



LONDON BOROUGH OF MERTON

**PROPOSED REMOVAL OF LOADING BAY AND INTRODUCTION OF ADDITIONAL FREE
PARKING PLACES IN CHURCH ROAD AND HAWTHORNE AVENUE, CR4**

**THE MERTON (FREE PARKING PLACES) (CHURCH ROAD AND HAWTHORNE AVENUE) (NO.
) ORDER 202
THE MERTON (LOADING BAYS) (NO. 5) (REVOCATION) ORDER 202***

1. NOTICE IS HEREBY GIVEN that the Council of the London Borough of Merton, propose to make the above mentioned Orders under sections 6 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984, as amended, and all other enabling powers.
2. The general effect of the "Loading Bays Revocation Order" would be to revoke the London Borough of Merton (Loading Bays) (No. 5) Traffic Order 2000 and remove the loading bay situated outside No. 260 Church Road.
3. The general effect of the "Free Parking Places" Order would be to:-
 - (a) revoke the London Borough of Merton (Free Parking Places) (No. 1) Traffic Order 2000 relating to parking bays in Church Road and re-introduce its provisions;
 - (b) lengthen the existing free parking place outside No. 260 Church Road so that extends from a point 11.5 metres north of the northern kerb-line of Hawthorne Avenue northward for a distance of 21.6 metres;
 - (c) introduce a free parking place for up to 4 vehicles in Hawthorne Avenue, the south side, from a point 9.5 metres east of the eastern kerb-line of Church Road eastward for a distance of 21.6 metres; operating at any time and specify that the parking place may be used, subject to the provisions of the Order, for the leaving during the permitted hours of such vehicles as are passenger vehicles, goods carrying vehicles, motorcycles or invalid carriages.
4. A copy of the proposed Orders and other documents giving more detailed particulars of the Orders, including a plan which indicate the roads or lengths of road to which the Orders relate, can be inspected Mondays to Fridays during normal office hours at Merton Link, Merton Civic Centre, London Road, Morden. However, due to the pandemic, the documents are also available for inspection at <https://www.merton.gov.uk/streets-parking-transport/traffic-management/consultations>.
5. Any person desiring to comment on the proposed Orders should send a statement in writing of their representations or objections and the grounds thereof, to the Environment and Regeneration Department, Merton Civic Centre, London Road, Morden, SM4 5DX, or alternatively by email to trafficandhighways@merton.gov.uk quoting reference **ES/CHURCHROAD** no later than 21 May 2021.

Dated 29 April 2021.

Paul McGarry
Head of futureMerton
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Merton Civic Centre,
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SM4 5DX



THE LONDON BOROUGH OF MERTON

TRAFFIC MANAGEMENT ORDER

202* No. *

The Merton (Free Parking Places) (Church Road and Hawthorne Avenue) (No. *) Order 202*

Made: * 202*

Coming into force: * 202*

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The Council of the London Borough of Merton, having consulted the Commissioner of Police of the Metropolis in exercise of the powers conferred by section 6 and 124 of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984(a), as amended by section 8 of and Part 1 of Schedule 5 to the Local Government Act 1985(b), Part 6 and Schedules 7 to 12 of the Traffic Management Act 2004(c) and of all other enabling powers hereby make the following Order:-

PART I

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Merton (Free Parking Places) (Church Road and Hawthorne Avenue) (No. *) Order 202* and shall come into force on * 202*.

Revocation

2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the London Borough of Merton (Free Parking Places) (No. 1) Traffic Order 2000(d) is hereby revoked.

Interpretation

3. (1) In this Order, except where the context otherwise requires:-

“civil enforcement officer” has the same meaning as in the Traffic Management Act 2004 and means a person authorised by or on behalf of the Council to supervise and enforce the provisions of this Order;

“Council” means the Council of the London Borough of Merton;

"disabled person's badge" has the same meanings as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000(e);

“driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;

“electronic communications network” has the same meaning as in the Communications Act 2003(f).

