

**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: 8 October 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 Cricket Green, Mitcham (statutory  
consultation)**

and will be implemented at **noon on Thursday 11 October 2018** 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 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**

Proposed waiting restrictions in Cricket Green, Mitcham (statutory consultation)

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

### **3. Decision maker**

Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport

### **4. Date of Decision**

5 October 2019

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

19 September 2018

### **6. Decision**

1) Notes the result of the statutory consultation carried out between 5th July and 27th July 2018 on the proposals to introduce 'at any time' waiting restrictions in Cricket Green, Mitcham.

2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' in Cricket Green, Mitcham as shown in drawing no. Z27-666-01.

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

### **7. Reason for decision**

- 1) Improved road safety resulting from the introduction of waiting restrictions.
- 2) Dealing with obstructive parking

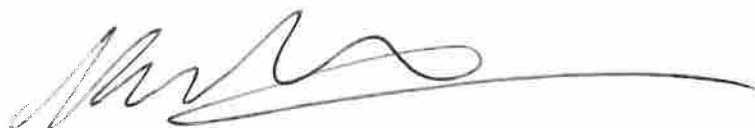
### **8. Alternative options considered and why rejected**

Do nothing. This would be contrary to the concerns expressed by the local communities, and would not resolve the dangerous and obstructive parking that is currently taking place.

### **9. Documents relied on in addition to officer report**

## 10. Declarations of Interest

None

A handwritten signature in black ink, appearing to read 'Martin Whelton', with a long horizontal flourish extending to the right.

Cllr Martin Whelton

Cabinet member for regeneration, housing and transport

5 October 2018

# **Cabinet Member for Regeneration, Environment and Housing:**

**Date:** 18th August 2018

**Agenda item:**

**Ward:** Various

**Subject:** Proposed waiting restrictions in Cricket Green, Mitcham (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](mailto:barry.copestake@merton.gov.uk)

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## **Recommendations:**

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

- 1) Notes the result of the statutory consultation carried out between 5<sup>th</sup> July and 27<sup>th</sup> July 2018 on the proposals to introduce 'at any time' waiting restrictions in Cricket Green, Mitcham.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' in Cricket Green as shown in drawing no. Z27-666-01, see appendix C.
- 3) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

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## **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1 This report details the undertaking of the statutory consultation and the outcome on the Councils' proposals to introduce waiting restrictions in Cricket Green operating 'at any time'.
- 1.2 It seeks approval to proceed with the making of the relevant Traffic Management Orders (TMOs) to introduce waiting restrictions in Cricket Green operational 'at any time' as shown in drawing no. Z27-666-01, see appendix C.

## **2 BACKGROUND**

- 2.1 The proposal for double yellow lines in Cricket Green was in response to residents and Ward Councillor reports of obstructive parking hindering Council refuse collection services and obvious concerns for emergency vehicles access in the event of an emergency.

## **3 STATUTORY CONSULTATION**

- 3.1 The statutory consultation on the Council's proposal to introduce waiting restrictions in Cricket Green commenced on 5<sup>th</sup> July and concluded 27<sup>th</sup> July 2018. 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 drawing plans of the proposals can be found in appendix A.
- 3.2 The statutory consultation resulted in the Council receiving four representations to the proposals. The representations are further explained in section 4 and the content of the representations can be found in appendix B.

- 3.3 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.

#### Ward Councillor Comment

- 3.4 Ward Members were notified of the proposals at the start of the statutory consultation, no objections received from any Ward Councillors.

### **4 REPRESENTATIONS RECEIVED**

- 4.1 The representations are generally supportive of the proposal but with concerns raised regarding access problems into off-road private parking areas and the issues raised is that the proposal will not go far enough to address this specific obstructive parking across dropped kerbs.
- 4.2 One representation stated that although the proposal will assist with movement of traffic along the carriageway a Controlled Parking Zone will be beneficial to the residents. The fourth representation raised concern with the condition of the road surface and reported the increasing pressure of parking congestion in the area and displacing parking into Cricket Green.
- 4.3 Full details of the representations can be found in appendix B.

### **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 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 communities, 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 £4k. 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 within the Capital Programme 2018 / 2019.

