

Objections received to the advertising of mandatory disabled bays in this HATOC area

Report of the Head of Highways, Capital Development and Waste

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

Recommendation: It is recommended that:

- (a) the traffic regulation order in respect of the disabled parking bays in Kingsley Avenue, Barnstaple be made and sealed as advertised; and**
- (b) the traffic regulation order in respect of a disabled parking bay in Abbey Road, Barnstaple NOT be progressed, but at the first opportunity a bay as described in this report be re-advertised;**
- (c) the traffic regulation order in respect of the disabled bay in Yeo Vale Road, Barnstaple NOT be progressed.**

1. Summary

To consider objections received following the advertising of mandatory disabled bays in the North Devon HATOC area.

2. Background/Introduction

A countywide list of applications for mandatory disabled parking bays is maintained centrally. This is reviewed three or four times a year, to advertise and implement them for the benefit of blue badge holders, normally close to their homes, to ease their difficulties in finding a convenient parking place. The advertising of the latest batch of bays took place between 12 August and 9 September 2013 included for the provision of 27 mandatory disabled bays and the removal of four bays.

In respect of this HATOC area the advertising has resulted in comments or objections from eight sources. One response in relation to the proposal for Kingsley Avenue, five for Abbey Road and 2 for Yeo Vale Road, all in Barnstaple.

These objections and comments have been summarised in Appendix I with the officer responses.

3. Proposals and representations

Kingsley Avenue – drawing number ENV3463.16

This residential street has limited waiting with an exemption for permit holders on both sides. A resident requested a disabled bay, which must be mandatory under these circumstances, and an investigation disclosed that an advisory bay already existed close by and it was decided to advertise both bays as mandatory at the same time. This has resulted in the one response which is summarised and responded to in Appendix I.

It is recommended that these bays be made and sealed as advertised.

Abbey Road – drawing number ENV3463.24

This part of Abbey Road has residents' parking on one side and a single yellow line on the other. The applicant for the bay lives on the side of the road with the single yellow line and currently parks on a section of single yellow line opposite his home between the end of the residents' bay and a private drive. Other properties on the applicant's side of the road have parking to the rear served by a private access road, the applicant has chosen to grass over that facility. Properties on the other side have no rear access.

The five responses received are summarised and responded to in Appendix I.

It is recommended that this bay not be progressed but that further advertising take place as described in the appendix.

Yeo Vale Road – drawing number ENV3463.26

This residential street has limited waiting with an exemption for permit holders on both sides. A resident requested a disabled bay, which must be mandatory under these circumstances. The applicant for this bay has died during the process.

The two responses received are summarised and responded to in Appendix I.

It is recommended that this bay not be progressed.

5. Financial Considerations

The Disabled Parking Bay Budget funded from the On Street Parking Account, approved at the March 2013 Cabinet, will be used to fund identified works.

6. Sustainability Considerations

It is hoped that the introduction of disabled bays will help people with disabilities to park more conveniently close to their homes. Additionally it will help to reduce inappropriate and dangerous parking in our neighbourhoods, which will improve our road safety record and also reduce congestion and improve air quality.

7. Carbon Impact Considerations

The proposals should have a positive impact on carbon emissions as the provision of parking bays should reduce vehicle mileage and manoeuvring.

8. Equality Considerations

The proposals should ease the problems being experienced by blue badge holders where bays are being provided.

9. Legal Considerations

There are no specific legal issues arising from this report. The course of action proposed is in general accordance with the Council's powers as Highway Authority

10. Risk Management Considerations

A Minor Scheme Safety Assessment has been carried out in each case.

11. Options/Alternatives

With respect to Kingsley Avenue any bay marked in conjunction with other restrictions must be mandatory and at least 6.6 metres long. There is therefore no alternative if mandatory bays are to be made.

In Abbey Road the order could have been made which would have taken 6.6 metres of residents' parking but this is considered unfair on other residents who would lose parking space when the applicant can park on the single yellow line for the moment.

In Yeo Vale Road the alternative of making the order would not be appropriate.

12. Reason for Recommendation/Conclusion

Providing mandatory disabled parking spaces close to a blue badge holder's home complies with policy.

