

CORPORATE SERVICES DEPARTMENT
Director – Caroline Holland



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

**Direct Line: 0208 545 3356
Email: democratic.services@merton.gov.uk**

Date: 14 January 2019

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 Borough Wide 2018 Batch 4
(Statutory Consultation)**

and will be implemented at **noon** on **Thursday 17 January 2019** 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**

Cabinet Member for Regeneration, Environment and Housing:

Date: 10th January 2019

Agenda item:

Ward: Various

Subject: Proposed waiting restrictions borough wide 2018 Batch 4 (statutory consultation)

Lead officer: Chris Lee, Director of Environment & Regeneration

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

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 between 25th October and 16th November 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-662-01A and Z27-665-01.
- 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 on the Councils' proposals to introduce waiting restrictions across the borough 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 at various locations across the borough operational 'at any time' as shown in drawing nos. Z27-662-01A and Z27-665-01.

2 BACKGROUND

- 2.1 Officers regularly receive complaints and concerns regarding obstructive and dangerous parking from emergency services, local ward members and the local residents. Due to the large number of requests that are received throughout the year, it has been necessary to group these requests with the intention of undertaking a borough wide statutory consultation. Each request is added to a rolling programme for investigation and the appropriate recommendations and the proposals are formulated in one report.

3 STATUTORY CONSULTATION

- 3.1 The statutory consultation on the Council's proposal to introduce waiting restrictions at various locations across the borough commenced on 25th October and concluded 16th November 2018. The consultation included the erecting 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, see appendix A, were also available on the Council's website and a link to this website was included on all street notices.

- 3.2 Locations of proposals are as follows (drawing plans can be found at appendix A),
 1. Batsworth Road, SW19
 2. Saxonbury Close, CR4
- 3.3 The statutory consultation resulted in the Council receiving 6 representations to the proposals, which includes 1 representation to Batsworth Road and 5 representations to Saxonbury Close. The representations are further detailed in section 4 and the content of the representations can be found in appendix B.
- 3.4 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.

Ward Councillor Comment

- 3.5 Ward Members of the wards affected by the proposals have been engaged during the statutory consultation process with the proposals.
- 3.6 No objections received from any Ward Councillors.

4 REPRESENTATIONS RECEIVED

- 4.1 **Batsworth Road, SW19.** This proposal is in response to business concerns and Phoenix Close residents' concerns regarding obstructive parking hindering moving traffic through the road and obstructive parking adjacent to accesses into business forecourts which hinders deliveries.
- 4.2 The Council received 1 representation from a business with concerns of loss of on-street parking for staff and visitors. Details can be found in appendix B.
- 4.3 Giving consideration to the representation received and additional investigation officers have revised the proposal for Batsworth Road to relocate extents of restrictions to maintain clearance for large vehicles through the road whilst acknowledging parking requirements for local businesses. Proposed restrictions are in some cases on opposite side of carriageway to now create more of a chicane effect as opposed to clearance along one side, providing a stretch of unrestricted kerbside parking that can be utilised for parking. The revised proposal can be found in appendix C.
- 4.4 **Saxonbury Close, CR4.** In response to residents' concerns (via neighbourhood officers) and the Council's refuse collection team reporting of difficulties for refuse collection service vehicles gaining access into the Close due to obstructive parking, leading to non-collection of refuse.
- 4.5 There were 5 representations received to the proposal, which includes 3 in objection and 2 in support. Details can be found in appendix B.
- 4.6 Objections are based on loss of parking in an area where there is already pressure due to the amount of vehicles belonging to properties and the limited space in the Close and that resident permit parking would be a preferred option to address priority parking for residents and tackle with commuter parking.

