

December 2019		ITEM: dem services to add number
Delegated Decision Report		
OCKENDON NO.3 - OBJECTION TO A PROPOSAL TO IMPLEMENT PARKING RESTRICTIONS		
Wards and communities affected: Ockendon	Key Decision: No	
Report of: Councillor B Maney – Highways & Transport		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director of Planning, Transportation and Public Protection		
Accountable Director: Andy Millard, Interim Corporate Director of Place		
This report is Public		

Executive Summary

A statutory consultation was carried out in Ockendon ward for the proposal to implement disabled bays at the following locations:

- On the eastern side of Dawley Green, from a point opposite the shared boundary line of 10 & 11 Dawley Green in a northern direction for 3m
- Outside 205 Daiglen Drive
- On the western side of Access road to Bruyns Court, Derry Avenue from a point 21m north of the southern flank wall of 1-25 Bruyns Court for a distance of 6m
- On the western side of Access road to Bruyns Court, Derry Avenue from a point 33m north of the southern flank wall of 1-25 Bruyns Court for a distance of 6m

This report has been drafted to assess the objections for the proposed disabled bay at the following location:

- On the eastern side of Dawley Green, from a point opposite the shared boundary line of 10 & 11 Dawley Green in a northern direction for 3m
- Outside 205 Daiglen Drive

The report does not include those proposals where no objections were received and these will be forwarded for approval to proceed following the approval of recommendation contained in this report.

1. Recommendation(s)

- 1.1 **It is recommended that following consideration of the objections to the proposed disabled parking bays in Daiglen Drive and Dawley Green the objections are not upheld and that the disabled parking bays in Daiglen Drive and Dawley Green are to be implemented as proposed.**
- 1.2 **Furthermore, all other proposed areas will be forwarded to Portfolio Holder for formal approval to be implemented as proposed.**
- 1.3 **It is further recommended that the objectors are notified accordingly.**

2. Introduction and Background

- 2.1 Funding was allocated within the 2019/2020 Integrated Transport Programme to investigate parking restrictions at various sites around the borough where problems have been identified or requests have been received from members of the community regarding disabled parking bays.
- 2.2 The disabled parking bays are proposed as requested by Thurrock First who recommend locations within the borough where disabled parking space will be of benefit to a particular resident, who may not have adequate off street parking.
- 2.3 A statutory consultation was carried out between 3rd October 2019 and 24th October 2019. Two objections were received for Daiglen Drive and three objections for Dawley Green.

3. Issues, Options and Analysis of Options

- 3.1 All five objections were received from local residents where the proposal would restrict the parking at Daiglen Drive & Dawley Green.
- 3.2 The main issues and concern raised in the objections received are with the implementation of the disabled parking bays. All comments received express concerns with the lack of current parking and the additional loss of parking should the disabled parking bays be implemented.

Objection 1 – “I would like to object to the disabled badge parking bay outside 205 Daiglen drive south ockendon Essex rm155af as we all would like to be able to park our cars up where we live but there is not enough space to do so a lot of residents feel the same we have a large piece of green outside of flats that should be turned in to parking as it is getting dangerous to pull out and get in and out of cars with all the cars and lorries speeding up and down our road please if you need disabled parking please make room for all. it would also be better as the path between flats and green and main foot path is no lit and it is a trip hazard as path is uneven the tree is over growing path and hit you in the face and some flat have more than one car and when the hall down road has a function they park along our road

Objection 2 – “There isnt enough space as it is out there, we have people from further up the road and from when there is a social event at the nearby hall taking up all the spaces. I’m disabled myself and sometimes have to drive up on the green to be able to park within my walking distance. Some people have

up to 4 cars parked outside; it is causing tension between neighbours. Surely it would be much better to open up the green outside for people to park in. Parking just off the road, how it is at the moment can be very dangerous to get in and out of the car due to the enormous lorries that fly up and down Daiglen drive, night and day. I have had a car written off because a driver lost control late at night and left the road....causing not just mine but 2 other cars to be written off aswell. Also the path outside this section of Daiglen drive is unlit with large bushes/trees, which makes walking along the uneven and broken path doubly dangerous. By making car park right out front solves most of these problems.”

