

Title of meeting: Cabinet Member for Transport decision meeting

Date of meeting: 11 July 2024

Subject: TRO PO34-24 Langstone Road - Disabled Persons Parking Place

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

Report author: Denise Bastow, Parking Office Manager

Cabinet Member: Councillor Peter Candlish, Cabinet Member for Transport

Wards affected: Baffins

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1.** To consider the public response to the proposed disabled bay in Langstone Road, Portsmouth.

In this report, TRO means traffic regulation order.

Appendix A: The public proposal notice for TRO Reference PO34-24

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 Ref PO34-24, it is recommended that the Cabinet Member for Transport:

- 2.1 Approves the implementation of a Disabled Person's Parking Bay in Langstone Road (o/s No 2); and**
- 2.2 Notes that the remainder of TRO Ref PO34-24 came into operation as a Part A TRO on 10 June 2024. Therefore, any proposal approved following this report will be brought into operation as a Part B TRO Ref PO34-24.**

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. The TRO advertised the installation of 14 disabled parking bays and removal of 19 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 Ref PO34-24 took place between 11 April and 2 May 2024.

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 8.5 of this report), and any comments received are given due consideration. Appendix B contains the full text of the representation 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 One representation has been received relating to the proposed disabled bay outside No 2 Langstone Road. The full content of the objection (anonymised) is in Appendix B of this report.

6. Reasons for recommendations

6.1 Langstone Road, Baffins : An application for a disabled bay was received from a blue badge holder who lives in Milton Road. There are currently 8 disabled bays in Langstone Road. Only 2 of the 8 disabled bays are in close proximity to the proposed installation of this disabled bay.

6.2 It is not possible to install a disabled bay directly outside the applicant's address on Milton Road, as there are double yellow lines immediately outside the front and to the side of their property. The closest and safest location for a disabled bay is on the south side of Langstone Road, beginning where the double yellow lines end and finishing



approximately halfway across No 2 Langstone Road, as shown on the map at Appendix D.

6.3 One objection has been received by a resident of Langstone Road, on the following grounds:-

- the installation of the disabled bay only leaves space for one other vehicle
- the applicant does not live in Langstone Road
- the council are prioritising the convenience of non-residents over the needs of those who live in Langstone Road
- concerned about the increased risk and difficulty of getting their grandchildren who they regularly look after in and out of the vehicle with the proposed changes and that safety and wellbeing of children should be paramount in any decision
- suggests that the disabled bay should be placed on the north side of Langstone Road as that is closer to where the applicant lives and that is where the applicant often parks
- disagreeing with email response on wording over the disabled bay being located primarily across the garage and only partially across their property

6.4 The proposed location (see map Appendix D) of the disabled bay starts at the end of the double yellow lines and is within a section of parking space that is 12.6 metres long that would accommodate two vehicles. The proposed length of the bay is 5.4 metres as we allow an additional metre over the vehicle length, for the blue badge holder to manoeuvre the vehicle into and out of the bay. This leaves just over 7 metres for one other vehicle to park. There is a dropped kerb at the end of the 12.6 metres, providing access for No 6 who has an off-street parking space.

6.5 The city council has a duty of care to prioritise the needs of disabled people, which is why we install disabled bays for blue badge holders to reduce the distance that they have to walk from where they park their vehicle to where they live. It is not a requirement that the blue badge holder has to live in the road where the bay is proposed; the location is based on where a disabled bay is most appropriate, taking into consideration where the blue badge holder lives and existing parking restrictions.

6.6 Parking immediately outside your own property is not guaranteed and in Portsmouth with the limited amount of available parking, a large proportion of residents often have to park in adjacent roads.

6.7 Although the distance the blue badge holder would have to walk if we installed a bay on the north side of Langstone Road is slightly less, approximately 4 metres, the reasoning behind the proposed location of the disabled bay on the south side of Langstone Road is on grounds of road safety, due to this being a very busy through road. It was not felt appropriate for a blue badge holder with mobility issues to be expected to cross Langstone Road at its junction with Milton Road to access a disabled bay, when a bay could be located on the same side of the road as their property.



6.8 The resident objecting also raised concerns at use of the wording 'partially' and 'primarily' in email correspondence. For clarity, partially means 'not completely' and saying that the bay would only partially be across their property was therefore correct.

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 local highway authority can by order under section 45 of the Road Traffic Regulation Act 1984 designate parking places on the highway for all vehicles or vehicles of any specified class in the order or such person of a class specified in the order. The order may also specify that such restrictions are to apply at specified times only. Any variations to such orders must be made by traffic order in the same way as the original order.

8.4 In determining what places can be so designated the council is required to consider both the interests of traffic and those of the owners and occupiers of any adjoining property and in particular shall have regard to:

- (a) the need for maintaining the free flow of traffic;
- (b) the need of maintaining reasonable access to property; and
- (c) the extent to which off-street accommodation is available in the neighbourhood.