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 £4.1k. 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

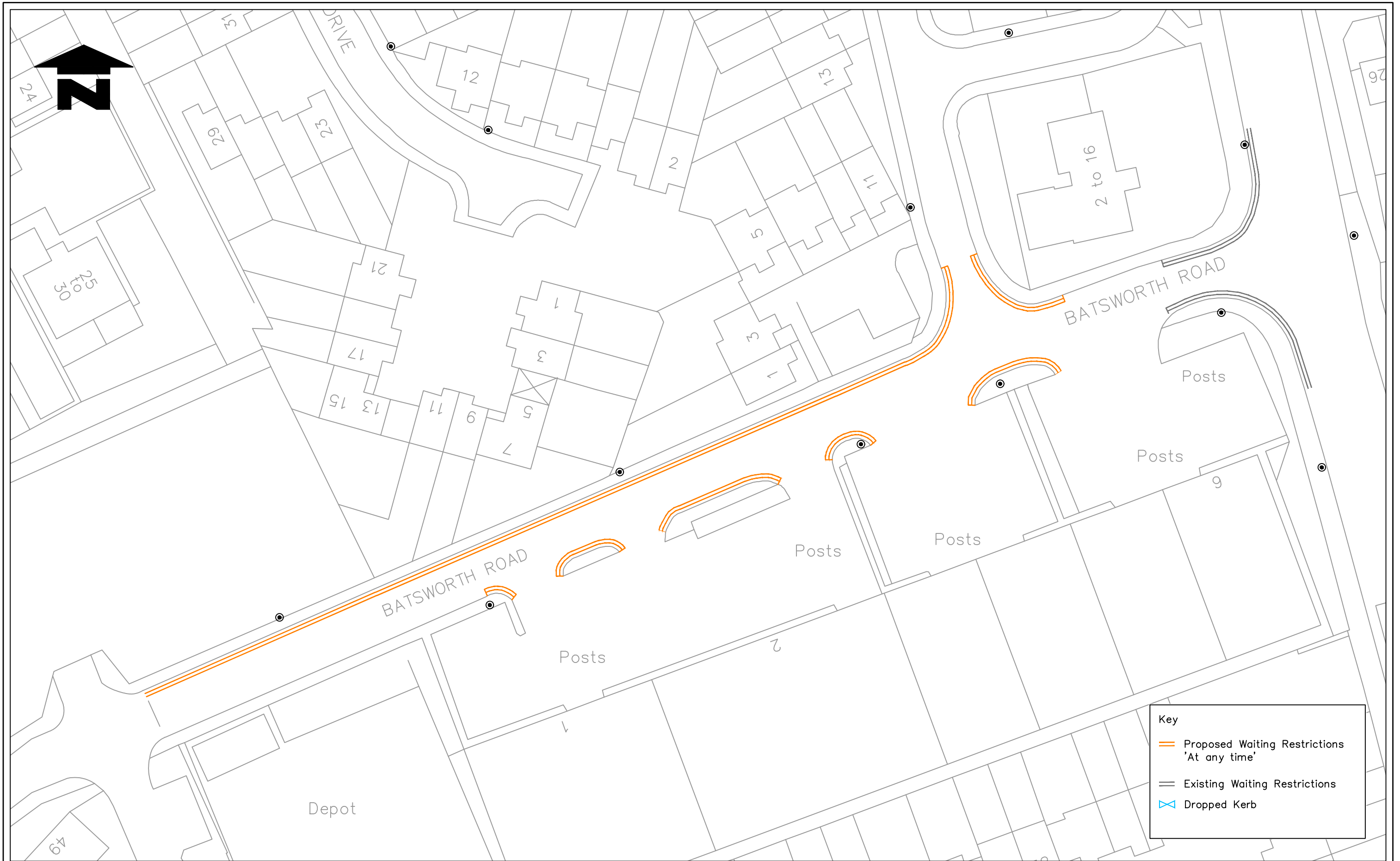
11.1 The following documents are to be published with this report and form part of the report.

