

# Croydon Council

For General Release

<b>REPORT TO:</b>	<b>TRAFFIC MANAGEMENT ADVISORY COMMITTEE</b> <b>21 JULY 2014</b>
<b>AGENDA ITEM:</b>	<b>11</b>
<b>SUBJECT:</b>	<b>OBJECTIONS TO PROPOSED DISABLED PARKING BAYS VARIOUS LOCATIONS</b>
<b>LEAD OFFICER:</b>	<b>Executive Director of Development and Environment</b>
<b>CABINET MEMBER:</b>	<b>Councillor Kathy Bee, Cabinet Member for Transport and Environment</b>
<b>WARDS:</b>	<b>Addiscombe, New Addington, Selhurst &amp; Selsdon and Ballards</b>
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b>  This report is in line with objectives to improve the safety and reduce obstructive parking on the Borough's roads as detailed in: <ul style="list-style-type: none"><li>◆ The Croydon Plan; Transport Chapter.</li><li>◆ The Local Implementation Plan; 3.6 Croydon Transport policies</li><li>◆ Croydon's Community Strategy; Priority Areas 1, 3, 4 and 6</li></ul>	
<b>FINANCIAL IMPACT:</b>  These proposals can be contained within available budget.	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> n/a	
<b>1. RECOMMENDATIONS</b>  That the Traffic Management Cabinet Advisory Committee recommend to the Cabinet Member for Transport and Environment that they: <ol style="list-style-type: none"><li>1.1 Consider the objections received to the proposal to provide Disabled Persons' parking bays in Brampton Road, Addiscombe; Windham Avenue, New Addington; The Crescent, Selhurst; Elmpark Gardens and Broadcoombe, Selsdon and Ballards.</li><li>1.2 Agree for the reasons in section 3 to introduce Disabled Persons' parking bays in Brampton Road, Windham Avenue, The Crescent and Elmpark Gardens and delegate to the Enforcement and Infrastructure Manager, Highways &amp; Parking Services the authority to make the necessary Traffic Management Orders under the Road Traffic Regulation Act 1984 (as amended).</li></ol>	

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| 1.3 | Inform the objectors of the decisions.  |
| 1.4 | It is recommended that the that Cabinet Member for Transport and Environment agree to Recommendations 1.1, 1.2 and 1.3 above. |

## **2. EXECUTIVE SUMMARY**

- 2.1 The purpose of this report is to enable the Committee to consider the objections received from Transport for London and a member of the public following the formal consultation process on the proposals to provide disabled parking bays in Elm Park Gardens, South Croydon and Windham Avenue, Croydon. Formal public notices to introduce the proposals were published on 30 April and the public had up to 21 days to respond.
- 2.2 Officers have fully considered the objections and one petition received and this report details the objections and the officer's recommendations.

## **3. OBJECTIONS AND RESPONSES**

- 3.1 Following public notice of the proposals to introduce disabled bays at a number of locations throughout the Borough the Council has received objections. The stated grounds for the objections are outlined below, followed by the Officer's recommendation.

### **3.2 Objections – Brampton Road, Addiscombe**

Two objections have been received from local residents to the proposed introduction of a disabled bay in Brampton Road by the Fitzroy Academy Primary School. One objector wrongly assumes that the proposal is for 2 disabled bays rather than one and feels that this will compound the parking problems at the busy picking up and setting down periods. They are concerned that when they and other neighbours return home from work there will be nowhere to park. The other objector requests that the disabled bay be introduced outside the School in Davidson Road.

### **3.3 Officer's Response**

The disabled bay has been proposed following a request from the School to create a space for disabled pupils to be set down and picked up during the busy school opening and closing times. In order to reduce the impact on local residents it is proposed that the bay would only operate Monday to Friday and for the morning (8 to 9.30am) and afternoon (2.30 to 4pm) periods for a maximum stay of 30 minutes. Residents would be able to park in the bay at other times without the risk of receiving parking tickets.

Other locations for a disabled bay were investigated but the proposed position for the bay in Brampton Road (as shown on Plan No.224a) was considered the best location with respect to access to the school and safety.

