restrict vehicles from parking overnight and provide opportunities for street cleansing to take place.
- 5.4 There will also be allocated areas for overnight Heavy Goods Vehicles (HGV) parking only Mon-Sun 10pm - 5am.

6. TIMETABLE

- 6.1 If agreed the TMO will be made soon after a decision is made and the measures will be implemented six weeks after the publication of the Made Order.

7.0 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 The cost of implementing the proposed measures is estimated at £13,000. This includes the publication of the Made Traffic Management Orders, the road markings and the signs.
- 7.2 The Environment and Regeneration revenue budget for 2017/18 currently contains a provisional budget for Parking Management schemes. The cost of this proposal can be met from this budget.

8. LEGAL AND STATUTORY IMPLICATIONS

- 8.1 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.
- 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 Council in reaching a decision.
- 8.3 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.

9. HUMAN RIGHTS & EQUALITIES AND COMMUNITY COHENSION 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 published in the local paper and London Gazette.
- 9.3 The implementation of waiting restrictions affects all sections of the community 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 at any time.

10. CRIME AND DISORDER IMPLICATIONS

10.1 N/A

11. RISK MANAGEMENT IMPLICATIONS

11.1 The risk of not implementing the proposed parking arrangements is that access and road safety concerns will not be addressed and it would be in contradiction to the support received during the consultation process. It would also mean that the Council would be failing in its statutory duty in ensuring access and safety.

12. ENVIRONMENTAL IMPLICATIONS

12.1 When determining the type of parking places are to be designated on the highway, section 45(3) requires the Council to consider both the interests of traffic and those of the owners and occupiers of adjoining properties. In particular, the Council must have regard to: (a) the need for maintaining the free movement of traffic, (b) the need for maintaining reasonable access to premises, and (c) the extent to which off-street parking is available in the neighbourhood or if the provision of such parking is likely to be encouraged by designating paying parking places on the highway.

12.2 By virtue of section 122, the Council must exercise its powers under the RTRA 1984 so as 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. These powers must be exercised so far as practicable having regard to the following matters:-

- (a) the desirability of securing and maintaining reasonable access to premises.
- (b) the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity.
- (c) the national air quality strategy.
- (d) facilitating the passage of public service vehicles and securing the safety and convenience of their passengers.
- (e) any other matters appearing to the Council to be relevant.