8.5 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:

Title of document	Location
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

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Signed by Councillor Peter Candlish, Cabinet Member for Transport

APPENDIX A - THE PORTSMOUTH CITY COUNCIL (VARIOUS ROADS) (DISABLED PERSONS PARKING PLACES) PO34 ORDER 2024

11 April 2024: 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:

Amberley Road (outside no.17)	Frensham Road (outside no. 15)
Greenwood Avenue (outside no.35)	Hilary Avenue (outside no. 30)
Kimbolton Road (outside no. 26)	Kimbolton Road (outside no. 110)
Langley Road (outside no. 2)	Langstone Road (outside no. 2)
Langstone Road (outside no.38)	Lindley Avenue (outside no.39)
Moneyfield Avenue (outside no. 6)	Sheffield Road (outside no.13)
Tennyson Road (outside no.7)	Tintern Close (outside no.6)

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

Burlington Road (outside no. 14)	Catisfield Road (outside no. 7)
Cheltenham Road (outside no. 60)	Chetwynd Road (outside no.26)
Devonshire Avenue (outside no. 92)	Ebery Grove (outside no.10)
Glencoe Road (outside no. 58)	Hayling Avenue (outside no. 146)
Kensington Road (outside no. 102)	Kingscote Road (middle bay outside Kingscote House)
Lindley Avenue (alongside no. 7 Chitty Road)	Medina Road (outside no.171)
Milton Road (outside no. 177)	Pervin Road (outside no. 8)
Shadwell Road (outside no. 35)	Shelley Avenue (outside no. 39)
Station Road (outside no. 68)	Station Road (outside no. 117)
Winterhill Road (outside no.18)	

Copies of the draft Order and Statement of Reasons are available to view on Portsmouth City Council's website: Search "Traffic Regulation Orders 2024" at 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 these proposals must do so by sending their representations to TROteam@portsmouthcc.gov.uk or by post to Traffic Regulation Orders, Parking Team, Portsmouth City Council, Civic Offices, Portsmouth PO1 2NE, quoting ref **P034 - 24** within 21 days of the date of this Notice (i.e. by **2 May 2024**) 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

Langstone Road Objection to proposed Disabled Bay

Resident, Langstone Road

To whom it may concern,

Re property – xx Langstone road, PO36BU

I am writing to you in regards to a disabled parking bay which appears to be in the process of placement outside my property. I wish to highlight my concerns as to my knowledge and as outlined on Portsmouth Gov (see reference below) a Traffic Regulation Order application is required. During the application you must undertake a consultation process in order to obtain any objections, given the placement of the bay can you please advise if this order has been submitted and if so when we should expect to hear regarding this as it is significantly concerning that white lines are already marked which strongly suggests there may be a breach of this application order.

[Disabled parking bays - Portsmouth City Council](#)

It is worth noting that this disabled bay was previously placed by their back gate of which we were not consulted on either, you have since removed the bay due to an extension of double yellow lines (even further than when the bus stop used to be there).

I currently oppose and intend to object when consulted to this placement therefore request that no further actions take place until you can provide the residents of Langstone road further information on our rights, parking in this area is already now further restricted due to the extension of double yellow lines impacting our living significantly.

For transparency, my objections are as follows:

1. This will only allow space for one other car, meaning that it will be virtually impossible for either myself or my next door (No.xx) neighbour to have a chance of parking anywhere near our house.
2. The individual requesting this space does not reside on Langstone Road, but rather at xx Milton Road. While I acknowledge the importance of accessible parking for individuals with disabilities, it is concerning that the allocation of resources appears to prioritize the convenience of non-residents over the needs of those who call Langstone Road their home. It begs the question of whether proper assessment procedures were followed in determining the allocation of this parking bay.
3. As someone who regularly looks after their grandchildren (aged 5 months, 22 months, and 5 years), I am deeply concerned about the increased risk and difficulty of getting them in and out of my vehicle with the proposed changes. The safety and well-being of children should be paramount in any decision regarding parking arrangements. It is essential to consider the potential hazards and disruptions that may arise from altering

the current parking layout, especially for families with young children who rely on convenient and secure access to their vehicles.

I have no objection to disabled parking bays... I have an objection to the placement of this one outside my house. In conclusion, while I understand the importance of providing accessible parking options for individuals with disabilities, it is crucial to approach such decisions with careful consideration for the broader impact on the community. Additionally, the proposed bay markings will significantly impede access to my residence, leaving me with minimal chance of parking nearby if approved.

There is a space outside the garage which is owned by the landlord of xxx Milton Road or on the opposite side of the road adjacent to the shop wall which would have less of an impact on my ability to park near my house and I am interested to know if this has even been considered.