“enactment” means any enactment, whether public, general or local, and includes any Order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;

(a) 1984 c.27 (b) 1985 c.51 (c) 2004 c.18 (d) L.B.M 2000/7 (e) S.I. 2000/683 (f) 2003 c.21

"goods carrying vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description and is not drawing a trailer;

"motorcycle" has the same meaning as in section 136 of the Road Traffic Regulation Act 1984

"parking place" means any area on a highway designated as a parking place by this Order;

"parking space" means a space in a parking place which is provided for the leaving of a vehicle;

"passenger vehicle" means a motor vehicle (other than a motor cycle) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"penalty charge" has the same meaning as that given in section 92 of the Traffic Management Act 2004 in respect of a contravention of a provision to this Order;

"permitted hours" in relation to a parking place means the period specified at the beginning of the Schedule relating to that parking place;

"Schedule" means a Schedule to this Order;

"street" includes part of a street;

- (2) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.
- (3) The prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

PART II

DESIGNATION OF PARKING PLACES

Designation of parking places

4. Each area on a highway comprising the length of carriageway of a street specified in column 2 of the Schedule to this Order and, unless otherwise so specified, bounded on one side of that length by the edge of the carriageway and having a width throughout of 2.0 metres is designated as a parking place.

Number and situation of parking spaces

5. The number of parking spaces in each parking place referred to in column 2 of the Schedule to this Order shall not exceed the number specified in relation thereto in column 3 of that Schedule and the number and situation of such parking spaces in each parking place shall be as may be determined by the Council.

Vehicles for which parking places are designated

6. Each parking place referred to in the Schedule to this Order may be used, subject to the provisions of this Order, during the permitted hours for the leaving of passenger vehicles, goods vehicles, motor cycles and vehicles displaying a disabled person's badge.

PART III

SUPPLEMENTARY PROVISIONS

Period for which a vehicle may be left in a parking place

7. No person shall cause or permit any vehicle to be left in a parking place in the Schedule to this Order during the permitted hours. for a continuous period longer than the maximum period of waiting specified in the heading to those Schedule and no person may cause or permit that same vehicle to return to that same parking place during the permitted hours, until the expiry of the minimum period specified in the heading to the Schedule of that parking place, beginning from the time it was driven away after the previous period of waiting in that same parking place.

Contraventions in parking places

8. A contravention of this Order and a parking contravention within Part 1 of Schedule 7 to the Traffic Management Act 2004 shall occur and a penalty charge will be payable if:
 - (a) during the permitted hours, a vehicle is left in a parking place designated in the Schedule to this Order for a period longer than the maximum period of waiting specified in the heading to that Schedule; or
 - (b) during the permitted hours, the same vehicle is returned to the same parking place before the expiry of the minimum period specified in the heading to the Schedule to that parking place; or
 - (c) the vehicle is left parked in a manner that does not comply with that prescribed in Article 9.

Manner of standing in a parking place

9. Every vehicle left in a parking place in accordance with the foregoing provisions of the Order shall so stand;
 - (a) in the case of a parking place in relation to which special provisions as to the manner of standing of a vehicle in that parking place are specified in Column 4 of the Schedule, as to be in accordance with those provisions;
 - (b) in the case of any other parking place, if the parking place is not in a one-way street, that the left hand or near-side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (c) that every part of the vehicle is within the limits of a parking place; and
 - (d) that no part of the vehicle obstructs any vehicular means of ingress to or egress from any premises adjacent to the side of the road on which the vehicle is waiting.

For the purposes of the last foregoing sub-paragraph, the expression "premises" shall not include any premises to or from which goods are being delivered or collected.