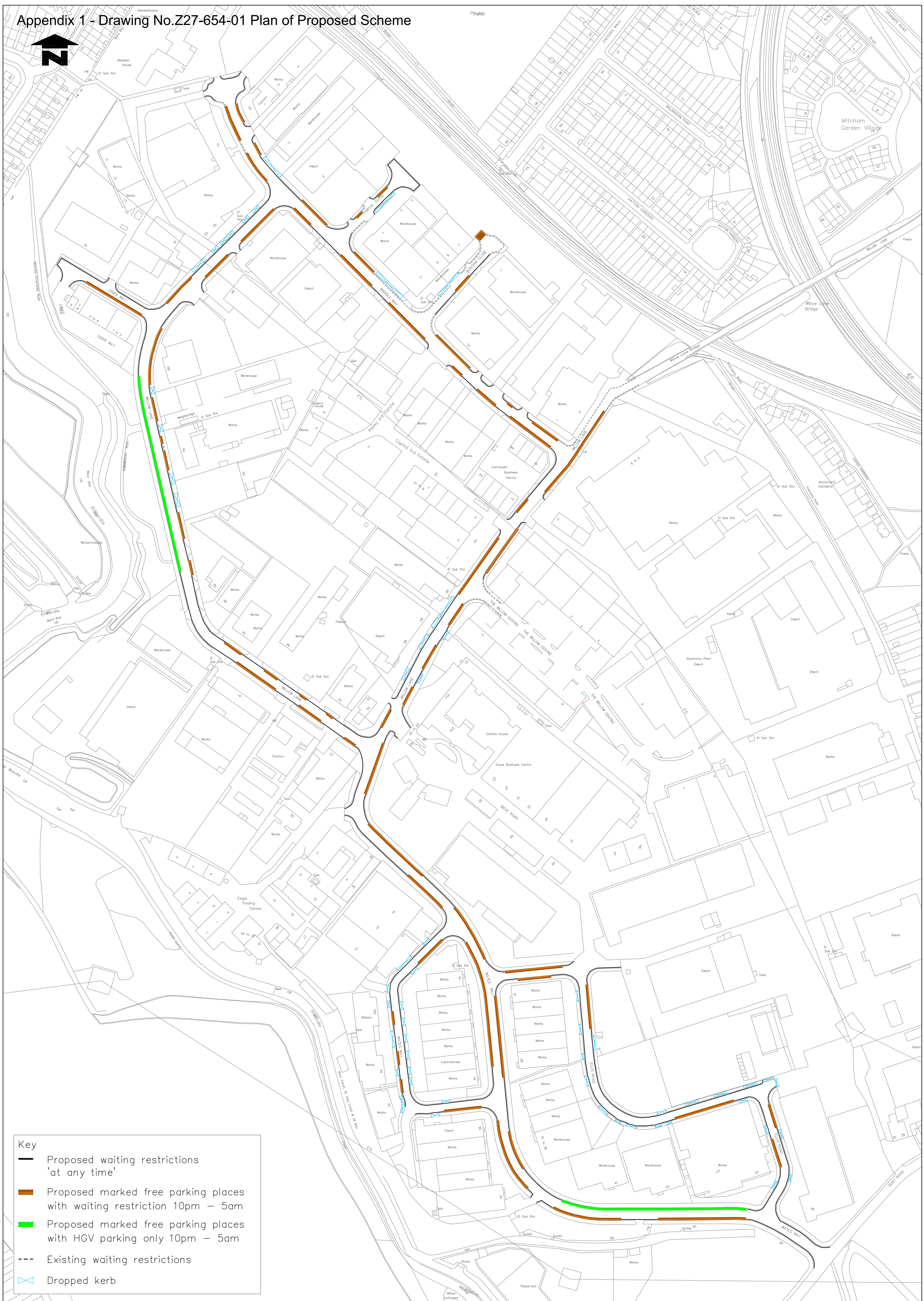
13. APPENDICES

13.1 The following documents to be published with this report and form part of the report.

Appendix 1 – Drawing No. Z27-654-01

Appendix 2 – Statutory consultation document

Appendix 3 – Representations



Key	
	Proposed waiting restrictions 'at any time'
	Proposed marked free parking places with waiting restriction 10pm - 5am
	Proposed marked free parking places with HGV parking only 10pm - 5am
	Existing waiting restrictions
	Dropped kerb

Notes	Date	Revised

Drawn	Sp.	Date	Chk.	Sp.	Date	App.	Sp.	Date

TRAFFIC & HIGHWAYS

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Drawn by	Sp.	Date
BC2		NOV 2016
Checked by	Sp.	Date
		NOV 2016
Approved by	Sp.	Date
		NOV 2016

PROJECT Waiting Restrictions (Proposed)

TITLE Willow Lane Business Estate Parking Management

Merton Civic Centre
London Road
Morden, Surrey
SM4 6DX
www.merton.gov.uk

Drawing No. Z27-654-01

Revision: -

Classification: CONSULTATION

Scale: 1:1250

ISSUE DATE : 20 JULY 2017

Dear Business / Resident

Due to reports received from the businesses throughout the Willow Lane business estate regarding obstructive parking hindering access and concerns for road safety, the Council is carrying out a statutory consultation on its intension to introduce a parking management scheme.

PROPOSED MEASURES

The proposed scheme includes the provision of:

- Waiting restrictions (double yellow lines on corners and across dropped kerbs) to address obstructive parking and to improve safety, visibility and provide clear access.
- Informal parking places (Free parking bays - no permits required) will be marked on the carriageway to better manage parking and address the issues of double parking and obstructive footway parking.
- A single yellow line waiting restriction will be marked through the informal parking places that will operate Monday - Sunday 10pm - 5am. This will restrict vehicles from parking overnight and provide opportunities for street cleansing to take place.
- Specified areas for overnight HGV parking only.

To view the proposed layout of the measures **please see the plan overleaf.**

CONSULTATION PERIOD

The statutory consultation period begins on Thursday 20th July 2017 and will conclude on Friday 11th August 2017.

WHAT HAPPENS NEXT

A Notice of the Council's intensions to make the relevant Traffic Management Orders (TMO) for the required changes will be published in the local news paper (The Guardian), London Gazette and posted on lamp columns in the vicinity. Representations for and against the proposals must be made by email to trafficandhighways@merton.gov.uk or in writing to the Head of Sustainable Communities, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX by no later than **11th August 2017** quoting reference **ES/WRWILLOWLANE**

Copies of the proposed Traffic Management Order (TMO), a plan identifying the area affected by the proposal and the Council's 'statement of reasons' can be inspected at the Merton Link, Merton Civic Centre, London Road, Morden, Surrey, between Monday to Fridays, 10am to 4pm.

This information is also available on Merton Council's website www.merton.gov.uk/wrwillowlane

Objections must relate only to the elements of the scheme that are subject to this statutory consultation. The Council is required to give weight to the nature and content of your representations and not necessarily the quantity. Your reasons are therefore important to us.