11.2 Appendix A - Drawing nos. Z27-662-01 and Z27-665-01

11.3 Appendix B - Representations and Officer's Comments

11.4 Appendix C – Revised drawing no. Z27-662-01A

Appendix A - Drawing Nos. Z27-662-01 and Z27-665-01



Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date



Sustainable Communities
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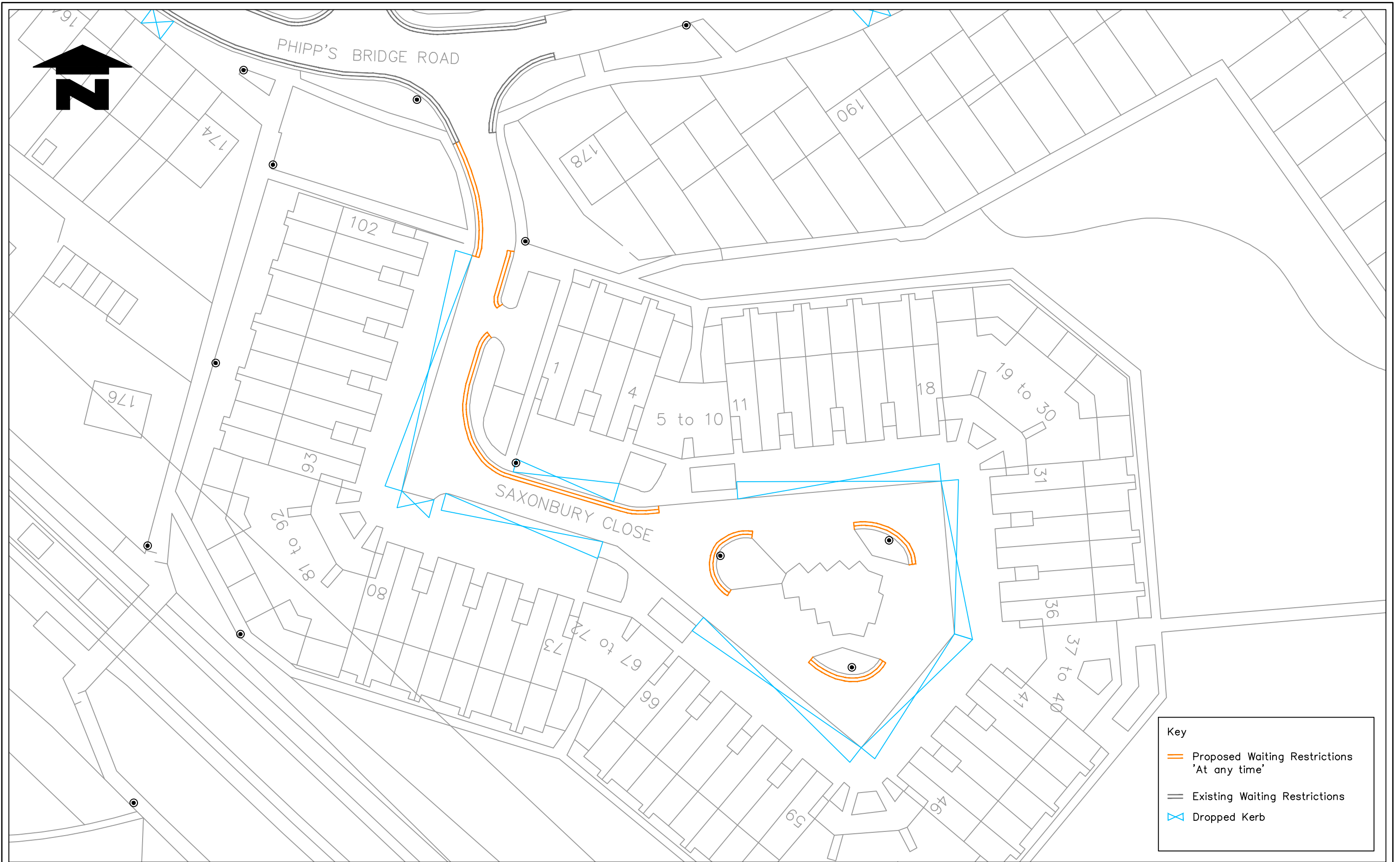
Drawn by	Sig.	Date
BC	BC	DCT2018
Checked by	Sig.	Date
		DCT2018
Approved by	Sig.	Date
		DCT2018

