

**Title of meeting:** Cabinet Member for Transport decision meeting

**Date of meeting:** 29 February 2024

**Subject:** TRO 322B/2023 Kirpal Road and Renny Road - Disabled Persons Parking Places

**Report by:** Felicity Tidbury, Assistant Director for Economy, Planning & Transport

**Report author:** Denise Bastow, Acting Parking Manager PCNs, Permits & Blue Badges

**Cabinet Member:** Councillor Gerald Vernon-Jackson, Cabinet Member for Transport

**Wards affected:** Baffins and Fratton

**Key decision:** No

**Full Council decision:** No

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**1. Purpose of report**

- 1.1.** To consider the public response to the proposed disabled bays in Kirpal Road and Renny Road, Portsmouth.

In this report, TRO means traffic regulation order.

Appendix A: The public proposal notice for TRO 322/2023

Appendix B: Public views submitted

Appendix C: Integrated Impact Assessment

Appendix D: Map of proposed and existing disabled bays

**2. Recommendations**

**In relation to the proposal promoted under TRO 322B/2023, it is recommended that the Cabinet Member for Transport:**

- 2.1** Rejects the implementation of a Disabled Person's Parking Bay in Kirpal Road as part of TRO 322B/2023;
- 2.2** Approves the implementation of a Disabled Person's Parking Bay in Renny Road;



**2.3** Notes that the remainder of TRO 322/2023 came into operation under TRO 322A/2023 on 17 February 2024, except for the Disabled Persons Parking Bay in Garnier Street (o/s No 48) which will not now be removed. Therefore, any proposals approved following this report will be brought into operation under TRO 322B/2023.

### **3. Background**

**3.1** Disabled parking bays are installed in residential areas to assist blue badge holders to park close to their homes and thereby reduce the distance they have to walk after parking their car. The bays are advertised following applications from individual blue badge holders. TRO 322/2023 advertised the installation of 8 disabled parking bays and removal of 21 disabled parking bays at various locations across Portsmouth.

**3.2** In order for a disabled parking bay to be considered, the applicant:

- has to hold a valid Blue Badge,
- have a vehicle registered to the address,
- must not have any usable off-street parking and;
- there should be pressure on parking in the area.

### **4. Consultation and notification**

**4.1** Statutory consultation and notification under TRO 322/2023 took place between 1 December 2023 and 29 December 2023. The statutory 21 day consultation period had been extended to 28 days to allow for the Christmas period and subsequently extended to 9 January 2024, due to notices needing to be replaced in one location.

**4.2** Under statutory consultation, statutory bodies (police, fire & rescue, utilities companies etc.) are directly consulted on the Council's formal proposals and the public has a right to object. The Council has a statutory obligation to consider any objections received (see paragraph 8.3 of this report), and any comments received are given due consideration. Appendix B contains the full text of the representations received in response to the proposal but has been anonymised.

**4.3** The legal requirement is to publish the proposal notice in a local newspaper - this notice was published in The News. The proposal notice was also published on the Council's website and yellow copies were displayed at affected locations.

### **5. Consultation response**

**5.1** Three representations were received, two objecting to the installation of the disabled bay in Kirpal Road and one objecting to the installation of the disabled bay in Renny Road. The full content of the objections (anonymised) is in Appendix B of this report.



