



Democratic Services

Location: Phase II
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**To: COUNCILLOR JOHN RILEY
CABINET MEMBER FOR PUBLIC SAFETY AND
TRANSPORT**

c.c. All Members of the Public Safety & Transport
Select Committee
c.c. All Councillors
c.c. Perry Scott – Infrastructure, Transport & Building
Services
c.c. Caroline Haywood – Infrastructure, Transport and
Building Services
c.c. Conservative and Labour Group Offices
(inspection copy)

Date: 13 August 2021

Non-Key Decision request

Form D

NURSERY WAYE, UXBRIDGE - OBJECTION TO PROPOSED DISABLED PERSON PARKING BAY

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Monday 23 August 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Anisha Teji
Democratic Services Officer

Title of Report: Nursery Waye, Uxbridge - Objection To Proposed Disabled Person
Parking Bay

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

Signed Date.....
Cabinet Member for Public Safety and Transport

NURSERY WAYE, UXBRIDGE - OBJECTION TO PROPOSED DISABLED PERSON PARKING BAY

Cabinet Member(s)	Councillor John Riley
Cabinet Portfolio(s)	Cabinet Member for Public Safety and Transport
Officer Contact(s)	Caroline Haywood – Infrastructure, Transport and Building Services
Papers with report	Appendices A & B

HEADLINES

Summary	To inform the Cabinet Member that an objection has been received to the proposed disabled bay on Nursery Waye, Uxbridge.
Putting our Residents First	The request can be considered as part of the Council's annual programme of road safety initiatives.
Financial Cost	The cost associated with the recommendations to this report is estimated at £100 and will be met from within existing revenue budgets within the Transportation Service.
Relevant Select Committee	Public Safety and Transport
Relevant Ward(s)	Uxbridge South

RECOMMENDATIONS

That the Cabinet Member for Public Safety and Transport:

1. notes the application for a disabled parking bay in Nursery Waye, Uxbridge;
2. considers the objection to the proposed disabled persons parking bay on Nursery Waye, Uxbridge; and
3. approves the installation of the proposed disabled persons parking bay on Nursery Waye, as shown in Appendix B to this report.

Reasons for recommendations

The formal disabled parking bay is intended to benefit disabled people by designating a parking space for the use of Blue Badge holders.

Alternative options considered / risk management

None at this stage.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Nursery Way is a residential cul-de-sac with access to St Andrews Church of England Primary School within Uxbridge South Ward. The road is within Uxbridge South Parking Management Scheme and is in walking distance to St Andrews Church and Uxbridge Town Centre. A plan of the area is shown on Appendix A to this report.
2. The Council received an application for a disabled parking bay from a resident of Nursery Way. The application fully met the Council's assessment criteria for the provision of an on-street disabled parking bay. As a result, a proposal was developed to convert an existing resident permit holder parking bay into a disabled parking bay close to the resident's property, whilst maintaining as much parking for other residents as possible. It was noted from officer's site visit that there are limited parking bays and most of the road has yellow lines to maintain access in the road and for residents' driveways, it still maximises the limited space.
3. Approval was subsequently granted by Delegated Officer's Action to progress this proposal to the statutory consultation stage. Formal notice was given of the Council's intentions for statutory consultation on the proposal shown in Appendix B to this report, and a 21-day notice of intent was duly published. During this period, the Council received one email objecting to this proposed disabled parking bay.
4. The objector stated "*There are eight properties at least within close proximity of this proposed disabled bay, if you were to remove this bay you would then create a problem to all other potential owners of vehicles that live in the road, plus their guests and carers when they are visiting. Also the amount of car owners can change at any one time with either more or less depending on circumstances and disabilities. They do you not create a disabled bay outside the property on their side of the road? This would be no different to what you have already done in Manor Way, where you have allowed parking on both sides of the road...Yes it would create a potential bottleneck like it does in Manor Way. But despite reporting this issue to you in the past you have not done anything about it, so I take it that it must be acceptable. Why do you not adapt the garden of the property and they have ample waste ground that is not used...this would easily resolve this issue. If not there is also a suitable bit of land next to the property where cars park on the grass at weekends...which is nearer to proposed disabled bay. You could create 2 disabled parking bays there which would resolve any issues. His car in his own drive would be better for him and all concerned...*