PROJECT
WAITING RESTRICTIONS
(PROPOSED)
TITLE
BATSWORTH ROAD



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

Drawing No.	Z27-662-01
Revision	
Classification	CONSULTATION
Scale	1: 500



Key

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

Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date



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Drawn by	BC	Date	DCT2018
Checked by	Sig.	Date	DCT2018
Approved by	Sig.	Date	DCT2018

PROJECT
WAITING RESTRICTIONS (PROPOSED)

TITLE
SAXONBURY CLOSE



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

Drawing No.	Z27-665-01
Revision	-
Classification	CONSULTATION
Scale	1: 500

Appendix B - Representations and Officers' Comments

Batsworth Road, SW19

ES/WR2018B4/004

Our company is based in Batsworth Road CR4 3BX. We are extremely concerned about the proposed parking restrictions that have been advertised and the impact it will have on our staff, customers and business. There are a lot of businesses in Batsworth road with a high number of staff and there is huge concern where they will all park. We felt we did need to object but looking on the notice we have realised there was only 3 weeks to put our objection in. I would really like to discuss this with someone if possible as I have not looked at the plans and maybe with an explanation it may not be as bad as it seems.

We renewed our lease with Merton Borough Council in February this year and we had no idea that highways were going to impose restrictions with parking. I understand your predicament with artics trying to access the unit down towards the end of Batsworth Road but we also have some issues as we do rely on parking vehicles in Batsworth Road, for staff and customers.

We have been in our Unit for 24 years and over the years have had arrangements with our customers to leave and pick up their vehicles in Batsworth Road outside opening hours, which has been extremely convenient for all concerned.

We have always maintained considerate approach to our residential neighbours and business neighbours alike. There could be an alternative solution, by moving the barrier at the end of Batsworth Road by a few metres towards Church Road it would then stop domestic traffic and industrial traffic mixing. (Problem solved?!)

A large proportion of our business is looking after ambulances, which do take up quite a lot of space, we are not always in a position to park them on our forecourt. Also another problem we have is if they break down often they will be delivered by a recovery company over night or over the weekend and left outside our premises.

I would really appreciate you to consider our predicament as well, as I think it will have a very detrimental effect to our business.

Officer's Comments:

See section 4.3.

Saxonbury Close, CR4

ES/WR2018B4/001

I have just received a letter through my door about double yellow lines around Saxonbury Close and it is basically now going to stop the flats from being able to park anywhere in the road as all the houses around here use their drives and also the car park so now we are never going to be able to park down are roads.

The road is never blocked all that happens is people park over the houses drives as they take up all the car parking spaces as some houses have 4 cars per house.

Why don't you just put white lines over peoples drives so we still have a chance to park outside are houses or make it permits only?

I have a child so now I am never going to be able to park outside my flat!! It's already hard enough to park around here as people dump their cars and houses seem to think they can take up all the spaces and now your going to make our life's even harder than it already is for people that live in the flats!! Plus on the corner car park one person parks all there company cars their so no one can even park their which is a joke.

I hate living here as it is and now this is going to make it worse! Parking permits should be introduced for flats only so we have a fair chance of having parking as we don't have the Privilege of having a drive.

ES/WR2018B4/002

Regarding the proposed waiting restrictions. This will be at a great inconvenience to the residents of Saxonbury close. Parking is very limited in the close especially for those in the flats without driveways. There are approximately 30 flats and only 19 parking spaces majority of which are used by the town houses who already have private driveways but use the spaces for their multiple cars. Parking is a real issue as it is, I would suggest prohibiting commercial vehicles as many bring work vehicles and park overnight.