### **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 – Statutory consultation newsletter
- 11.3 Appendix B - Representations and Officer's Comments
- 11.4 Appendix C – Proposed layout drawing no. Z27-666-01

## **Appendix A – Statutory consultation newsletter**



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

Dear Resident,

**Proposed waiting restrictions (double yellow lines) in Cricket Green, CR4 – statutory consultation**

The Council has received reports from residents regarding obstructive parking in the carriageway and concern for emergency services to be able to proceed through the road. Also access to Chart Close has been hindered due to parking around the entrance off Cricket Green and reports of refuse services unable to access for refuse collection. In response to these reports the Council is proposing to introduce waiting restrictions (double yellow lines) to address obstructive parking and assist with movement of traffic.

Please see the attached plan, overleaf, to illustrate the proposed extents of the double yellow lines in Cricket Green.

**WHAT HAPPENS NEXT**

A Notice of the Council's intentions 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 must be in writing by either emailing [trafficandhighways@merton.gov.uk](mailto: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 **27 July 2018** quoting reference **ES/WR CricketGreen.**

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.

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 Merton Link, Merton Civic Centre, London Road, Morden, Surrey, SM4 5DX during the Council's normal office hours Monday to Friday, 9am to 5pm. A copy will also be available at the Collier's Wood library.

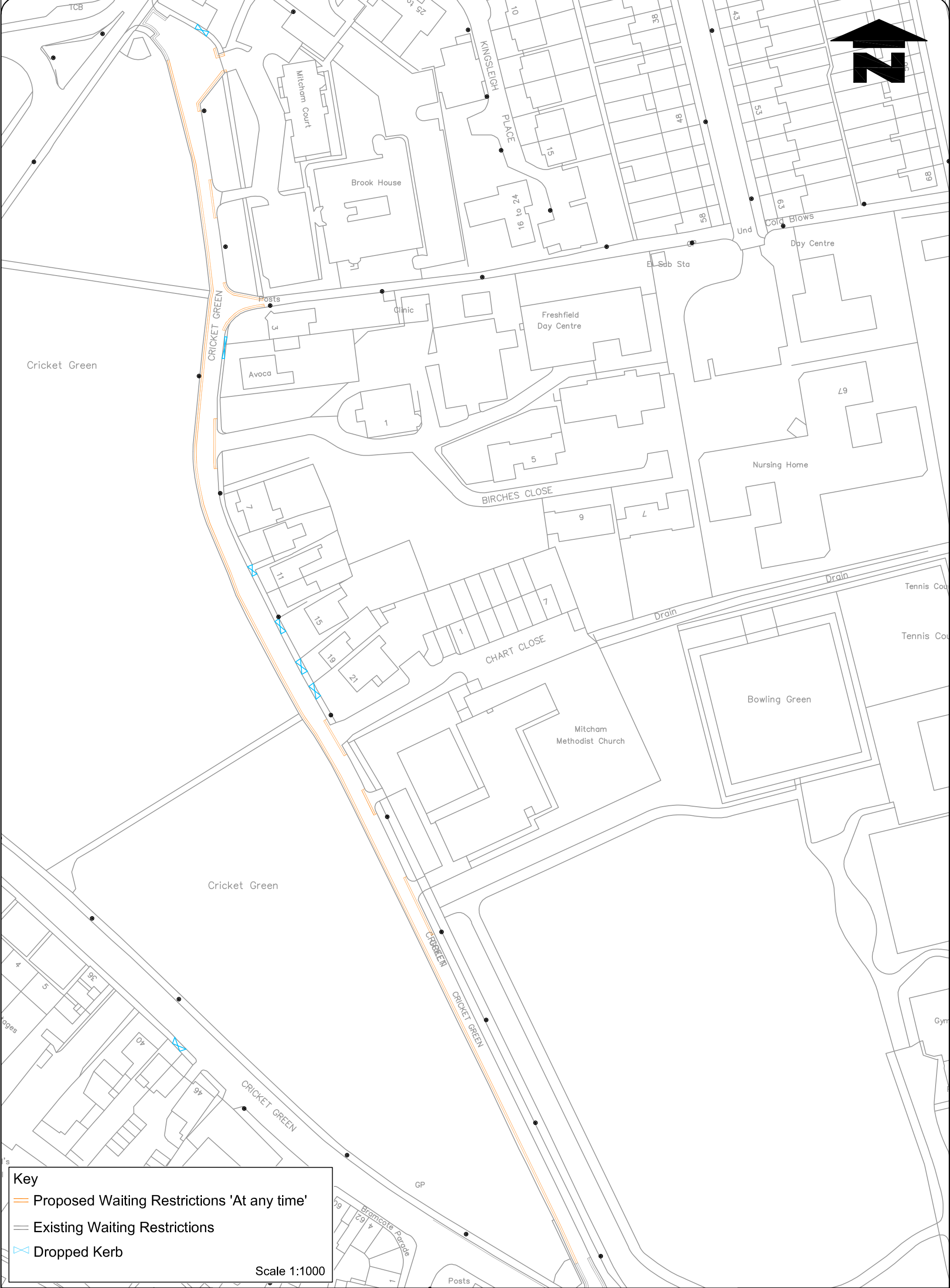
All representations along with Officers' comments and recommendations will be presented in the report to the Cabinet Member for Regeneration, Environment and Housing. Please note that responses to any representations received will not be made until a final decision is made by the Cabinet Member. Once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