I urge you to reconsider the current proposal in light of these concerns and to send me proof that a traffic regulation order was correctly carried out in accordance procedures

I look forward to hearing from you.
Kind regards

RESPONSE TO RESIDENT

Thank you for your email. The situation is that we are proposing to install a disabled bay for a blue badge holder as close as possible to where they live and the closest unrestricted location is in Langstone Road on the south side, beginning at the end of the double yellow lines and the bay would go across the garage and partially across your property No xx. This is currently being advertised on a Traffic Regulation Order which has a 3 week period for public consultation, which began yesterday 11th April and runs to 2nd May 2024, copy enclosed of the Notice of Intent for ease of reference. You are correct that a public consultation process has to take place in order for a disabled bay to be installed under a Traffic Regulation Order.

We initially advertised a disabled bay for the blue badge holder in September 2023, but due to an error the location of the bay was advertised as outside where they live ie on Milton Road rather than the actual proposed location of the bay in Langstone Road, this came to light when the bay was marked on-street in February, and coincided with the removal of the bus stop markings and reinstatement of the double yellow lines, which already had a Traffic Regulation Order and the bus stop marking was effectively placed on top of the double yellow lines, so when the bus stop marking was removed the double yellow lines remained and were remarked. The disabled bay marking was therefore removed as there was no Traffic Regulation Order for a disabled bay in that location.

The situation is therefore we are readvertising the installation of a disabled bay and have described it as outside No xx Langstone Road, however as explained above the bay will go across the garage and partially across No xx, please see attached photo taken yesterday of the location and if I can refer you to the two red crosses which show the location of the proposed bay, there

are white paint markings on the kerb to show the proposed location and the red crosses show hopefully more clearly where these paint markings are.



I hope the above explains the events that took place and that we are following the process for installing a disabled bay under a Traffic Regulation Order and that the proposed bay will be located primarily across the garage as you refer to in your email and only partially across your property.

If you do therefore still wish to formally object against the installation of the proposed disabled bay please contact the TRO team at the email address TROteam@portsmouthcc.gov.uk by 2nd May, the end of the consultation period. If you require any further clarification please let me know.

FURTHER INFO FROM RESIDENT OBJECTING

To whom it may concern,

Please accept this email and associated attachments as formal objection to parking bay proposal No.xx Langstone Road, TRO Notice of Intent (PO34 – 24) as directed in the email received from Densie Bastow (attached), Parking Office Manager after I raised my initial objection on 06/04/24. I have also attached my initial email for ease of reference.

I would also like to address the following points raised in Ms Bastow's email response:

'we are proposing to install a disabled bay for a blue badge holder as close as possible to where they live and the **closest unrestricted location** is in Langstone Road on the south side, beginning at the end of the double yellow lines and the bay would go across the garage and **partially across your property No xx**'.

I strongly reject this chosen placement as it factually incorrect that it is the closest unrestricted location, there is in fact the option to place the bay on the North side of Langstone road which is not hindered by double yellow lines nor would it impede on any persons property. You will note

from photographic evidence I have supplied below that this is a frequently chosen spot by the requestor of the disabled bay, therefore I believe this weakens the argument that the bay is required on the Southside of Langstone road. It also clearly evidences that this area is in fact the closest unrestricted area as outlined:

- Distance from requestors backdoor/entrance to property to Southside Langstone road proposed bay - 12 metres
- Distance from requestors backdoor/entrance to property to Northside Langstone Road suggested bay – 10.5 metres

I would also like to add that if due diligence had been carried out initially, then it would have been obvious that the original bay placement would be unsuitable due to the TRO for the extension of the yellow lines and therefore prior to this being implemented the lines could have stopped 9ft short on the South side to allow the disabled bay outside the requestor's garage and the yellow lines on the North side could have been extended to allow the same flow of traffic we have now with no impact to my house.

'we are readvertising the installation of a disabled bay and have described it as outside No xx Langstone Road, however as explained above the bay will go across the garage and **partially across No xx**'.

I strongly reject that the bay will go across **PARTIALLY** across my property, the current maps markings for the bay measure in at 17 feet in length 8 ft of which will impede on my property and as my property frontage measures 16ft in total, it is not partial but half way across the front of my property, further strengthening my case that this bay will impede access to my property and also reduce the value of my property of which I have been a residence of since 2015 as outlined in my original rejection email.

'the proposed bay will be located **primarily** across the garage as you refer to in your email and only partially across your property'.

Again, I strongly disagree that you can evidence this as partially impacting my property and request you explain this term and its use in further detail as I have outlined above this is not partially covering.

It is also worth noting that the proposed Northside option that I believe is in fact the closest unrestricted area measures 17.21 ft so enforces the need for this to be explored as I believe I have clearly illustrated and evidenced my objection to your counterpoints.

I believe that points raised in my objection, evidence provided and responses to your email clearly demonstrate that due care and consideration has not been carried out on your part nor the exploration for alternative options that would remove the impact to myself and other residents has not been considered prior to the submission of this TRO, therefore an entire review should be carried out. I would further like to add this has caused me extreme anxiety and

distress and would impact on myself and husband going forward should we have a need for a disabled bay outside our own house in the future.