## 6. Reasons for recommendations

- 6.1 Kirpal Road, Baffins:** An application for a disabled bay was received from a blue badge holder who lives in Kirpal Road. There is more than one blue badge holder who drives at the address and they have two vehicles, with one off-street parking space. The road is unrestricted except for double yellow lines on the entrance section of Kirpal Road and there are no restrictions in the immediate vicinity of the proposed disabled bay. Properties in Kirpal Road have off-street parking in the form of at least one parking space, there are also laybys in the road where parking appears to take place for visitors. There are no disabled parking bays in the road.
- 6.2** Upon receiving the initial application, after considering the criteria for agreeing a disabled parking bay as detailed in paragraph 3.2 above, the application was originally refused on the grounds that there was not pressure on parking in the area. This was evidenced by recorded visits to the area at various times (including evenings when pressure on parking is highest), which showed there were parking spaces available in the layby or the applicant's vehicle(s) were already parked in the layby. This suggested that the applicant could use both their off-street parking space and also park the second vehicle in the layby when they returned home, without the need for a disabled parking bay to be installed. The Cabinet Member for Transport subsequently requested for the application to be progressed following a site visit to the location and on the grounds that they believed there was pressure on parking.
- 6.3** Two objections have been received on the grounds that all properties have driveways where they can park a vehicle, vehicles could also be parked across the driveway as many residents do, the layby is for visitor parking and it has been observed the applicant parks both vehicles in the layby rather than using their off-street parking space.
- 6.4** One of the objections received also made reference to only seeing the notice being put in place on street on 12 December 2023, which only gave them a couple of weeks to comment, therefore the statutory consultation period was extended to 9 January 2024 as mentioned in paragraph 4.1 above. The objector also requested clarification on whether the disabled bay would take the whole layby or just one space.
- 6.5** A response was sent to the person objecting explaining that parking across a driveway was not considered to be an authorised parking space and could block the footway, causing problems for pedestrians to get past, especially those with pushchairs or wheelchairs. Confirmation was also given at that time to the extension of the consultation to 9 January 2024 and that the proposed disabled bay would only take up the equivalent of one parking space in the layby. The person responded by confirming that they still wished to continue with their objection, and they provided photos of the applicants appearing to now park both vehicles in the layby, instead of using their off-street parking space for at least one of their vehicles. They also confirmed that the main footway used by pedestrians is on the south side of the road (layby side).



- 6.6** In considering the objections received and the initial refusal of the application by officers in accordance with the agreed criteria, the recommendation of this report is not to install a disabled parking bay in this location. The applicant appears to be able to park both vehicles in the layby without needing to use their off-street parking space, which does not suggest there is pressure on parking in the area. This decision would also maintain the layby for use by visitor vehicles to other residents.
- 6.7** **Renny Road, Fratton:** An application for a disabled bay was received from a blue badge holder who lives in Renny Road. There is one other disabled bay in Renny Road, but not in close proximity to this application. It is not possible to install a disabled bay directly outside the applicant's address, due to there being double yellow lines for junction protection and the next parking space has a speed cushion in place. It is not suitable to install a disabled parking bay across a speed cushion, as this could cause issues for the blue badge holder when exiting a vehicle as it would not be on a level surface. Following a conversation with the applicant it was suggested and agreed with them that the most suitable location for a bay was immediately opposite. Consideration was also given that the proposed location would not be directly outside another residential property i.e. No 80 and not in front of the takeaway business' front door.
- 6.8** An objection was received from a business owner who objected on the grounds that there were no blue badge holders on their side of Renny Road, and concerned at the limited parking available outside the business to load and unload and the impact this would have on their business.
- 6.9** A response was sent explaining that a bay could not be installed directly outside the applicant's address due to double yellow lines and the speed cushion in the first parking space. The business owner responded that they wished to continue with their objection as they did not feel it appropriate to install a disabled bay on the other side of the road to where the applicant lived, although they did support the installation of a bay for the applicant and suggested that a parking space outside No 80 would be closer than installing one opposite.
- 6.10** The applicant will already be parking in Renny Road and in practical terms there is no loss of actual parking space. Renny Road is within the GA Fratton residents parking zone and both residents and businesses can obtain permits to park, however permit holders are not guaranteed a parking space. It should also be noted that loading/unloading is a permitted exemption in a disabled parking bay and if the bay is approved and the badge holder's vehicle is not parked within the bay, the business owner could for a short time utilise the disabled parking bay for the purpose of loading/unloading. As also explained the disabled bay will not be installed directly outside the front door of the business and would not therefore have a negative impact on the business as vehicles are likely to be already parking in the same location and not necessarily just those who are visiting the business. The distance to the proposed disabled parking bay opposite is comparatively the same distance if it was located outside No 80.