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|  
Direct Line: 020 8545 3840  
[Email: barry.copestake@merton.gov.uk](mailto:barry.copestake@merton.gov.uk)





**Key**

-  Proposed Waiting Restrictions 'At any time'
-  Existing Waiting Restrictions
-  Dropped Kerb

Scale 1:1000

**PROPOSED WAITING RESTRICTIONS  
CRICKET GREEN, CR4**

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London Borough of Merton LA 100019258



## Appendix B - Representations and Officers' Comments

### ES/Cricket Green/001

I was horrified by your new proposal of putting double yellow lines on certain areas but sparing the area where has been regularly double parked by the cars blocking my driveway and ramp for the disabled users, I expect the situation will become worse if your unwise proposal goes ahead, You not only deprive of my right of having free access to my driveway but also those disabled people using the ramp. I would be most grateful if you could reconsider your proposal and listening to the long suffering local residents.

#### Officer's Comments:

The waiting restrictions are only proposed in sections of carriageway where if parking occurs the carriageway would be obstructed and The Council has a statutory duty to ensure safety and access for moving traffic on the public highway, especially refuse vehicles and emergency service vehicles and this takes priority over loss of parking. The restrictions will help to improve safety for all road users and will ensure that access is maintained at all times.

Regards to concerns raised for parked vehicles blocking dropped kerbs, it is not appropriate use of waiting restrictions when parking enforcement action can more readily deal with obstruction to dropped kerb accesses (drive ways). Residents can call parking enforcement on Tel 0208 545 4711 to report of vehicle obstruction across their driveways and enforcement will dispatch an officer to deal with issue.

However following the implementation of the waiting restrictions, subject to Cabinet Member approval, we can monitor the location with a view for consideration to review the waiting restrictions if parking obstruction persists.

### ES/Cricket Green/002

I do have reservations about your proposals, I live in Cricket Green. When I looked at the plan of where double yellow lines are to be marked, I cannot see the point of this, because nobody parks on that side of the road anyway, except perhaps right at the end opposite Mitcham Court.

You are planning to put yellow lines at the entrance to cold blows, this will force people to park outside my house where there are no yellow lines, it is chaotic here on school days when parents drop off the children at my neighbours nursery and the new Date school. I am unable to get out of the road on these days during the school runs, I have already got large vans parking directly outside my property, this has problems for me already in getting off my drive I also own a Motorhome and if somebody parks there I cannot get it out! I moved to the cricket green because of where it is in Mitcham my wife and I love the view that we have, it is now much worse since the regeneration of brook house & the date school, plus we now have these large vans that are a permanent feature ( none of the owners reside on the green)

#### Officer's Comments:

The point of the proposal is to ensure clear passage of moving traffic through Cricket Green, especially for refuse collection and emergency services and therefore restrictions are proposed on one side of the road due to the width of the carriageway not being sufficient to accommodate parking on both sides. If parking restrictions were placed on the property side vehicles would simply park on the green / park side.

Regards to concerns raised for parked vehicles blocking dropped kerbs, it is not appropriate use of waiting restrictions when parking enforcement action can more readily deal with obstruction to dropped kerb accesses (drive ways). Residents can call parking enforcement on Tel 0208 545 4711 to report of vehicle obstruction across their driveways and enforcement will dispatch an officer to deal with issue.

White bar access markings though not statutorily enforceable can act as a deterrent to vehicles parking across the dropped kerb, the below web link with further information to white access bar markings.

<https://www.merton.gov.uk/streets-parking-transport/streets-and-pavements/dropped-kerbs#titleCol20>.