The communal bins have now been removed and replaced with smaller bins on wheels would this not help the refuse collection?

I do not believe removing the only additional parking spaces for refuse collections will be fare. Refuse is collected fortnightly if that! And parking is an ongoing pain. Parking permits might also be a better suggestion as might reduce the amount of vehicles in Saxonbury close as I'm sure commuters park here to access the tram.

ES/WR2018B4/003

We received a copy of the letter about the parking in Saxonbury Close regarding double Yellow lines. I think myself this is ridiculous more than one home has 2 cars or more If you put yellow lines were you say you are going to this will cause problems drives will get blocked So people who need to use there cars will not be able to get of there drives I am a resident at 77 Saxonbury Close and there is a curb by the large cherry tree and people are Always parking there one if not two cars and we always have a problem moving them or finding We're the owners live. So really all you are doing is taking parking spaces away all because dust Carts are to lassy to back down to clear waste away (if they fill its impossible to drive down They will and we have seen them drive away for no reason . All you need to do is yellow line at the entrance to Saxonbury Close either side of the road and around bin area I hope you really take Note of this email all you will create is conflict with neighbours can you please get back to me or visit me for talks.

Officer's Comments:

The aim of the proposal is to maintain clear access through the road, especially to assist emergency and waste collection services. The carriageway width of Saxonbury Close into the estate is not sufficient to accommodate parking on both sides of the carriageway. Proposal is in response to Residents' concerns raised to Neighbourhood Officers and also the Council's refuse collection service requesting parking restrictions in the Close to ensure clear access for moving traffic. Reports of obstruction due to vehicles parked both sides of the road preventing access and that those affected being the refuse collection schedules.

It is important to note that waiting restrictions are proposed where parking cannot be accommodated without causing obstruction, where parking can be accommodated restrictions are not proposed. It is appreciated that parking may be a priority for you but as the Traffic and Highway Authority, Council's priority is to ensure that safety and access are maintained at all times and as a result officer's recommendations would be to introduce the proposed restrictions.

To address non-resident and commuter parking in your street, 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.

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.

ES/WR2018B4/005

Great news! This will assist our team with the issues that we currently have at Saxonbury close where the refuse crews can't get to the central enclosure to collect the reuse & recycling. The lines are needed outside 1-4. People park on the dropped kerbs here which causes an obstruction, narrowing the width of the road preventing the refuse vehicles from getting through.