Power to suspend the use of a parking place

10. (1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration, or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any

- electronic communications network or the placing, maintenance or removal of any traffic sign;
- (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on any other special occasions; or
 - (f) for filming purposes.
- (2) A police constable in uniform may suspend for not more than seven days the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) On the suspension of the use of a parking place or any part thereof in accordance with the provisions of this Article, the person authorising or causing such suspension shall place or cause to be placed in or adjacent to that parking place or that part thereof, as the case may be, traffic signs indicating that the waiting by vehicles is prohibited.
- (4) No person shall cause or permit any vehicle to wait in a parking place or any part thereof at any time during such period as there is in or adjacent to that parking place or that thereof, as the case may be, a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall apply:

- (i) in respect of any vehicle being used for fire brigade, ambulance or police purposes or any vehicle which is waiting for any reason specified in Article 11(1)(b) or (d); or
- (ii) to anything done with the permission of the person suspending the use of the parking place or part thereof or a police constable in uniform or a police community support officer in uniform.

Restriction on waiting by a vehicle in a parking place

11. (1) Notwithstanding the foregoing provisions of this Order, any vehicle may wait during the permitted hours in any part of a parking place if the use of that part has not been suspended and if:
- (a) the vehicle is waiting for a period not exceeding two minutes, or such longer period as a civil enforcement officer may approve, to enable a person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage:

provided that if the said person is a person suffering from any disability or injury which seriously impairs his ability to walk or who is blind, the vehicle may wait for as long as may be necessary to enable that person to board or alight from the vehicle or load thereon or unload therefrom his personal luggage;
 - (b) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (c) the vehicle is being used for fire brigade, ambulance or police purposes or is being used in the service of a local authority in pursuance of statutory powers

- or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or the performance of such duties for the vehicle to wait in the parking place in which it is waiting;
- (d) the vehicle is waiting only for as long as may be necessary to enable it to be used on connection with the removal of any obstruction to traffic.
- (2) Except as provided by this Order, the driver or person in charge of a vehicle shall not cause or permit a vehicle to wait in a parking place.

Exemptions

12. (1) Notwithstanding the foregoing provision of this Order a disabled person's vehicle which displays in the relevant position a disabled person's badge issued by any local authority may be left in a parking space without time limit, provided that the use of that part of the parking space in which the vehicle is left has not been suspended.
- (2) A vehicle to which this Article applies shall stand in a parking space in accordance with the provisions of sub-paragraphs (a), (b) or (d) of Article 9 of this Order and wholly within the limits of that parking space.

Movement of a vehicle in a parking place in an emergency

13. A police constable in uniform, a police community support officer in uniform, a traffic warden or a civil enforcement officer may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle which is left unattended in a parking place.

Alteration of position of a vehicle in a parking place

14. Where any vehicle is standing in a parking place in contravention of the provisions of Article 9, a civil enforcement officer may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a parking place

15. Where a civil enforcement officer is of the opinion that any of the provisions contained in Article 9 have been contravened or not complied with in respect of a vehicle left in a parking place then he may remove or cause to be removed the vehicle from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Placing of traffic signs

16. The Council shall:
- (a) place and maintain in or in the vicinity of each parking place traffic signs and or carriageway markings of any size, colour and type prescribed or authorised by the Department of Transport indicating that such parking place may be used during the permitted hours for the purpose and leaving only of the vehicles specified in Article 6 and for the period specified in Article 7; and
 - (b) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

Dated this * day of * 202*.

PAUL MCGARRY
Head of futureMerton
London Borough of Merton

SCHEDULE

In relation to a parking place referred to in this Schedule the expression permitted hours means the period at any time, any such day not being Christmas Day, Good Friday or a Bank Holiday.

Parking places in respect of which the maximum period for which a vehicle may be left during the permitted hours is unlimited with no time restriction on the return by the same vehicle to the same parking place