### ES/ Cricket Green/003

I am a resident at Brooke House, Cricket Green. These parking restrictions are very much welcomed. It can be a complete nightmare driving up and down that road as it is a small yet very busy road and with people, non-residents of Cricket Green, parking down the road it causes traffic to flow in a singular file (and in both directions) which can be quite difficult due to how full it gets in terms of parking. This in especially problematic during peak times i.e. school drop off/leaving for work and the school pick up/coming home from work. The poor road surfaces of the road only hinder this when attempting to reverse back down the road to allow an oncoming car to pass.

My comments would be that it is pointless putting double yellow lines on the west side/park side of the road as no one parks on this side. The problem is the east side / resident side of the road. This is where non-residents fill up the road making it very difficult to travel up and down it. As a result of this, cars cannot be parked on the west side as this would completely block the road.

My solution would be to have resident only parking zones (not many people that live down this road have parking

attached to where they reside) and double yellows to fill the gaps. As well as the double yellows all along the west side/park side of the road.

Once these changes have been implemented, it would be nice to see an increased presence of traffic wardens along this road to make sure that the parking rules are upheld.

**Officer's Comments:**

**If parking restrictions were placed on the property side vehicles would simply park on the green / park side. Therefore, rather than placing restrictions on both sides (the Council must strike a balance of ensuring safety and maintaining unobstructed traffic flow whilst acknowledging the parking needs of the community) restrictions are proposed on the green / park side to ensure clearance for moving traffic and allow for parking outside of the properties for residents.**

**To address non-resident and commuter parking in your road, the process for consideration of new Controlled Parking Zone (CPZ) schemes is driven by the community and therefore with the provision of evidence of support for parking controls in the immediate community (evidence such as a signed petition from residents in the road and neighbouring roads for example) we will present this to the Cabinet Member for his consideration when deciding next year's parking plan. A CPZ aims to prioritise resident parking and without the controlled parking in the roads the Council cannot discriminate against which vehicles park in the road.**

**ES/ Cricket Green/004**

With reference to the notice put outside my property and my conversation with Ms Dubet and inspecting the plan this afternoon. I wish to point out the following queries / inaccuracies.

1. At the beginning of Cricket Green it's stated on your plan that this has double yellow lines and as you can see from my photos numbered 1, 2 & 5 it shows only single yellow lines and people without thought park there making it difficult to enter.

2. On your OSP it shows that No 3 is on the corner of Cold Blows this is incorrect as this is No 1 and is known at the Jigsaw Day Nursery and No. 3 is Avoca

3. Jigsaw Day Nursery also has a dropped kerb on the Cold Blow side but this is not shown on your plan.

4. I would also like to point out as in photos 3 & 4 show that the road surface needs repairing. We were promised that this will be done in 2018 but it seems that you will be putting double yellow lines and leaving a pot holed road.