**6.11 Garnier Street** - With regard to the proposed removal of a disabled bay in Garnier Street, confirmation has now been received that another resident at the address is eligible for a disabled bay. Therefore, the disabled parking bay in Garnier Street outside No 48 will remain in place.

## **7. Integrated impact assessment**

**7.1** An integrated impact assessment has been completed and is published alongside this report in appendix C.

## **8. Legal implications**

**8.1** It is the duty of a local authority to manage its 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.

**8.2** 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.

**8.3** 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 objections received from the public and/or the statutory consultees during the consultation period.

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

**9.1** The costs of works to implement the disabled bays (including the TRO) will be met from the On-Street Parking budget.

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Signed by:

**Appendices:**

**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>
Provision and Use of Disabled Badges and Bays Report	PCC website - Executive meeting - 21 February 2006

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

.....  
Signed by Councillor Gerald Vernon - Jackson, Cabinet Member for Transport

**APPENDIX A - THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS)  
(DISABLED PERSONS PARKING PLACES) (NO. 322) ORDER 2023**

1 December 2023: Notice is hereby given that the Portsmouth City Council proposes to make the above Order. The effect of which would be:

**A) DISABLED PERSONS' PARKING BAYS (MINIMUM 5-METRE LENGTH)**

Only vehicles displaying a Blue Badge or relevant permit issued by the Council may park at these locations:

Cedar Grove (outside no. 34)	Hayling Avenue (outside no.48)
Kirpal Road (in layby opposite no. 43)	Merrivale Road (outside no. 73)
Renny Road (outside Chinese Takeaway)	Shelley Avenue (outside no. 39)
Stubbington Avenue (outside no. 167)	Tennyson Road (outside no. 22)

**B) REMOVAL OF DISABLED PERSONS' PARKING BAYS (NO LONGER REQUIRED)**

Beach Road (outside Lamorna Cove)	Berney Road (outside 27-29)
Cardiff Road (outside no. 37)	Chichester Road (outside no. 106)
Compton Road (outside no. 78)	Eastbourne Road (outside no. 6)
Farlington Road (outside no. 58)	Fawcett Road (outside no. 309)
Garnier Street (outside no. 48)	Langstone Road (outside no. 98)
Magdalen Road (outside no. 40)	Oriel Road (outside no. 28)
Phoenix Square (outside block 34 - 48)	Posbrooke Road (outside no. 23)
Powerscourt Road (outside no. 70)	Renny Road (outside no. 24)
St Augustine Road (outside no. 139)	Sidmouth Avenue (outside no. 13)
Stubbington Avenue (outside no. 184)	Thorncroft Road (outside no. 33)
Toronto Road (outside no. 23)	

Copies of the draft Order and Map are available to view on Portsmouth City Council's website: Search 'Traffic Regulation Orders 2023' at [www.portsmouth.gov.uk](http://www.portsmouth.gov.uk). Alternatively, they can be viewed at the Civic Offices, Guildhall Square, PO1 2AL, Monday to Friday between 9am - 4pm. Printed copies can be obtained by calling 023 9268 8501.

Persons wishing to object to or make other representations with regard to these proposals must do so in writing, stating the grounds on which they are made. Representations must be sent to [TROteam@portsmouthcc.gov.uk](mailto:TROteam@portsmouthcc.gov.uk) or by post to TRO team, Portsmouth City Council, Civic Offices, Portsmouth PO1 2NE, quoting ref TRO 322/2023 within 28 days of the date of this Notice (i.e. by **29 December 2023**) stating the grounds for the objection.

Under requirements of current access to information legislation, please note that all representations submitted in response to this Notice may be made available for public inspection. Full details of the Council's [Data Protection privacy notice](#) can be viewed on the website.