David Whitton
Head of Highways, Capital Development and Waste

Electoral Division: Barnstaple North

Local Government Act 1972: List of Background Papers

Contact for enquiries: Adrian Jelfs

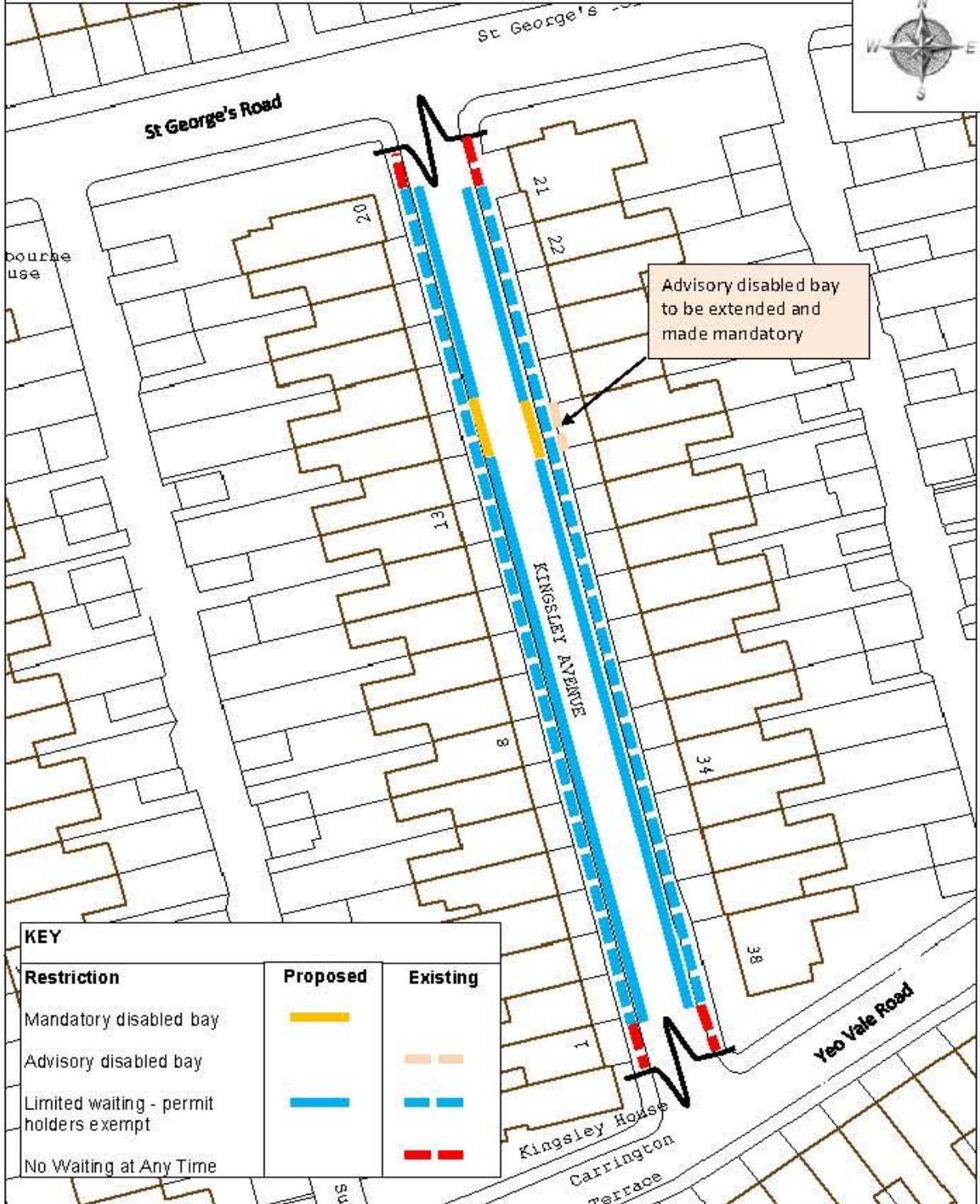
Room No. ABG, Lucombe House, County Hall