No. of parking place	Designated Parking Place	Maximum number of spaces	Special manner of standing
1	2	3	4
1.	CHURCH ROAD, MITCHAM; the east side, from a point 10 metres south of the northern flank wall of No. 390 Church Road, southward for a distance of 12.8 metres.	2	-
2.	CHURCH ROAD, MITCHAM; the east side, from a point opposite the party wall of Nos. 372 and 374 Church Road southward for a distance of 15 metres.	3	
3.	CHURCH ROAD, MITCHAM; the east side, from a point 4 metres north of the party wall of Nos. 282 and 284 Church Road southward for a distance of 10.5 metres.	2	
4.	CHURCH ROAD, MITCHAM; the east side, from a point 4 metres north of the party wall of Nos. 278/280 Church Road southward for a distance of 7 metres.	1	
5.	CHURCH ROAD, MITCHAM;		

	the east side, from a point 3.5 metres north of the party wall of Nos. 274 and 276 Church Road southward for a distance of 5.5 metres.		
6.	CHURCH ROAD, MITCHAM; the east side, from a point 4 metres north of the party wall of Nos. 270 and 272 Church Road southward for a distance of 9 metres.		
7.	CHURCH ROAD, MITCHAM; the east side, from a point 11.5 metres north of the northern kerb-line of Hawthorne Avenue, northward for a distance of 21.6 metres.	4	
8.	CHURCH ROAD, MITCHAM; the east side, from a point 10 metres south of the southern arm of Hawthorne Avenue southward for a distance of 39 metres.		
9.	CHURCH ROAD, MITCHAM; the east side, from a point 4.5 metres north of the southern flank wall of No. 98 Church Road northward for a distance of 22 metres.		
10.	CHURCH ROAD, MITCHAM; the west side, from a point 15 metres south of a point opposite the party wall of Nos. 362 and 364 Church Road southward for a distance of 66 metres.		
11.	CHURCH ROAD, MITCHAM; the west side, from a point opposite the common boundary of No. 170 Church Road and Lime Court northward for a distance of 35 metres.		
12.	CHURCH ROAD, MITCHAM; the west side, from a point 1 metre north of the rear party wall of Nos. 41 and 42 Sycamore gardens northward for a distance of 26 metres.		
13.	HAWTHORNE ROAD, MITCHAM; the south side, from a point 9.5 metres east of the eastern kerb-line of Church Road eastward for a distance of 21.6 metres.	4	



LONDON BOROUGH OF MERTON

TRAFFIC MANAGEMENT ORDER

202* No. *

The Merton (Loading Bays) (No. 5) (Revocation) Order 202*

Made: * 202*

Coming into force: * 202*

The Council of the London Borough of Merton, after consulting the Commissioner of Police of the Metropolis, in exercise of the powers conferred by sections 6 and 124 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984(a), as amended by section 8 of and Part I of Schedule 5 to the Local Government Act 1985(b), and of all other powers thereunto enabling hereby make the following Order:-

Citation and commencement

1. This Order may be cited as the Merton (Loading Bays) (No. 5) (Revocation) Order 202* and shall come into force on * 202*.

Interpretation

2. (1) In this Order, except where the context otherwise requires:

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment.

- (2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effected by virtue of any subsequent enactment.
- (3) Any reference in this Order to a numbered Article or Schedule shall, unless the context otherwise requires, be construed as a reference to the Article or Schedule bearing that number in this Order.

Revocation

3. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the London Borough of Merton (Loading Bays) (No. 5) Traffic Order 2000(c) is hereby revoked.

Dated this * day of * 202*.