"I am in full support of providing a disabled bay, only if there are no other alternatives. I do not however, think converting an already communal parking bay into a disabled bay is the correct thing to do. There is already a parking issue down this road and it is never policed unless a

resident calls the enforcement officers. This is a dead-end road where people are dropping off and collecting their children to and from school, they seem to park anywhere they want. Providing double yellow lines down this road would help alleviate this issue...Where are all the residents supposed to park if you remove a parking bay, you are limiting the parking to disabled people only? Even though I for instance have created space on my drive, I am still entitled to park or have my guests park on the main road. Cars park next to the entrance to the garages on Nursery Waye and when cars exit the garages sometimes they must turn right as they can't swing their cars around, they also enter other people's driveways as well. This proposal has a big impact on the current residents in this immediate area. What is going to happen if suddenly you have a lot more disabled people living in this area, which as you know can change daily?...Vehicles park on the road adjacent to the applicant property. They have no respect for the residents of this road and a lot of them park like this to go shopping in the town centre. This makes access for residents very difficult...If you do go ahead with his proposal and another blue badged driver parked there, then you are back to square one and haven't resolved the first issue..."

5. The comments from the objector are acknowledged. However, from Council officers' site observations and detailed investigations, the applicant meets the Council's assessment criteria for an on-street disabled parking bay. The proposed formal disabled parking bay in Nursery Waye would be available for any Blue Badge holder to use without time limit. The Council continually reviews the use of on-street disabled parking bays and will consider their removal if they are no longer required due to a change in circumstances, are reported to be unused or if the resident has moved away. The applicant could apply for a dropped kerb, and this would be considered by the Council's highways team and the disabled bay would then be converted back to a resident bay.
6. The single yellow lines are operational Monday to Friday 8am-5pm; outside of these hours vehicles can park on the yellow lines. Installing a disabled bay on the opposite side of the road could restrict access 24/7. Instilling double yellow lines would restrict the parking even further for residents and visitors. The majority of properties in the immediate area have access to off street parking for multiple cars.
7. Disabled residents can apply for a disabled facility grant to help with the cost of adapting the front garden, but it is not for the Council to impose this on disabled residents.
8. Local Ward Councillors have been consulted on this proposed parking bay and one has responded indicating that they support the installation of a disabled bay.
9. Whilst it is understood that the provision of Blue Badge disabled bays can lead to strong feelings both for and against their introduction, the Council's criteria have been met in this instance. It is therefore recommended that the Council proceeds with the formalisation of the disabled parking bay on Nursery Waye, as shown in Appendix B to this report.

Financial Implications

The estimated cost of installing the proposed disabled parking bay and signpost is £100 and will be managed within existing revenue Transportation budgets

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

The proposed disabled parking bay is intended to benefit disabled people by designating a parking space for the sole use of Blue Badge holders.

Consultation carried out or required

Consultation has been carried out on this proposal through a notice on site and in the local press. Local Ward Councillors have also been consulted.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the recommendations to this report and concurs with the financial implications as set out above.

Legal

The Council's power to make orders to implement a disabled person's parking bay is set out in the Road Traffic Regulation Act 1984. The power to create/provide designated parking places is set out in Part IV of the Road Traffic Regulation Act 1984.

The Traffic Signs Regulations and General Directions 2016 govern road traffic signs and road markings and there are no special circumstances drawn to our attention that would prevent the scheme proceeding provided that the appropriate statutory procedures are followed. The consultation and order making statutory procedures that should be followed in this case are set out in The Local Authorities' Traffic Orders (Procedures) (England and Wales) Regulations 1996 (SI 1996/2489).

In exercising any of the powers under the Road Traffic Regulation Act 1984 (as amended), the Council has to consider its statutory duty 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. These powers must be exercised so far as practicable having regard to the following matters:

- a. the desirability of securing and maintaining reasonable access to premises;
- b. the effect on the amenities of any locality affected including the regulation and restriction of heavy commercial traffic so as to preserve or improve amenity;
- c. the national air quality strategy;
- d. facilitating the passage of public service vehicles and securing the safety and convenience of their passengers; and

- e. any other matters appearing to the Council to be relevant.

These powers must be balanced with the concerns raised by the objector.

Availability for any Blue Badge holder to use the disabled parking bay outside Nos 2 and 3 Nursery Way is a relevant consideration in deciding whether to make this form of order. In considering the consultation responses, decision makers must ensure there is a full consideration of all representations arising including those which do not accord with the officer's recommendation. The decision maker must be satisfied that responses from the public were conscientiously taken into account.