Tel No: (01392) 383306

Background Paper	Date	File Reference
1. CSM13555246	January 2013	Kingsley Avenue
2. CSM13556223	March 2013	Abbey Road
3. CSM13561085	March 2013	Yeo Vale Road
4. Advertising responses	Aug/Sept 2013	3463

aj180913ndh
sc/cr/objections received mandatory disabled bays
03 hq 211013

Map View

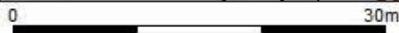


KEY		
Restriction	Proposed	Existing
Mandatory disabled bay		
Advisory disabled bay		
Limited waiting - permit holders exempt		
No Waiting at Any Time		

255932,133713



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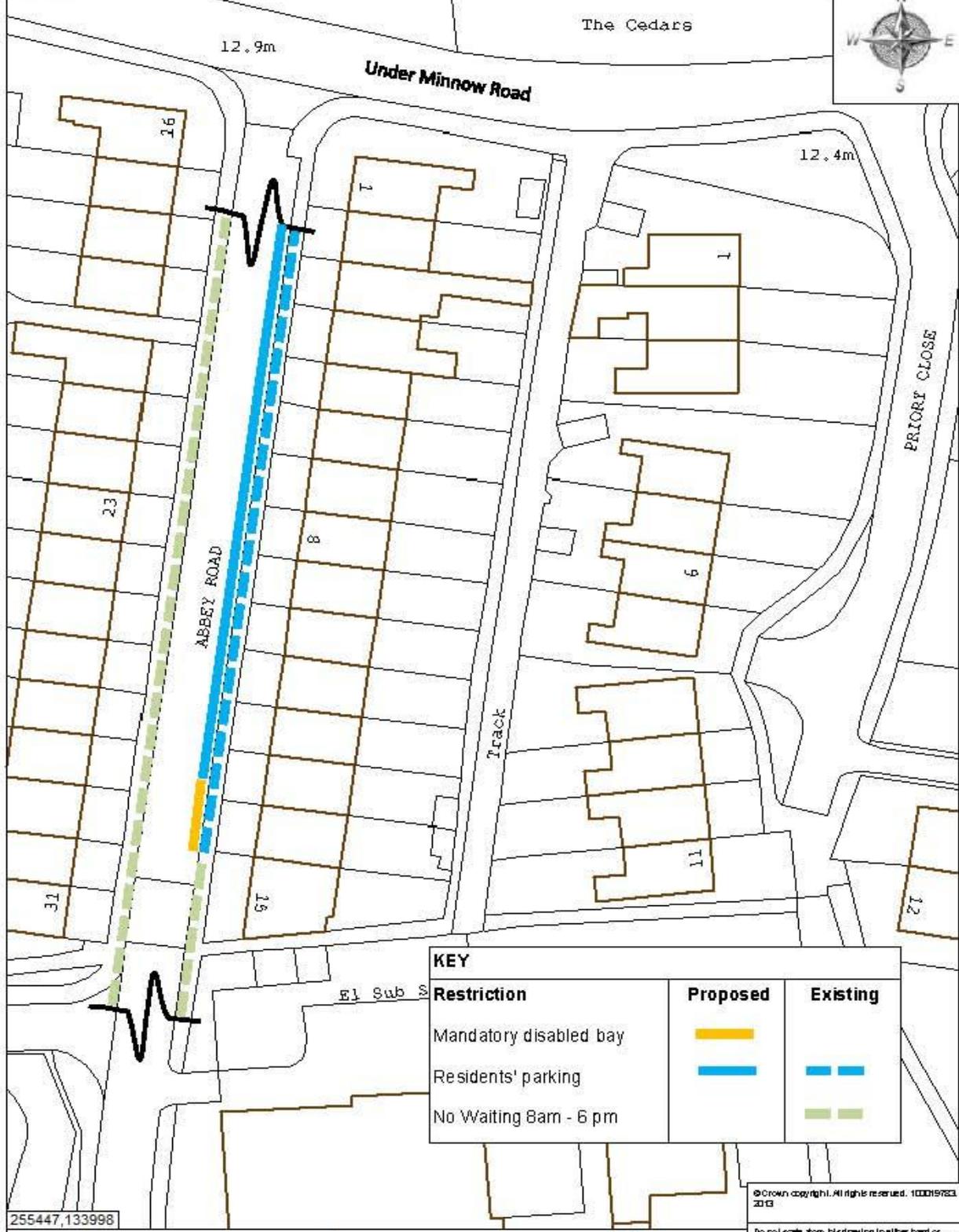
Devon
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 PO BOX 454
 NEWTON ABOTT
 ID11 5CL
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SCHEME
 KINGSLEY AVENUE, BARNSTAPLE