### **3.4 Objections – Windham Avenue, New Addington**

Two objections and a petition have been received as a result of the proposed disabled bay at Windham Avenue.

### Objection 1

This resident is objecting on the grounds that:

- ◆ They are concerned that the bay will take away space for two cars and that the proposed disabled bay will effectively reserve a space for one person – the disabled applicant, which they consider unreasonable.
- ◆ The applicant already has parking on his property and that it would make more sense for the applicant to park there.
- ◆ The applicant has several cars smaller than that which will be parked in the disabled bay. He questions why such a large vehicle is required when other disabled drivers drive small cars.
- ◆ It is alleged that the applicant's family is using the residence for the purpose of selling and repairing cars and that this is the reason for applying for the disabled parking bay.
- ◆ The objector's household has three cars. He is concerned that family members would have to park further from home, possibly endangering them and their vehicles.
- ◆ The objector is concerned about visibility issues when he reverses out of his 'driveway' as the applicant's large vehicle blocks the view of traffic coming around the bend. It would also prevent another vehicle from parking directly opposite due to the width of the road.
- ◆ The applicant's vehicle will be an eyesore and block his view of his parked cars from his house.
- ◆ The objector has listed three addresses which all agree with the concerns above.

### Objection2

This resident is objecting on the grounds that:

- ◆ The council has, in considering this proposal, not looked into the difficult parking situation which he and his neighbours currently have trying to park in the area.
- ◆ The applicant has several cars and drives all of them.
- ◆ The applicant has previously blocked his driveway by parking alongside his house and overhanging the driveway with his wheels.
- ◆ The objector alleges that the applicant is running a car repair/sales business and want the disabled bay to free up other space for repairing cars.
- ◆ On occasions the objector has been nearly hit by oncoming vehicles due to impaired vision when exiting the drive.
- ◆ The objector claims not to have been consulted.
- ◆ The objector is of the view that it would be safer for the disabled driver to park on the paved section of the verge leading to the applicant's driveway.
- ◆ The objector questions how a disabled person can get in and out of these vehicles.
- ◆ The objector alleges that residents of another house close by who are friendly with the applicant always try to block the objector's driveway.
- ◆ The objector has had two of his tyres punctured by a knife while his car was parked on his driveway.

### Petition

A petition was received, signed by six households on Windham Avenue. They were objecting on the grounds that:

- ◆ The parking situation in the road is already bad and will be made worse as the bay will take up two parking spaces.
- ◆ The applicant has ample space to park on his driveway.

- ◆ They feel that it is dangerous to park at this location.

### 3.5 Officer's Response

- ◆ A slightly larger than normal bay has been proposed (7.2m as opposed to the usual 6.6m) because of the large size of the applicants vehicle. It would not make sense to provide a smaller bay if the applicant would be unable to legally park their vehicle in it. While a disabled bay is implemented as a result of a request from a specific resident, any blue badge holder is entitled to park there.
- ◆ The applicant's driveway is not big enough to accommodate their large vehicle, which is equipped with a rear hydraulic ramp. Overhanging the footway would cause an obstruction.
- ◆ The number of vehicles in a household is irrelevant when allocating a disabled bay.
- ◆ Issues relating to whether the property is used as a business are also irrelevant when considering an application for a disabled bay. The important factor is whether the criteria for a disabled bay is met or not.
- ◆ The need for a disabled person to park near their home is considered greater than that of an able bodied person. As it is the objectors are not guaranteed a parking space directly outside their homes.
- ◆ Drivers should always exercise due care and attention when driving, the applicant occasionally parks where the bay will go so there would be no difference in the parking situation.
- ◆ Many roads in the borough are not wide enough to allow parking on both sides of the road. In this situation motorists should not park directly across from the bay. As it currently stands cars on this section of Windham Avenue tend to just park on the south-eastern side of the road – this is why the proposed bay is to go on this side.
- ◆ Whether or not a vehicle is considered an eyesore is irrelevant when allocating a disabled parking bay.
- ◆ No resident is guaranteed a view of their vehicle when it is parked on the highway.
- ◆ The council has not previously been made aware of any parking problems in the area.
- ◆ The council's civil enforcement officers have powers to issue penalty charge notices when driveways are obstructed. Any driver (disabled or not) who obstructs a dropped kerb is liable for a penalty charge.
- ◆ The proposed bay is outside two properties. Consultation letters were sent to both properties, a public notice was displayed on site and notices were published in the Croydon Guardian and the London Gazette.
- ◆ The applicant cannot physically park their disabled vehicle on the paved section of verge connected to their driveway due to the slope. Documentation has been provided to confirm that the hydraulic lift on the vehicle can only be deployed on flat ground. Regardless of this it is actually illegal to park on these sections of verge, they are provided for access only.
- ◆ The location of the proposed disabled bay has been agreed with the applicant.
- ◆ There are many different forms of disability. Many blue badge holders drive, the applicant in question is not unique in this regard.