Felicity Tidbury, Assistant Director of Regeneration (Transport)  
Portsmouth City Council

**Appendix B: Public Views**

**Kirpal Road  
Objection to proposed Disabled Bay**

**Resident, Kirpal Road**

Dear who it may concern

I would like to raise some concerns about a bay that is going to be put by my house.

1) the notice only got put up today 12/12/23 at 8.03am and the notice is dated 1/12/23 so it's taken 11 days to put this notice up and only given us a couple of weeks to appeal.

2) everyone along the road has driveways so don't understand why it will need to be put in. Also everyone can park across their driveway if they have multiple cars like many people do along the road

3) it doesn't actually state if the bay is going to take up the whole of the lay-by or just one space.

Good evening.

Yes I would still like to proceed with the objection of the disabled bay.

I would like to show you evidence of both of the cars from the household using the bay when their driveway is empty their cars are both the end cars . Since the sign has gone up the owners of those cars are moving their cars into the bay stopping other residents parking there which they have every right to park there.

For the comment that said if a car was parked across the driveway is blocking pedestrians and pushchairs the footpath is on the other side of the road these are connected to each individual driveway and they have always parked across their driveway before. I would also say it is closer to park outside your house across your driveway and walk to your house than walk from across the road.



**Kirpal Road  
Objection to proposed Disabled Bay**





**Resident, Kirpal Road**

To whom it may concern

I wish to strongly object to the proposal of a disabled parking space in the visitor parking opposite 43 Kirpal Road, firstly they have a driveway which can be used to park their disabled van ,the 3 spaces are for visitor parking which is always being used, several of us have paid to make our driveways bigger to park our additional cars.

**Renny Road**

**Objection to proposed Disabled Parking Bay**

**Business, Renny Road**

I am writing this email to object to the following proposed planning of a disable parking bay situated on renny road (outside Chinese take-away ) .

I am the owner of the Chinese take-away which the proposed spot is to be issued, please can you provide me with the reasoning for a disable parking spot to be put in place right outside my premises please.

My reasoning for objecting is as follows,

1. There are no neighbours on our side of renny road which currently hold a disbale badge in order to use this spot Therefore this will be useless for my neighbours and myself.
2. There is very limited parking for my vehicle to park in the mornings outside my shop currently and I find it difficult to regurly park outside my shop now when I need to unload all my supplies for the week ahead . If I'm lucky the spot outside my shop is available and I'm able to easily offload all my goods from vehicle to shop . I pay for a business permit which in my opinion is already expensive and now your telling me I can't even park outside my own shop to unload / load up my vehicle for my business because your going to place a disable spot right outside my shop .
3. This will overall have a negative impact on my business because as mentioned before I have delivery drivers/ customers who try there best to park outside the takeaway if it's available because ease of access to the shop , if this disable spot is put in place my customers and more importantly my delivery drivers will have even more difficulty parking outside the shop because there will be one less spot available .
4. I have not requested for a disable parking spot to be placed outside my shop.

Really thank you for replying and explaining your reasoning behind the proposed disable spot and I'm fully aware that the neighbour for the spot is XXX.

However I would still like to object against this decision because I feel it not be logical for our neighbour to have a disable spot placed on the other side of the road . Surely it would make more sense to place the spot outside 80 renny road where the disable passenger can easily and safely exit the vehicle without having to cross the road . The

distance between XX renny road to XX is far shorter distance then placing the spot on the other side of the road in my opinion . I feel this needs to be re thought through as it's the passenger that has the disability not the driver.

As a fellow neighbour I have no objections with a disable spot being put in place because I do see them daily and see her condition so do fully understand it but I do object to the placement of the spot as it's located on the wrong side of the road .

I can't see how you feel it's safer to have to cross a road for a disable person to get to their house rather than parking 1 house to the right of yours on the same side of your house . Even getting shopping etc from the boot would be easier to access when parked on the side of the road your house is situated rather than having to potentially wait for the road to be clear before crossing.