DRAWING
 MANDATORY DISABLED BAY ORDER No.5

drawn by	AGJ	scale	NTS
date	02-JUL-2013	O.S. Ref	255950,133700
drawing number	ENV3463.16		

Map View

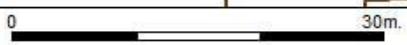


KEY	Proposed	Existing
Restriction		
Mandatory disabled bay		
Residents' parking		
No Waiting 8am - 6pm		

255447,133998



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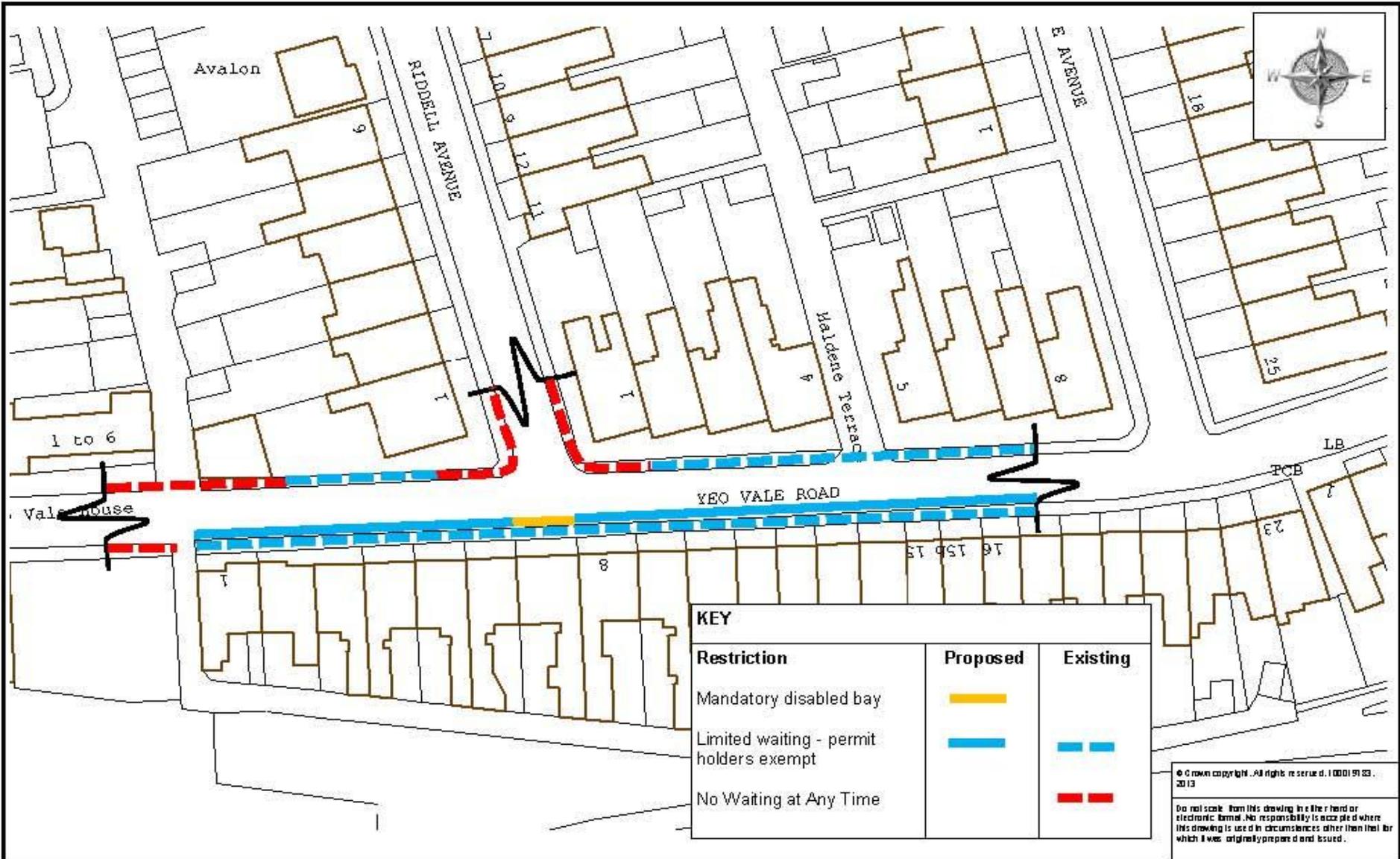


