

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
Email: democratic.services@merton.gov.uk**

Date: 4 May 2018

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 in Croxden Walk and Faversham Road (statutory consultation)

and will be implemented at **noon on Thursday 10 May** unless a call-in request is received.

The [call-in](#) form is attached for your use if needed and refers to the relevant sections of the constitution.

Yours sincerely

**Amy Dumitrescu
Democracy Services**

NON-KEY DECISION TAKEN BY A CABINET MEMBER

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 Croxden Walk and Faversham Road (statutory consultation)

2. Decision maker

Cabinet Member for Regeneration, Environment and Housing

3. Date of Decision

04/05/2018

4. Date report made available to decision maker

03/04/2018

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 1st - 23rd March 2018 on the proposals to introduce 'at any time' waiting restrictions in Faversham Road (junction with Middleton Road) and Croxden Walk.
- B) Notes the representations received (detailed in appendix D) and agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of extended waiting restrictions 'at any time' in Faversham Road (junction with Middleton Road) as shown in Drawing no. Z78-236-06, see Appendix A, and Croxden Walk, as shown in Drawing no. Z78-236-07 but to only implement on right-hand side of the road, see Appendix B.
- C) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. Reason for decision

- 1) Obstructive parking which is a hazard to other road users.
- 2) Concern about the loss of parking on the road and displacement of cars on Croxden Walk having visited the road and discussed with local councillor

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 any of 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.



Cllr Martin Whelton
Cabinet member for regeneration, environment and housing
Friday 5 May, 2018

Cabinet Member for Regeneration, Environment and Housing:

Date: 29th March 2018

Agenda item:

Ward: St. Helier

Subject: Proposed waiting restrictions in Croxden Walk and Faversham Road (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 details in this report and:

- 1) Notes the result of the statutory consultation carried out 1st - 23rd March 2018 on the proposals to introduce 'at any time' waiting restrictions in Faversham Road (junction with Middleton Road) and Croxden Walk.
- 2) Notes the representations received (detailed in appendix D) and agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of extended waiting restrictions 'at any time' in Faversham Road (junction with Middleton Road) as shown in Drawing no. Z78-236-06, see Appendix A, and Croxden Walk, as shown in Drawing no. Z78-236-07, see Appendix B.
- 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 and the outcome of the Councils' proposals to introduce an extension to the existing 'at any time' waiting restrictions in Faversham Road at the junction with Middleton Road and the introduction of waiting restrictions 'at any time' in Croxden Walk.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce an extension to the existing 'at any time' waiting restrictions in Faversham Road at the junction with Middleton Road as shown in Drawing no. Z78-236-06, appendix A and the introduction of waiting restrictions 'at any time' in Croxden Walk, as shown in Drawing no. Z78-236-07, appendix B.

2 DETAILS AND BACKGROUND

- 2.1 The existing waiting restrictions (double yellow lines) in Faversham Road at the junction with Middleton Road are 10 metre lengths and, especially during peak traffic periods, are not sufficient length to allow vehicles to exit the off roundabout whilst meeting oncoming traffic without causing congestion queues on the roundabout. To assist with the access and movement of traffic flow it is proposed to extend the existing yellow lines by 10 metres on both sides of the carriageway.

- 2.2 The width of Croxden Walk is not of sufficient width to accommodate parking on both sides of the carriageway and the footways are wide to support partial footway parking without obstructing pedestrian access, therefore waiting restrictions operating 'at any time' are proposed to address obstructive parking and assist with traffic flow.
- 2.3 Due to waiting restrictions recently consulted on to be implemented in adjacent roads as part of the M2 Controlled Parking Zone (CPZ) extension, Croxden Walk will very likely be subject to displaced parking leading to an increase in obstructive parking.

3 STATUTORY CONSULTATION UNDERTAKEN

- 3.1 The statutory consultation on the Council's proposal to introduce an extension to the existing 'at any time' waiting restrictions in Faversham Road at the junction with Middleton Road and the introduction of waiting restrictions 'at any time' in Croxden Walk was carried out between 1st – 23rd March 2018. The consultation included 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.
- 3.2 A newsletter with a plan of the proposed waiting restriction was also distributed to properties in the Croxden Walk, see appendix B.