- ◆ Criminal damage to cars on the road is a matter for the police. The council cannot get involved in neighbourly disputes.

It is proposed to proceed with the disabled parking bay as shown on drawing no. PD 234s.

### 3.6 **Objection – The Crescent, Selhurst**

An objection has been received from a local resident to a proposed disabled bay in The Crescent. The objection is on the grounds that the resident already has a disabled bay (they believe it is illegal to have more than one bay per household), there are 3 vehicles belonging to the address, the applicant can walk, is able to climb on roofs to fix solar panels and has a freedom pass.

### 3.7 **Officer's Response**

There are two blue badge holders at this address each with a vehicle so the criteria for a second bay is met. It is recognized that parking in The Crescent and the surrounding area is at a premium due to the close proximity of the Croydon Controlled Parking Zone, Schools including the new Primary School and Brit School and nature of the properties which are mainly terraced. Residents and businesses in this road are to be consulted on the possibility of an extension to the Croydon CPZ and parking controls will be extended in the road if the majority of residents that respond are in favour.

Issues such as the ability of the applicant to walk and whether they have a freedom pass would not be taken into account when deciding whether or not a bay can be provided. The qualification for disabled bays is that there must be a blue badge holder living at the address and a vehicle registered at the address. It is therefore proposed to introduce a further disabled bay outside No.67 The Crescent as shown on Plan No.227u.

### 3.8 **Objection – Elm Park Gardens, Selsdon and Ballards**

An objection has been received to the proposed disabled bay from a local resident. They are objecting on the grounds that the proposed bay is partly across their frontage and will reduce the amount of parking space available to them. They request that the bay be moved away from their property by approximately two feet.

### 3.9 **Officer's Response**

The location for this disabled bay was chosen as it is the closest possible to the applicant's house. The bay could not be moved further into Elm Park Gardens as there is already an existing disabled bay here. Positioning the bay on the far side of the existing disabled bay would be too far from the applicant's home. The objector's property has a driveway with space for several cars to park.

It is recommended to proceed with the disabled parking bay as shown on drawing no. PD 234f as not to would greatly inconvenience the blue badge holding applicant. The objector retains the option to either park on their driveway or on an unrestricted section of highway.

### 3.10 **Objection – Broadcoombe, Selsdon and Ballards**

An objection has been received to the proposal for a new disabled bay to be positioned outside St Francis Church in Broadcoombe, Monks Hill. The bay was proposed following a request from a member of the congregation who has difficulty finding a parking space close to the entrance on Sundays. The objection is from the church that state that the bay is not close to the entrance and would be across the entrance to the day nursery and could cause problems. They have suggested that the bay be introduced closer to the church entrance.

### 3.11 **Officer's Response**

It is appreciated that the bay is not in the ideal position for the church entrance and that it would only be used for a relatively short period on Sundays. Due to this and the fact that there are normally spaces in the road for parking, it is proposed not to introduce a bay at this time but to monitor parking for future review.

