

**Title of meeting:** Cabinet Member for Traffic and Transportation Decision Meeting

**Date of meeting:** 17 July 2017

**Subject:** Warblington Street disabled bay (TRO 38/2017)

**Report by:** Alan Cufley, Director of Transport, Environment and Business Support

**Wards affected:** St Thomas

**Key decision:** No

**Full Council decision:** No

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## **1. Purpose of report**

- 1.1.** To consider the objection (page 4) to the disabled bay proposed in Warblington Street next to no.2 South Normandy, within Old Portsmouth residents' parking zone (KA).

## **2. Recommendation**

- 2.1.** That the disabled bay is installed within the existing parking bay adjacent to the garden of No. 2 South Normandy, just before the garage

## **3. Background**

- 3.1** The applicant is eligible for a disabled bay, holding a current Blue Badge. Although the applicant's property has off-road parking (a garage), it cannot be used as the disabled resident is unable to get into or out of the car when the vehicle is in the garage - the car door cannot be opened wide enough.
- 3.2** The applicant accesses their property from the rear, and the footpath leads out onto Warblington Street where the disabled bay is proposed adjacent to No.2 South Normandy (South Normandy itself has no vehicular access to the front)
- 3.3** The original location of the bay was going to be next to an existing bay, alongside the front access to properties in South Normandy. The applicant then explained about using the rear access and they suggested Highbury Street for the disabled bay, which is some 50 metres (over 160ft) from their property, so as to reduce any inconvenience to other residents. A further conversation took place with the applicant, as we had concerns over the distance that the applicant would have to walk if it was located in Highbury Street, which would include having to cross the road. It was therefore proposed that the bay be located at the south western end of the residents' parking bay alongside No 2 South Normandy as this would be very close to the footpath that the applicant uses to access the rear of their property and reduce the distance they would have to walk to 25 metres.

#### **4. Reasons for the recommendation**

- 4.1** The resident of South Normandy meets the criteria and is eligible for the provision of a disabled bay. Portsmouth City Council is acting on behalf of the disabled applicant to provide a parking facility as close to home as possible, in light of the inability to walk any great distance, which is made more difficult when transporting heavy items.
- 4.2** Warblington Street is a public road, and currently any KA zone permit holder may park within any of the marked bays for unlimited time and non-residents are restricted to 1 hour within any of the marked bays.
- 4.3** Whilst the residents of No.2 South Normandy report being able to use the end of the parking bay adjacent to their garage on a regular basis, which is their preference, it may be used by any vehicle (subject to the permit and waiting restrictions). The nature of providing parking spaces for disabled residents necessitates prioritising their needs ahead of those of able-bodied people, and providing a parking space as close to where they live as possible.
- 4.4** Positioning the disabled bay one space (car length) away from the garage would be further from the pedestrian footpath leading to the disabled person's rear access and therefore a longer walk, and would be putting able-bodied residents' and non-residents' needs ahead of the disabled resident. It should be noted that neighbours do not always feel able to discuss personal matters with each other.
- 4.5** When vacant, disabled bays can be used for the purpose of loading and unloading, including deliveries. With the same vehicle regularly using the disabled bay, the potential for vehicles overhanging the end of the bay and subsequently the garage entrance is reduced.

#### **5. Equality Impact Assessment**

- 5.1** A full equality impact assessment is not required as the recommendation has a positive impact for Disability groups, and does not have a negative impact on any of the remaining protected characteristics as described in the Equality Act 2010. These include Age, Race, Gender, Sexual orientation, Religion or belief, the relationships between these groups, and other socially excluded groups.

#### **6. Legal Implications**

- 6.1** It is the duty of a local authority to manage their road network with a view to achieving, so far as may be reasonably practicable having regard to their other obligations, policies and objectives, the following objectives:
  - (a) securing the expeditious movement of traffic on the authority's road network; and
  - (b) facilitating the expeditious movement of traffic on road networks for which another authority is the traffic authority.

- 6.2** Local authorities have a duty to take account of the needs of all road users, take action to minimise, prevent or deal with congestion problems, and consider the implications of decisions for both their network and those of others.
- 6.3** A local authority may by virtue of section 32 of The Road Traffic Regulation Act 1984 (the 1984Act) authorise by order the use of any part of a road within their area as a parking place. However it may not charge for parking in any on-street parking places authorised by this method.
- 6.4** A proposed TRO must be advertised and the statutory consultees notified and given a 3- week period (21 days) in which to register any support or objections. Members of the public also have a right to object during that period. If objections are received to the proposed order the matter must go before the appropriate executive member for a decision whether or not to make the order, taking into account any comments received from the public and/or the statutory consultees during the consultation period.

## **7. Director of Finance's comments**

- 7.1** The implementation costs relating to TRO 38/2017 are estimated to be £320. These costs include advertising the TRO and line marking.
- 7.2** The applicant contributes £51 (except if on Housing/Council tax benefit), with the balance to be funded from the existing on-street parking revenue budget.
- 7.3** The resources required to enforce this traffic regulation order can be met by the parking function and no other additional revenue costs will be incurred as a results of its implementation.

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Signed by:  
Alan Cufley  
Director of Transport, Environment and Business Support

## **Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
1 email	Transport Planning

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by ..... on .....

.....  
Signed by:  
Councillor Simon Boshier  
Cabinet Member for Traffic and Transportation

## **Appendix A: Public response to the proposal**

### **OBJECTION**

#### **1. Residents, South Normandy**

We are formally lodging an appeal against the proposed placement of the Disabled parking bay outside 2 South Normandy PO1 2ES.

I spoke to Nikki Musson hoping to clarify and raise my concerns with a view to try to avoid a formal appeal if a mutually convenient arrangement could be agreed by all parties concerned.

There is already a disabled bay outside South Normandy centrally placed in front of the court yard. My assumption led me to believe that the proposed bay would be placed adjacent to this bay already in existence. Indeed I raised this in the phone call and was informed that this was the proposal from the supervisor but had been rejected by the applicant in favour of the bay being placed directly next to our garage entrance.

The council were unable to confirm who the bay was for due to data protection. However on collection of a parcel held by our neighbour they confirmed voluntarily that it was for them and proceeded to give us conflicting information ie that they had requested Highbury St and not Warblington St. However the neighbour stated that they had been allocated Warblington St next to the garage by the council. But from phoning the council we were informed of a different story that the neighbours in question had rejected the proposed bay next to the existing one in favour of the adjacent area next to our garage.

There is a problem to us if the disabled space is placed directly next to our garage entrance. There is already a significant issue with restricted access at times depending on how close people park up to the demarcation lines and if a car is parked directly opposite. The swing required can be limited and at best not possible depending upon the consideration of other drivers. In addition we have regular delivery lorries that in future will be unable to manoeuvre if we are unable to utilise the parking space at required times next to the garage entrance.

In order to move this forward in a timely way we would propose that the bay be positioned one car width away from the garage demarcation line ie nearer towards our front door.

*(End of report)*