Ward Councillor Comment

- 3.3 Ward Members are supportive of the proposed measures.

4 REPRESENTATIONS RECEIVED

- 4.1 The statutory consultation resulted in the Council receiving 4 representations to the proposals. Full details of representations and officer's comments can be found in Appendix D.
- 4.2 Of the 4 representations; these were all in regard to the proposal in Croxden Walk with one representation in support and 3 in objection. The objections acknowledge that there is not enough capacity to accommodate the number of vehicles in the area and raise concern that the proposed double yellow lines will result in loss of parking exacerbating parking pressure / displacement.
- 4.3 There were no representations received in regards to the proposal for Faversham Road.
- 4.4 It is important to note that the council must strike a balance of ensuring safety and maintaining unobstructed traffic flow whilst acknowledging the parking needs of the community, however safety and access does take priority.

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 decision. This will include 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, and would not resolve the dangerous and obstructive parking that is currently taking place.

7 FINANCIAL RESOURCE AND PROPERTY IMPLICATIONS

- 7.1 To introduce the proposed restrictions will cost approximately £3,750. This includes the making of The Traffic Management Orders. The set up costs will be funded from the Capital budget identified for controlled parking zones and waiting restrictions within the Capital Programme 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 AND HEALTH AND SAFETY IMPLICATIONS

- 10.1 The risk in not introducing the proposed waiting restrictions would be the potential risk to all road users, including residents and visitors, particularly in the case of required emergency access. 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. However, the benefits of the proposals outweigh the possible increase in demand.