All representations along with Officers' comments and recommendations will be presented in a report to the Cabinet Member for Regeneration, Environment and Housing. **Please note that responses to any representations received will not be made until a final decision is made by the Cabinet Member.** Once a decision is made by the Cabinet Member, you will be informed accordingly.

CRICKET GREEN WARD COUNCILLORS

Cllr Russell Makin Tel: 020 8640 1538 Email: russell.makin@merton.gov.uk

Cllr Ian Munn Tel: 020 8640 8370 Email: ian.munn@merton.gov.uk

Cllr Judy Saunders Tel: 020 8640 1298 Email: judy.saunders@merton.gov.uk

Cllr Martin Whelton Tel - 020 8545 3425
Cabinet Member for Regeneration,
Environment and Housing.
Email: martin.whelton@merton.gov.uk

(The contact details of Ward Councillors are provided for information purposes only)

Representations and Officer's Comments

<p>ES/WRWillowLane/001</p> <p>As a Willow Lane business and property owner, I think this is long over due our roads are full of dumped cars and vans which makes access to our yard difficult and it dangerous and sometimes impossible to walk along the pavements.</p>
<p>ES/WRWillowLane/002</p> <p>I think this is a fantastic idea. The sooner this is put into place the better.</p>
<p>ES/WRWillowLane/003</p> <p>This action is overdue and very welcome. The Willow Lane Estate is currently home to several dumped vehicles, and as a pedestrian access along the pathways is sometimes near impossible.</p>
<p>ES/WRWillowLane/004</p> <p>We are in favour of the parking restriction proposal on the Willow Lane Industrial Estate. Reasons:- Large commercial skips are constantly left in the road causing hazards. Damaged vehicles are left on the road causing hazards. Many vehicles are left parked overnight greatly restricting parking for Companies and staff the next day. Some vehicle body repairers do not have sufficient customer parking therefore many vehicles are left parked on the road for many days often causing hazards.</p>
<p>ES/WRWillowLane/005</p> <p>We as Astrum Wine Cellars Ltd do fully agree with the proposal, as parking in the corners of Wandle Way and Willow Lane up to the entrance and over of Falcon Business Centre is always I would say "wild". Although we have a big entrance into the gated estate many time vehicles are parked well over the two bends making it very difficult for trailers to enter and exit the premises. There also lots of vehicles left unused sometimes for lengthy times on the edges of the road.</p>
<p>ES/WRWillowLane/006</p> <p>The parking has been a major problem for years. The proposed yellow lines will be a major step forward in solving the following. VEHICLES ABANDONED, ACCESSES BLOCKED, ROAD USED AS PARKING FOR THE VEHICLES OVERFLOWING FROM THE BODY SHOPS STREET CLEANING IS IMPOSSIBLE, NO ACCESS TO THE GULLEY.</p>
<p>ES/WRWillowLane/007</p> <p>I would like to register my support for the above proposal.</p>
<p>ES/WRWillowLane/008</p> <p>I would like to register my support for the above proposal.</p>
<p>ES/WRWillowLane/009</p> <p>This is just a brief email backing the new parking proposals on The Willow Lane Industrial Estate.</p>
<p>ES/WRWillowLane/010</p> <p>I would like to give my support to the proposed new parking / traffic management on Willow lane. Currently vans and cars are abandoned making parking very difficult when I need to park at my head office. Something needs to be put in place to control this situation as it is becoming dangerous.</p>
<p>ES/WRWillowLane/011</p> <p>I am in total support for the new parking proposals as, at present my business is suffering due to numerous vehicles that are three car deep blocking access for larger vehicles that need to pass, I have had an instance where Veolia haven't even</p>

been able to get through to empty my bins along with deliveries I rely on to run my business. There is also a major safety issue I am unable to see when leaving my premises, then there's crossing the road you take your life into your own hands! Cars are also parked on pavements so you have no option but to walk in the road. Another major problem is cars that have been dumped, with rubbish dumped in them!! No road tax etc. they need removing. The roads on the estate are terrible they need repairing along with cleaning.

ES/WRWillowLane/012

Hello I would like to state that we as a company on the Willow Lane Industrial Estate support the proposals. We have very large lorries and using the estate with cars parked everywhere means we sometimes block the road because we cannot turn into our premises. The new parking will help us hugely and protect the public on the pavements – at present you can't see people.