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SCHEME
 ABBEY ROAD, BARNSTAPLE

DRAWING
 MANDATORY DISABLED BAY ORDER No.5

drawn by	scale
AGJ	NTS
date	O.S. Ref
02-Jul-2013	255500,134300
drawing number	
ENV3463.24	



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SCHEME
 YEO VALE ROAD, BARNSTAPLE

DRAWING
 MANDATORY DISABLED BAY ORDER No.5

Drawn by CJP	Scale N.T.S.
Date 02-Jul-2013	O.S. Ref 255858,133686
Drawing number ENV3463.26	

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**Devon County Council (Various Streets, Devon)
(Disabled Parking & Control of Waiting) Amendment (No. 5) Order**

Responses in respect of advertised disabled bays in Barnstaple at:

- Kingsley Avenue
- Abbey Road and
- Yeo Vale Road.

To be considered by the North Devon HATOC

Objections or comments	DCC response
Kingsley Avenue – request for recently provided bay to be made mandatory has highlighted a second bay in the street opposite. Both processed together.	
First correspondent [letter 7] – Kingsley Avenue.	
<ul style="list-style-type: none"> • Nothing has altered from when the bay was first marked. • Disabled driver has the same vehicle, on street parking is unchanged, standard of parking neither improved nor deteriorated, number of cars at correspondents house has decreased by 50%. 	<ul style="list-style-type: none"> • View noted - appears to refer to the original bay marked in this street.in the light of the proximity of these two bays they need to be processed together. • Views noted.
<ul style="list-style-type: none"> • New bay made directly opposite – less than 6 feet between. 	<ul style="list-style-type: none"> • This is why they are being progressed together.
<ul style="list-style-type: none"> • New bay is far too big – whereas vehicle just fits inside other bay – solution would be to swap bays. None are that severely disabled that they would be unable to use the bay. 	<ul style="list-style-type: none"> • A disabled bay must now be marked to a minimum length of 6.6 metres in order that it be suitable for any blue badge holder including manoeuvring and wheelchair access to the boot. The new bay has been marked at that size and the advertising of both bays is to that size. The older bay will be increased in length to suit the new order.
<ul style="list-style-type: none"> • This would save money, time and effort while not affecting anybody other than the two badge holders. 	<ul style="list-style-type: none"> • View noted.
Recommended that: the disabled bays in Kingsley Avenue be provided as advertised.	
Abbey Road – request for new mandatory disabled bay – single yellow line on side of road where applicant lives – residents' parking and single yellow line opposite.	
Second correspondent [letter 8] – Abbey Road – two letters and several telephone contacts	
First letter	
<ul style="list-style-type: none"> • Objects to bay being marked immediately outside their house. • The applicant, who lives opposite, already have a parking space behind their house as have all the houses opposite. • Applicant has let it be known they intend to move house “in the very near future”. • Main objection is that the bay would severely affect the value of their home compared to the rest of the road. Advice from two local estate agents confirms this view. • Will be taking legal advice as it has been suggested they may be entitled to compensation. 	<ul style="list-style-type: none"> • Noted. • It is understood that the applicant has grassed over the parking place they used to have off the rear service lane. • The applicant has been contacted and confirms that they intend to move but suggests that next summer is a more likely date. • Views noted – however the right to park outside or even near to one’s home does not exist. • Noted – it is not considered that compensation would be appropriate.
Second letter	
<ul style="list-style-type: none"> • Does not agree that applicant has experienced parking problems. 	<ul style="list-style-type: none"> • View noted – Abbey Road has been a part of a residents' parking scheme for a number of years which would imply parking problems exist.