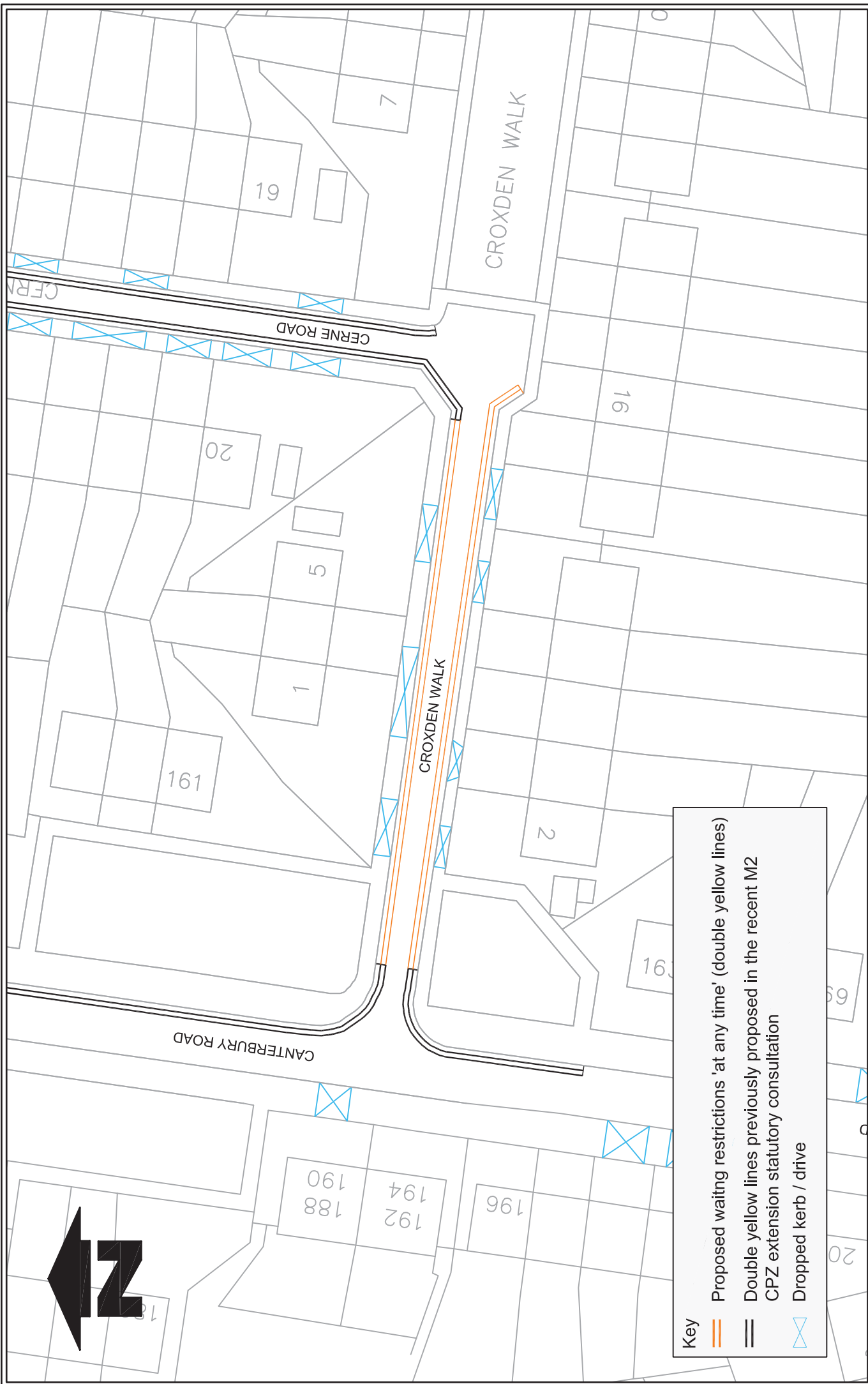
11 APPENDICES

- 11.1 The following documents are to be published with this report and form part of the report.
- 11.2 Appendix A – Drawing No. Z78-236-06 Faversham Road (junction with Middleton Road)

11.3 Appendix B – Drawing No. Z78-236-07 Croxden Walk

11.4 Appendix C – Statutory consultation residents' newsletter for Croxden Walk

11.5 Appendix D - Representations and Officer's Comment



Key

- Proposed waiting restrictions 'at any time' (double yellow lines)
- Double yellow lines previously proposed in the recent M2 CPZ extension statutory consultation
- Dropped kerb / drive

Notes
Do not scale from this drawing

Rev	Revisions	Drawn	Sk.	Date	Chkd.	Sk.	Date	App.	Sk.	Date



Sustainable Communities
environment & regeneration

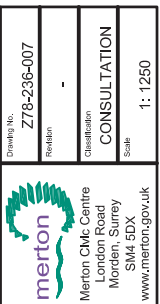
TRAFFIC & HIGHWAYS

Revised from Plans used in the Original Survey's 1:1250 maps with the permission of the Controller of Her Majesty's Stationery Office. The reproduction of this map in any form without the prior written consent of the Controller of Her Majesty's Stationery Office may lead to prosecution or civil proceedings.

Drawn by S.C.S. Date: 00 May 2002
Checked by S.S. Date: 00 May 2002
Approved by S.S. Date: 00 May 2002

PROJECT
PROPOSED WAITING RESTRICTIONS

TITLE
**CROXDEN WALK
MORDEN, CR4**



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

Drawn No: Z78-236-007
Revision: -
Checked by: CONSULTATION
Scale: 1:1250



**Croxden Walk
Morden
SM4 6JY**

Future Merton London
Borough of Merton
Merton Civic Centre
London Road Morden
SM4 5DX
Date: 1 March 2018

Dear Resident,

In response to residents' concerns regarding obstructive parking in Croxden Walk, the carriageway width not being sufficient to accommodate parking without obstruction to the footway and maintaining sufficient width for emergency services should access be necessary, the Council is proposing to introduce yellow line waiting restrictions along the length of the road on both sides to assist with clear sightlines at junctions and access for vehicles and pedestrians using the footways.

Additionally, due to waiting restrictions recently consulted on to be implemented in adjacent roads, Croxden Walk will be subject to likely displaced parking leading to an increase in obstructive parking.

PROPOSED MEASURE

The Council is proposing to introduce 'at any time' waiting restrictions (double yellow lines) along both sides of Croxden Walk between its junction with Canterbury Road and Cerne Road.

See the plan of proposal overleaf.

WHAT HAPPENS NEXT

A Notice of the Council's intention to make the relevant Traffic Management Orders (TMOs) for the required changes will be published in the local newspaper (The Guardian), London Gazette and posted on lamp columns in the vicinity.