## **4 CONSULTATION**

- 4.1 The consultation was in the form of formal notices to which, once published, the public had up to 21 days to respond in writing.
- 4.2 The legal process requires that formal consultation takes place in the form of Public Notices placed in the London Gazette and a local newspaper (Croydon Guardian). Although it is not a legal requirement, this Council also fixes notices on lampposts and signposts in the vicinity of the proposed scheme to inform as many people as possible of the proposals.
- 4.3 Organisations such as the Fire Brigade, the Cycling Council for Great Britain, The Pedestrian Association, Age UK, The Freight Transport Association and bus operators are consulted separately at the same time as the public notice. Additional bodies, up to 27 in total, are consulted depending on the relevance of the proposals.
- 4.4 No comments or objections were received from any of these organisations in response to the consultation.

## 5. FINANCIAL CONSIDERATIONS

### 5.1 Revenue and Capital consequences of report recommendations

	Current Financial Year	M.T.F.S – 3 year Forecast		
	2014/15	2015/16	2016/17	2017/18
	£'000	£'000	£'000	£'000
<b><u>Revenue Budget</u></b>				
<b>available</b>				
Expenditure	40	40	40	40
Income	0	0	0	0
<b><u>Effect of Decision from Report</u></b>				
Expenditure	8	0	0	0
Income	0	0	0	0
<b>Remaining Budget</b>	32	40	40	40

### 5.2 The effect of the decision

5.2.1 The total cost of implementing the disabled bays in conjunction with the remaining bays on the Public Notices is approximately £8,000 which will be met from the revenue budget for 2014/15.

### 5.3 Risks

5.3.1 There are no risks arising from this recommendation.

### 5.4 Options

5.4.1 The alternative option in respect of the proposed disabled bays is to not introduce them.

### 5.5 Savings/ future efficiencies

5.5.1 The current method of marking parking bays is very efficient with the design and legal work undertaken within the department. The work is carried out using maintenance rates of the Highway Division's annual contractor, which are lower than if the bays were marked under separate contractual arrangements.

5.5.2 Any signs that are required are sourced from the Highways contractor where rates are competitive.

5.5.3 Approved by: Tim Flood, on behalf of Head of Finance and Deputy S151 Officer Chief Executive's Department.

## 6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

6.1 The Solicitor to the Council comments that Sections 6, 45, 46, 49 and 124 of Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (as amended) provides

powers to introduce and implement Disabled Parking Places using Traffic Management Orders. In exercising this power, section 122 of the Act imposes a duty on the Council to have regard (so far as practicable) to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway. The Council must also have regard to such matters as the desirability of securing and maintaining reasonable access to the premises and the effect on the amenities of any locality affected.

- 6.2 The Council have complied with the necessary requirements of the Local Authorities Traffic Order Procedure) (England and Wales) Regulations 1996 by giving the appropriate notices and receiving representations. Such representations must be considered before a final decision is made.
- 6.3 Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor and Monitoring Officer.

## **7. HUMAN RESOURCES IMPACT**

- 7.1 It is anticipated that the additional enforcement of the new disabled bay can be undertaken using existing resources.
- 7.2 Approved by: Adrian Prescod, HR Business Partner, for and on behalf of Interim Director of Human Resources, Chief Executive department.

## **8. EQUALITIES IMPACT**

- 8.1 An initial Equalities Impact Assessment (EqIA) has been carried out and it is considered that a Full EqIA is not required.

## **9. ENVIRONMENTAL AND CRIME & DISORDER REDUCTION IMPACTS**

- 9.1 There are no such impacts arising from this report.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1 There are no such impacts arising from this report.

## **11. REASONS FOR RECOMMENDATIONS**

- 11.1 This report has carefully considered the objections received in respect of the proposal to introduce disabled person's parking bay in various locations. The recommendations have been based on weighing the benefits of the proposed bays to the applicants against the inconvenience that the objectors and others might experience as a result of it.

## **12. OPTIONS CONSIDERED AND REJECTED**

- 12.1 The only options available in respect of the disabled person's parking bays is to do nothing. These options are rejected because it would result in the applicants with mobility issues continuing to experience difficulty finding a place to park on the street close to their homes.
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**BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972:**