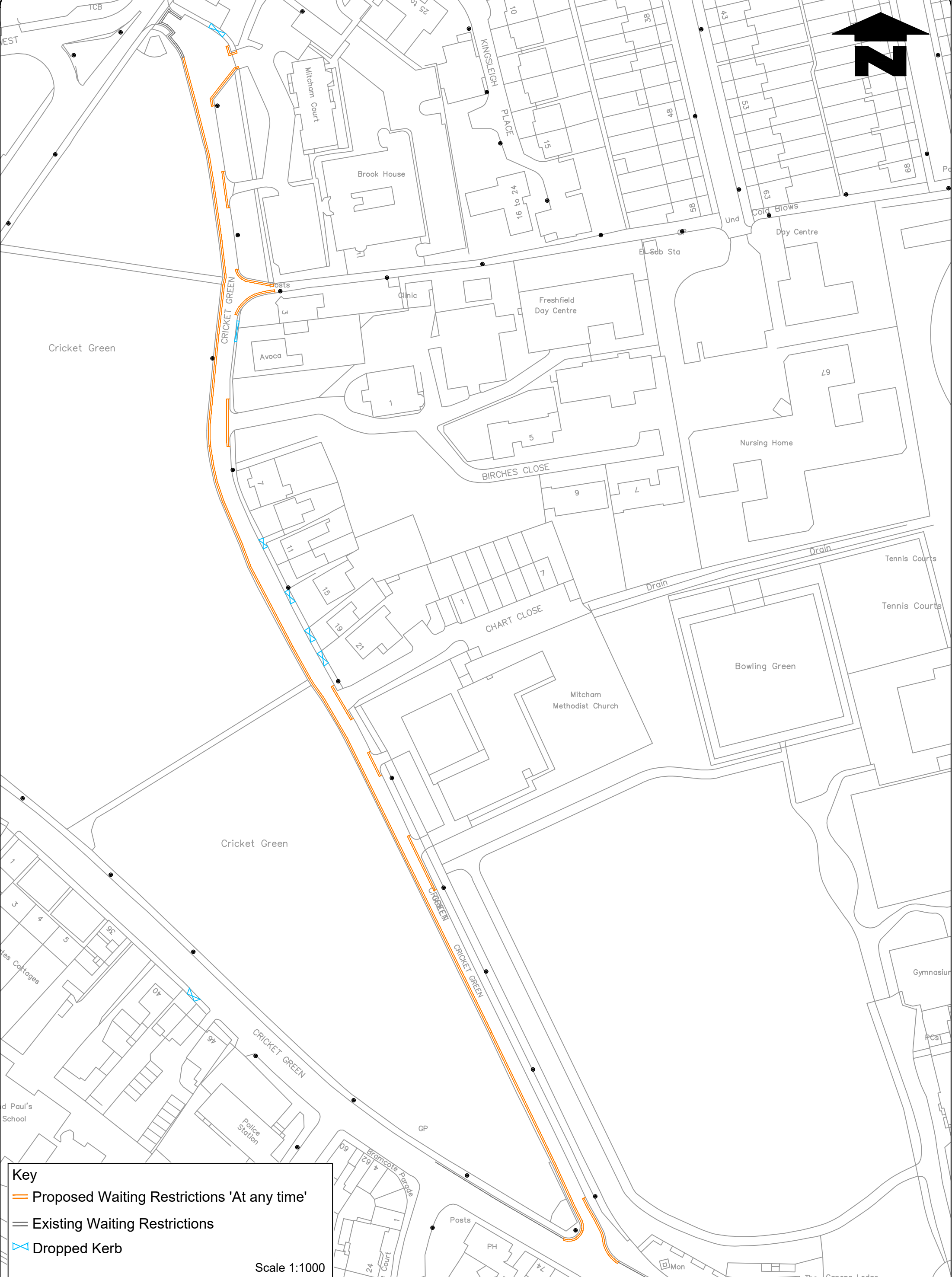
I would also like to point out that we have been experiencing parking problems and increased traffic in the Cricket green for a number of years. This was largely due to planning officers not enforcing planning conditions on a new school. The situation still further exacerbated by controlled parking zones in neighbouring roads pushing traffic to the cricket green. I hope that the action that you are taking does not make it problematic for Chart Close (a private road), the Methodist Church carpark and other private spaces.

**Officer's Comments:**




**The plan attached with the newsletter incorrectly displayed existing double yellow lines instead of single yellow lines, however the proposed Traffic Management Order (TMO), as advertised, included both sides of this junction as proposed double yellow lines. Subject to representations received and Cabinet Member approval we will implement double yellow lines to include the carriageway junction. A corrected plan layout was made available at the Civic Centre alongside the proposed TMO.**

**Traffic and Highways have limited availability to up-to-date ordinance survey maps however in situations where new properties / layout will have an impact on proposed schemes the map will be manually edited to represent the existing layout. Your request for resurfacing has been forwarded to the appropriate department for their comments regarding resurfacing of Cricket Green carriageway.**

**Appendix C – Proposed layout drawing no. Z27-666-01**



**Key**

-  Proposed Waiting Restrictions 'At any time'
-  Existing Waiting Restrictions
-  Dropped Kerb

Scale 1:1000

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London Borough of Merton LA 1000192888

**PROPOSED WAITING RESTRICTIONS  
CRICKET GREEN, CR4**



## Merton Council - call-in request form

### 1. Decision to be called in: (required)

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

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

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

### 3. Desired outcome

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

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

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

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

**5. Documents requested**

**6. Witnesses requested**

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

**8. Notes – see part 4E section 16 of the constitution**

Call-ins must be supported by at least three members of the Council.

The call in form and supporting requests must be received by 12 Noon on the third working day following the publication of the decision.

The form and/or supporting requests must be sent:

- **EITHER** by email from a Councillor’s email account (no signature required) to [democratic.services@merton.gov.uk](mailto:democratic.services@merton.gov.uk)
- **OR** as a signed paper copy to the Head of Democracy Services, 7<sup>th</sup> floor, Civic Centre, London Road, Morden SM4 5DX.

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