PAUL MCGARRY
Head of futureMerton
London Borough of Merton



LONDON BOROUGH OF MERTON

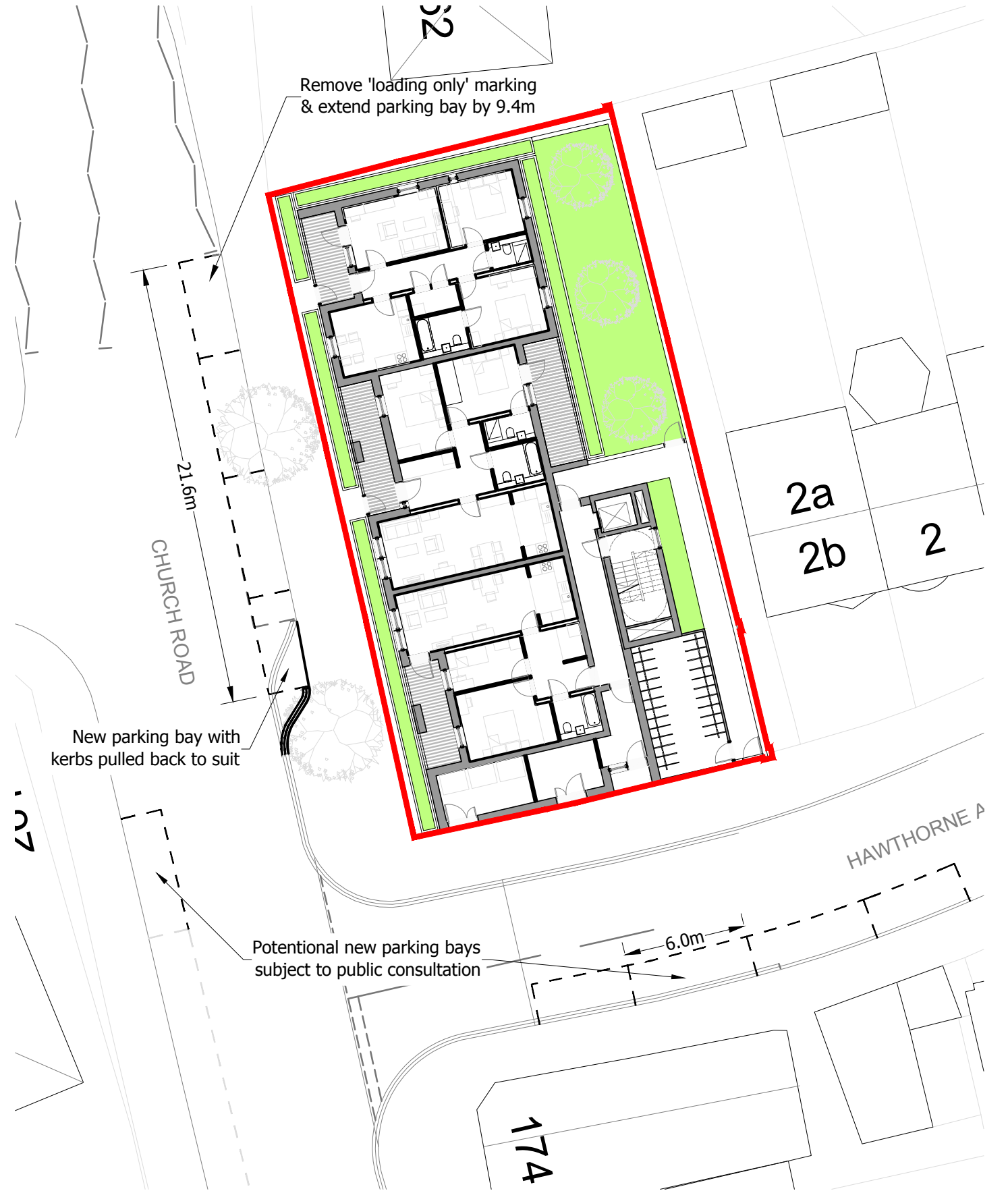
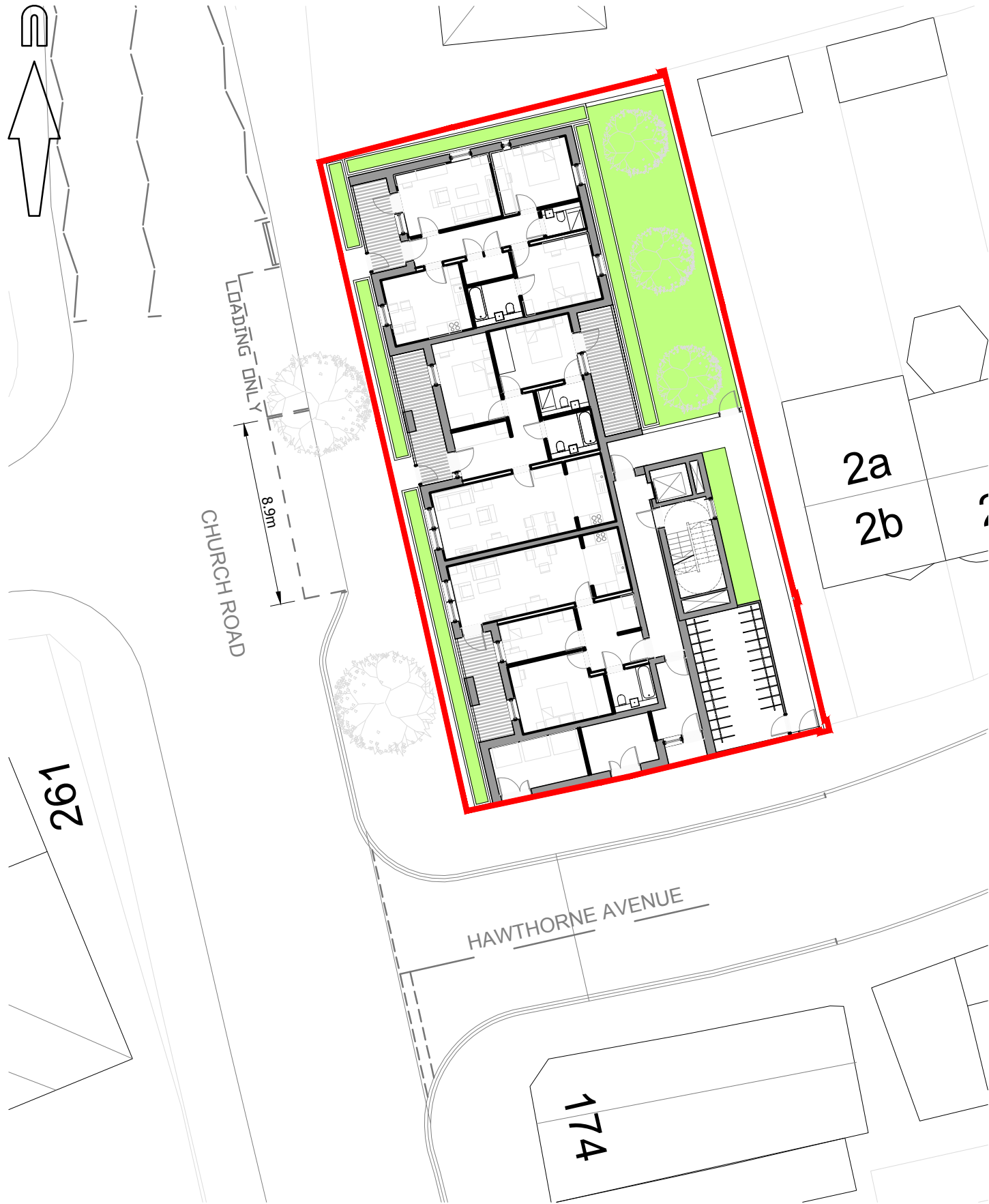
**PROPOSED REMOVAL OF LOADING BAY AND INTRODUCTION OF ADDITIONAL FREE
PARKING PLACES IN CHURCH ROAD AND HAWTHORNE AVENUE, CR4**

**THE MERTON (FREE PARKING PLACES) (CHURCH ROAD AND HAWTHORNE
AVENUE) (NO. *) ORDER 202***

THE MERTON (LOADING BAYS) (NO. 5) (REVOCATION) ORDER 202*

STATEMENT OF REASONS

The Orders are intended to revoke a redundant loading bay and introduce new parking facilities to reduce obstructive parking in Church Road and Hawthorne Avenue further to a site redevelopment.



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client
CAERUS (CHURCH ROAD) LTD

project
CHURCH ROAD
MERTON

title

EXISTING & ADDITIONAL REVISED CAR PARKING

scale
1:250 @ A3

drawn by
JME

checked by
AP

date
JULY 2016

cad file
FIGURE 3.1D.DWG

drawing number
FIGURE 3.1

rev.
D