Objections or comments	DCC response
<ul style="list-style-type: none"> • Applicant has access to a parking space behind his house which he has previously used. He has chosen to grass over this area since his application – this could easily be reversed. • All the houses on that side of the road have parking spaces behind their property and are therefore worth up to £20,000 more than the other side of the road. • Their parking space should be on their tenancy agreement. • In the eight years they have lived there the applicant has been able to park outside the house next door, which has a drive and garage, on a single yellow line using his blue badge. He has done this without obstructing anybody or anyone raising objection. Would it not be possible for the bay to be put here as no fines have ever been issued? • There is an acute parking problem already in this road – taking away, effectively, two parking spaces will make matters significantly worse. • Concerned that a disabled bay directly outside their house will effectively devalue their property. Advice from two local estate agents confirms this view – will put off prospective buyers as they will never be able to park outside so will expect to pay less compared to every other house in the road. • Will make loading and unloading incredibly difficult. • If proposal goes ahead they will be taking legal advice. • Is aware that applicant has said his car is too big to access the rear parking citing one occasion he had scratched it. Also knows that a builder parks his much larger van there frequently. • Please take into account – neighbours either side of applicant have parking behind their houses – their neighbour on one side has a drive and 	<ul style="list-style-type: none"> • Comment noted – applicant has been contacted and states that he made his application for a bay after receipt of a new, larger mobility vehicle in which he had difficulty accessing the rear lane and scratched the vehicle on the first attempt. • View noted. • Comment noted – this document is not available to the County Council. • The space referred to is on a length of single yellow line to the north of the driveway. This length of line would have been provided, probably with the residents' parking scheme, to allow visibility for egress from the drive to this house; it is significantly more extensive than would normally be provided for a single driveway. It is not long enough to mark a bay to the required 6.6 metres. A disabled bay must be marked at least 6.6 metres long to comply with the Traffic Signs Regulations and General Directions which allows for manoeuvring space and access to the boot for wheelchair users. • It has been recorded that the owner of this house would not be averse to a reduction in the length of the single yellow line to permit this parking bay but the officer who attended the site to survey it and produce the schedules and plan considered this inappropriate. A subsequent site inspection agrees the correspondents' views that the length of the single yellow line could be reduced. However, in view of the required dimensions of a bay it is not considered feasible to mark a bay wholly on the single yellow line but that half the bay could be accommodated on the single yellow line and half on the residents' parking bay. This would leave visibility from the drive appropriate to the circumstances. This would need further advertising – see recommendation below. • A Minor Scheme Safety Assessment has been made. • View noted – the bay is advertised at 6.6 metres long – about 1.5 spaces. • Views noted and understood – however the right to park outside or even near to one's home does not exist. • Comment noted – it is considered that should this be a problem at any time normal neighbourly behaviour should prevail. • Noted – it is not considered that compensation would be appropriate. • See above with respect to applicant's vehicle. • Comment noted.

Objections or comments	DCC response
<p>garage – the neighbour on the other side does not have a car. They have no option but to park on the road.</p>	
Third correspondent [letter 13] – Abbey Road.	
<ul style="list-style-type: none"> • Wonders why a bay cannot be made in the space presently used by the applicant to park. This has been used for some years without a problem. • To permanently take a parking space from an oversubscribed residents' parking area seems very unfair. • Residents, such as this correspondent, who have no rear access have no choice but to park in the road – losing a space will just add to the problems experienced. 	<ul style="list-style-type: none"> • See above with respect to the required size of a bay and parking at this location. • View noted. • View and comment noted.
Fourth correspondent [letter 16] – Abbey Road.	
<ul style="list-style-type: none"> • This is an unreasonable proposition as the applicant has perfectly adequate rear parking and is to relocate shortly. • The parking space will devalue the homeowner's property. 	<ul style="list-style-type: none"> • See above. • See above.
Fifth correspondent [letter 21] – Abbey Road.	
<ul style="list-style-type: none"> • Refers to disabled parking and parking in this area in general. • Suggests that an unkempt grass area at the top of Priory Close be removed and turned into parking bays – offers sketched layout – with footway against wall at back. • Referring to the access to the parking to the rear of the applicant's home he accepts it is a tight squeeze and asks that the County Council considers making a new access from the access road to Pathfield School. This road is wide enough and this would encourage residents to park at the rear of their properties. • Suggests restricting permits to one per house and stopping visitor permits as they can park in Under Minnow Road. • Would not like to be seen against anybody with a disability but the car and people in question always get a parking space by their home. If the above access arrangement were progressed they could park to the rear of their property. • It is more important to sort the parking problems out not compound them even more. • Asks what happens if the applicant moves – are they left with a space nobody can use? 	<ul style="list-style-type: none"> • As the correspondent suggests that only six parking bays could be provided where the current layout allows four it is not considered that the expenditure involved would be beneficial. There would also be safety concerns for pedestrians and potentially visibility from Priory Close. • A reasonable proposal in theory but the rear parking access is private as is the access road to the school. Any such action would be the responsibility of the owners of these private roads to take forward. • Suggestion noted for future review? • Comment noted – see above. • Comment noted – see resolution below. • When an applicant moves or no longer requires a mandatory bay for any reason the covering traffic regulation order will be amended to remove it at the first opportunity.
Sixth correspondent [letter 23] – Abbey Road.	
<ul style="list-style-type: none"> • Applicant parks successfully in the space below the proposed bay and has done for many years. This is in front of a property which has its own drive and garage and as such not adversely affected. This is where the applicant wanted his space. • If space provided as advertised will undoubtedly affect the value of the properties it is outside. • Aware that residents are not entitled to a particular 	<ul style="list-style-type: none"> • Assume correspondent means that applicant parks on the single yellow line between the end of the residents' parking bay and the private driveway. See above for use of this area and below for recommendation. • Comment noted – see second correspondent above. • Noted.