ES/WRWillowLane/013

We have great difficulty parking due to the amount of businesses all but trading from the streets. The roads are dirty, cars and lorries park either part or fully on the pavements making pedestrians especially mothers with young children have to walk in the road. The estate could be a lot cleaner and safer which would bring more companies to the estate but until the parking restriction hopefully comes in the estate will look like time has forgot us. Please bring in the parking restrictions for safety and to make the estate a place to come and work

ES/WRWillowLane/014

I confirm that I support the proposed parking restrictions for Willow Lane as set out in the above reference.

ES/WRWillowLane/015

I support parking proposal.

ES/WRWillowLane/016

I write to confirm my support for the parking proposal for Willow Lane Estate which will help stop parking of unwanted vehicles and enable the estate to be kept clean and tidy.

ES/WRWillowLane/017

I would like to add my support to the parking proposals for the Willow Lane Industrial Estate. The estate has become very untidy, and parking is now a joke with dumped cars and double parking. I have been there 14 years now and have never known it as bad as it is currently.

ES/WRWillowLane/018

Willow BID is very much in favour of the parking proposals for Willow Lane estate. We are very much aware of the overwhelming majority support of the business community for the proposals. This support has been channelled via BID meetings and one to one representations to the BID. This will help in allowing the Council to clean the roads on the estate properly and mitigate the public highway being used as an extension of premises by some (by no means all) of the vehicle repair businesses. This will also help the young mums and toddlers resident in Connect House and make it safer for everyone. Moving forward the key factor will be how well the proposals are enforced.

ES/WRWillowLane/019

I note from your proposals that you are considering placing "free parking with waiting restrictions between 10pm and 5am" directly adjacent to the rear entrance of my client's site at the north-western most section of Bunting Close. The area in question has been shaded orange and is rectangular in shape. I would like to stress that the rear entrance to the site on Bunting Close is constantly in use during normal business hours not only to facilitate working operations but also to allow staff parking on site. If the restrictions are to proceed as planned, I can envisage traffic management problems not only in terms of actual physical access to the site (which will negatively impact on the normal working operations of the business) but potentially cause health and safety issues. I therefore consider that there should be a complete prohibition of parking at all times adjacent to the rear entrance of my client's site.

Officers Comments:

The concern regarding potential obstructive parking has been noted although to make amends at this stage would require another consultation process, therefore we will continue as proposed and monitor the location of the parking bays once the scheme has been introduced and if confirmed problematic then consult to make an amendment at that location.

ES/WRWillowLane/020

I would like to register my support for the above proposal.

ES/WRWillowLane/021

We are writing to offer our support for the proposed parking management on the Willow Lane Estate. We have been resident on this estate for the last 30 years during which time we have noted an escalation in the inconsiderate and sometimes dangerous parking taking place. This has become worse over the last 2 or 3 years where an increasing number of companies where (car repairers, skip and recycling companies and others) are operating their business from the public highway! In addition the proposals if implemented would allow street cleaning to take place which is not happening at the moment!

ES/WRWillowLane/022

Ref. overnight waiting restricted areas for HGV 22.00pm until 5am, we operate coaches and often have coaches coming back to our base during the early hours under the proposals these will not be able to park until the 5am, could the HGV overnight parking areas also be accessible without risk of penalty for PSV (i.e. tour coaches & buses) vehicles as well? Just allowing HGV is little Bias.

Officers Comments:

The proposed scheme seeks to better manage parking throughout the business estate and to ensure a regular turnover of available kerbside parking and businesses are not encourage to operate / store company vehicles on the public highway. The request for overnight HGV parking is in response to situations of delivery vehicles that do not belong to companies based in Willow Lane Business Estate and arrive before depots are open and therefore require temporary parking space before loading / unloading and vacating the estate.

ES/WRWillowLane/023

We have seen your consultation paper for the proposed parking changes. Whilst we agree that the current parking around the estate is ridiculous, we need to ensure that the proposed parking changes will not prevent our night shift workers from being able to park at work. We are a 24 hour a day 7 day a week operation and ideally we would need to have a number of parking permits which we could issue to our night workers, or can you allocate car park spaces to our night workers, in one of the car parks in Ellis Rd? To enable street cleaning to take place, we would be happy to work with you to arrange for our night workers to park in different parking bays when requested, if you were to go down the parking permit route.

Officers Comments:

The council does not own the car parks on Ellis Road so we are unable to speak for the owners to arrange such conditions, however we recommend contacting the Willow Lane BID for assistance with contacting the car park owners. The proposed scheme does not include permit parking bays but marked out informal 'free' parking bays to better manage the parking throughout the estate.

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 Services, 7th floor, Civic Centre, London Road, Morden SM4 5DX.

For further information or advice contact the Head of Democracy Services on 020 8545 3864