All representations whether in support or objecting must be made in writing by either emailing trafficandhighways@merton.gov.uk or to **Environment & Regeneration Department, futureMerton, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX.**

All comments must be received no later than **23 March 2018** quoting reference **ES/M2/EXTENSION.**

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 will be presented 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.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Barry Copestake".

Barry Copestake
Traffic Engineer |futureMerton|
Environment and Regeneration |London Borough of Merton|
[Email: barry.copestake@merton.gov.uk](mailto:barry.copestake@merton.gov.uk)

Appendix D - Representations and Officer's Comment

ES/M2Ext/001

Regarding obstructive parking - Croxden Walk. Although we see obstructive parking as an issue that needs attention, we object to this short sighted solution. There is no space in the area for the cars displaced from Croxden Walk and adjacent roads. Canterbury Road is already suffering from obstructive parking issues. This is going to cause future problems with parking for residents. This solution is a band aid and requires better consideration.

ES/M2Ext/002

I am the resident of Croxden Walk. I have just received a letter with regards to the proposed parking measures. I am rather concerned about these changes that are being made. As I am a tenant of what was Merton Council (now Clarion Housing), what parking will be in place for me? Is there anything put in place for us to have driveways put in?

At present our road is being used by residents from St Heller Avenue and Canterbury Road to park their cars and the three bays that are being left will be taken up by them. As you may imagine it I am rather anxious about this. I am the only resident down this road that is a housing association tenant that has not got a drive put in, so therefore I am going to be the only resident that is likely to be penalised.

ES/ M2Ext /003

I would like to object to the proposal to put double yellow lines on my road. I have 3 small children 2 of whom are babies and I already find it extremely difficult to park near my house. With these proposals I will be forced to park at least one road away and will need to make 2 trips to carry my children from or to the car. This would mean leaving a baby in either the car or house alone while I carry the other one. This is extremely dangerous and an unreasonable proposal.

Perhaps if you were to look in to all the people that park in the allocated parking area while they go to work or on holiday the roads wouldn't be so clogged with parked cars. Cars that we have never seen before appear on a regular basis are left for up to 3 weeks and suddenly disappear never to be seen again. The council should do more to stop this which would allow residents of the road to actually park here.

Officers comments:

Croxden Walk has a carriageway width of 4.3 metres with footway width on both sides of the roads at 1 and 1.5 metres respectively. The minimum running width required by a fire engine to access residential road is between 3 and 3.5 metres. Carriageway and footway in these roads are not wide enough to accommodate partial footway parking and access for the emergency services. The proposed double yellow lines in the road are paramount to ensure clear access and safety for all road users, including pedestrians. Over the years this has become normal practice.

An application for a crossover / dropped kerb can be made to the Council, for further information please use the following web link;www.merton.gov.uk/dropped-kerbs

It is a waiting restriction only that has been implemented (no parking) however loading on the double yellow lines is not being restricted and therefore vehicles carrying out loading / unloading, for example deliveries or dropping off shopping, are authorised to do this for up to 20 minutes on the double yellow lines.

It must be appreciated that Croxden Walk and surrounding roads were not built for the number of vehicles the community currently own and therefore, the Council cannot be expected to inform residents where to park their vehicles. The council's duty is, by virtue of section 122, to exercise its powers under the RTRA 1984 so as to secure the expeditious, convenient and safe movement of vehicular and other traffic including pedestrians therefore access for all road users take priority over parking.

ES/ M2Ext /004

I am writing in complete favour to the proposed double yellow lines on Croxden walk. We have lived in the road for the past seven years and cannot count how many times we have asked people to move off our dipped curb. "But there's nowhere else to park!"

Most frighteningly though, is that we have a daughter with Spina bifida and Hydrocephalus. We have called an ambulance on two occasions. They have had to reverse up our road, because they haven't been able to drive down it. Also when we walk our daughter to the GP surgery we often have to push her into the middle of the road, due to people parking on the pavement and not leaving enough space for the wheelchair to pass safely. It is inconsiderate and dangerous and I fully support the new proposals.

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 – 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