Objections or comments	DCC response
<p>space but perceived availability of parking outside a house will affect value and interest.</p> <ul style="list-style-type: none"> • Provision of a bay would also remove the possibility of converting the front garden to parking, which would also put off prospective buyers. • Feels a suitable bay could be created where applicant now parks – would be grossly unfair to move it outside a house that would be adversely affected. • Local Councillor worked hard to procure permit only parking for this short stretch of road. There are roughly 14 spaces available with the potential for 62 parking permits and the overflow of the four schools in Abbey Road with a serious lack of Civil Enforcement Officer present. To further erode these spaces in this way would seem impractical when a suitable space could be created exactly where the applicant successfully parks now – a space that no one else can use. 	<ul style="list-style-type: none"> • View noted – as with any application for a vehicle crossover the applicant would be required to fund any appropriate changes to adjacent parking restrictions. • View noted – see above with respect to size of a disabled parking bay. • Comments noted.
<p>Recommended that: in view of the responses the bay not be marked as advertised and at the first opportunity further advertising be undertaken to place the bay half [3.3 metres] on the single yellow line and half on the residents' parking bay. This advertising would take place with the next batch of disabled parking bays to be progressed shortly.</p>	
<p>Yeo Vale Road – request for a new mandatory disabled bay within an existing shared use residents' parking/limited waiting parking bay.</p>	
<p>Seventh correspondent [letter 15] – Yeo Vale Road.</p>	
<ul style="list-style-type: none"> • Makes the correct assessment with respect to who the applicant was and states that he has recently died. If he was to be the main user the requirement has gone. • Correspondent and her husband are dependent on daughter [an essential visitor who visits daily] and a team of support carers who attend up to three times a day. These supporting visitors are required to park as near as possible due to loading and time constraints. • If this proposal goes ahead asks that it does not encroach in front of their house. 	<ul style="list-style-type: none"> • It has been confirmed that the original applicant has died so the bay is no longer required.
<p>Eighth correspondent [letter 17] – Carlyle Avenue [off Yeo Vale Road]</p>	
<ul style="list-style-type: none"> • There is already very limited space for parking in this area – limiting the parking further by adding disabled spaces would cause a major problem for residents. • Does not understand who these bays would be benefiting, although level it is still a distance to walk to the town centre passing at least one large car park. • Why not provide disabled spaces nearer the town centre? 	<ul style="list-style-type: none"> • Correspondent has misunderstood the reason for providing disabled bays in residential areas. • Such bays are provided at the request of qualifying blue badge holders close to their homes when they have had difficulty in finding parking space nearby. These are often provided as an advisory bay in residential areas but when other restrictions apply [limited waiting or residents' parking] a traffic regulation order must be processed to provide a bay. • See above with respect to status of this bay in Yeo Vale Road.
<p>Recommended that: the disabled bay advertised for Yeo Vale Road not be progressed.</p>	