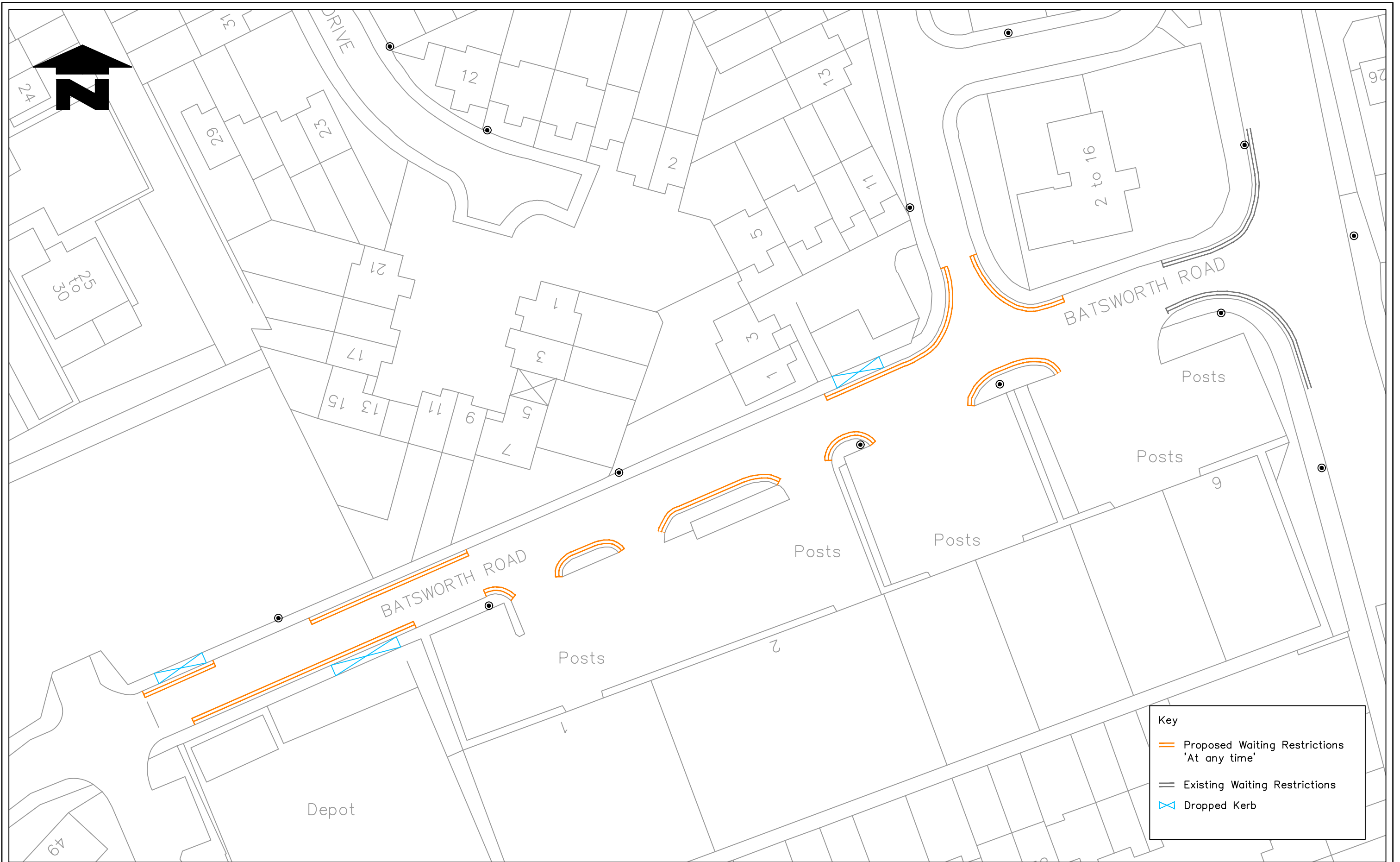
ES/WR2018B4/006

The plans all look fine, and I agree with the yellow lines outside nos 1-4. Are there any plans to do Belgrave Walk? This area also has a problem with people parking there and using the tram.

Officer's Comments:

The request for restrictions in Belgrave Walk has been acknowledged and will be investigated and consulted on in future batch of proposed waiting restrictions.

Appendix C – Revised drawing No. Z27-662-01A



Notes
Do not scale from this drawing

Rev.	Revisions	Drawn	Sig.	Date	Chkd.	Sig.	Date	App.	Sig.	Date

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PROJECT
WAITING RESTRICTIONS (PROPOSED)

TITLE
BATSWORTH ROAD

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

Drawing No.	Z27-662-01
Revision	A
Classification	CONSULTATION
Scale	1: 500

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 borough wide 2018 Batch 4 (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

11 January 2019

5. Date report made available to decision maker

10 January 2019

6. Decision

- 1) Notes the result of the statutory consultation carried out between 25th October and 16th November 2018 on the proposals to introduce 'at any time' waiting restrictions at various locations across the borough.
- 2) Agrees to proceed with the making of the relevant Traffic Management Orders (TMOs) and the implementation of the waiting 'at any time' at various locations across the borough as shown in Drawing Nos. Z27-662-01A and Z27-665-01.
- 3) Agrees to exercise his discretion not to hold a public inquiry on the consultation process.

7. 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.

8. Documents relied on in addition to officer report

None

9. Declarations of Interest

None



Councillor Martin Whelton

Cabinet member for regeneration, housing and transport

11 January, 2019

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