When making decisions, the Council should be mindful of its public sector equality duty under section 149 of the Equality Act 2010.

Infrastructure / Asset Management

There are no property implications resulting from the recommendations set out in this report.

Comments from other relevant service areas

None at this stage.

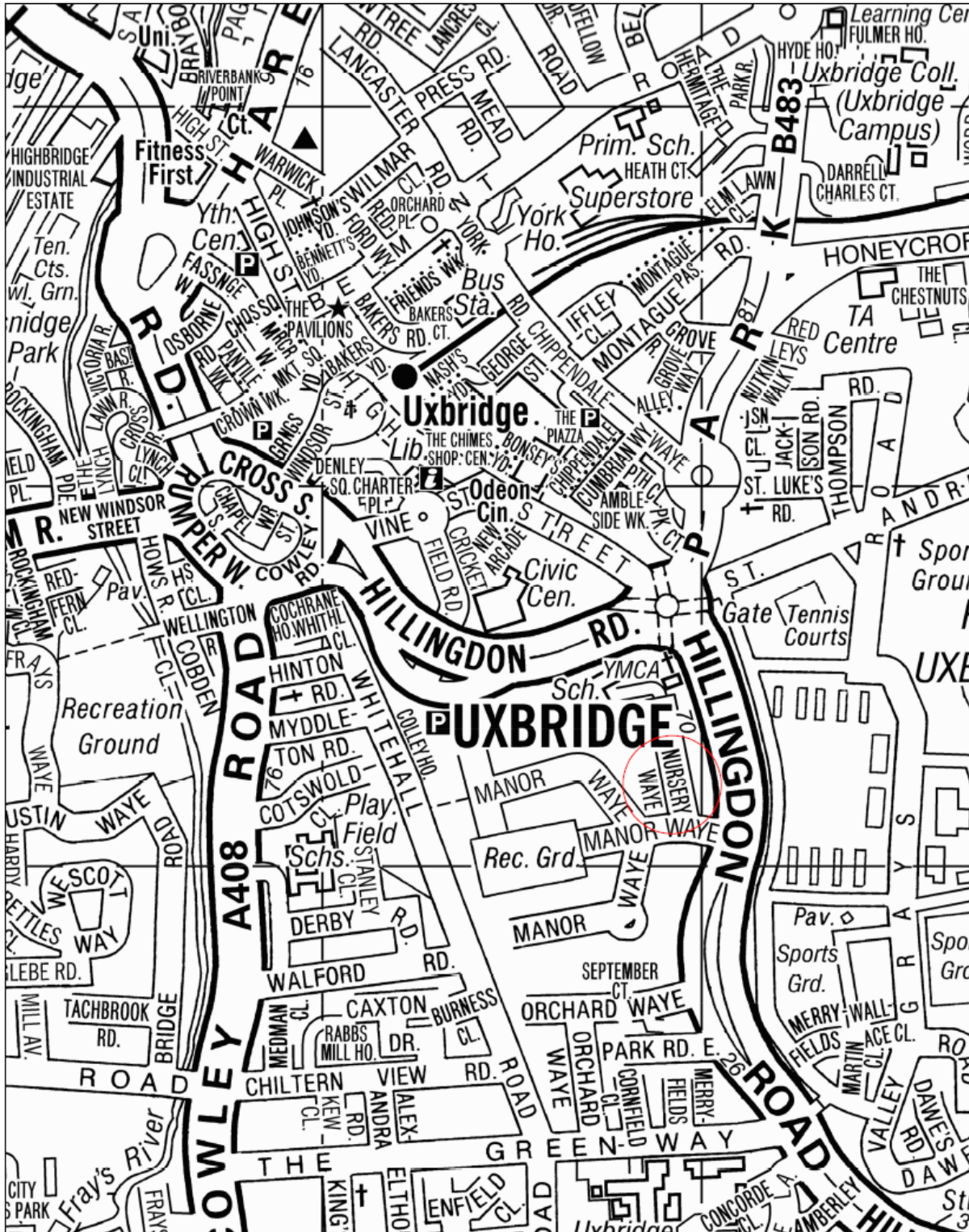
BACKGROUND PAPERS

- Traffic order
- Objection email


TITLE OF ANY APPENDICES

Appendix A - location plan
Appendix B - plan of proposal

Appendix A - location plan



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 Nursery Way, Uxbridge