- 3.3 Comments regarding the parking issues are noted however the Transport Development Team had received the request to implement a disabled bay at the above location following an assessment that had been carried out by the Occupation Therapy Team, whereby the client has qualified for a disabled bay. The disabled bay is proposed at this location on the basis of Highways Accessibility, Visibility and Safety. We attempt to implement the bays with minimal disruption to other residents and road users however unfortunately sometimes this may result in some loss of parking. The Proposed Location does not have any negative affects to Highways Accessibility, Visibility and Safety.

Both residents request additional works to provide further parking unfortunately this work is outside the scope of this scheme. However in light of these comments we have added the request to increase the parking by converting the verge area to parking to the service request list for investigation.

Objection 3 – “I’m sending you this as an OBJECTION to the proposed order on the grounds that there is already a vacant disable bay in Dawley Green to which the The proposers who I can only imagine have requested this order Refuse or reluctantly use the Disabled bay which is outside or in front of No.10 (10 paces) from the opposite suggested proposed Disabled bay. This is a extremely busy street with many occupants in this street owning 2 cars or more and where it’s not possible to park or have parking on a drive many are already struggling to park close or outside the place of residence. The proposed disabled bay WOULD occupy 2 car parking spaces (3metres) if agreed and not only that this WOULD put a strain on the parking for other residents Who already struggle to park. This would be very inconsiderate to others who come home from work not be able to have this area to park in. The proposers for this order are parked all day long in a close area to there home if not to go shopping to return in the same area leaving the vacant already disabled bay clear. The proposers who are disabled badge users who are already being inconsiderate in not actually using the disabled bay when vacant. So my objection is that the current disable bay is clearly NOT being used by the Disabled proposer when Vacant, and it would be very inconsiderate for the removal on 2 Car spaces which is VERY much needed in Dawley Green, so therefore a second Disabled Bay should NOT approved for these reasons.”

Objection 4 – “I wish to oppose and reject this proposal regardless on time already lapse to contact in writing, and I will provide you with the reasons for my OBJECTION. Parking in Dawley Green is already a difficult challenge especially to park outside residents property which don't have access to a private drive. There is already a disabled bay which is always available and not being used by a current Blue badge holder for whatever reason. This Blue badge holder ignores parking in the Current Disabled bay when clearly is available to them and insist to park in a space where others could park and be more closer to there property. The proposal of another disabled bay would not only take up 2 parking spaces but would be inconsiderate for others who also live in this street, when clearly the disabled bay is not being used. I have provided you recent images with different times of the day and dates of the current disabled bay empty, and the Blue badge holder is in the videos clearly seen avoiding the empty bay to use what is seen as a space which could be used by other residents. I believe that this is waste to be considered when the Blue badge holders are not using there privilege/entitlement and instead inconvenience others who also live in this street. The Resident has no problem to walk to local shops which is in the next road to for the excuse off not able to walk far. If the Blue badge holder would use the bay/space clearly marked disabled then there would not be this issue which is already causing friction.

The other issue is that the local residents have not be approached in this matter and that a hard to see information card attached to a lamppost was not easily spotted till after date to object.”

Objection 5 – “I'm sending you this as an objection to the proposed order on the grounds that there is already a vacant disable bay in Dawley Green. This bay was asked for by a previous resident that used to live at number 11. This resident a couple of years ago now has moved on, the elderly couple who love there now do not own a vehicle the bay is used on occasion when there daughter comes in to care for them. I believe the occupants that have applied for the bay live between 16 and 20, i known you would not stipulate the number when we spoke on Friday, I have had a conversation with the gentlemen before regarding using the disabled bay already in the close, to which the gentleman used it for a day or two then doesn't use anymore. The disabled bay already in the close is (10 paces) from the suggested proposed Disabled bay. The road is busy at peak times as it is, with many occupants in this street owning 2 or more cars, some are able to use driveways but many are already struggling to park close or outside the place of residence. The proposed disabled bay WOULD occupy 2 car parking spaces (3metres) if agreed and would put a strain on the parking for other residents Who already struggle to park. This would be very inconsiderate to others who come home from work not be able to have this area to park in. The proposers for this order are parked all day in a close area to there home if not to go shopping to return in the same area leaving the vacant already disabled bay clear. When we spoke Friday you mentioned that the proposer struggled to walk distance hence the bay. The proposer doesn't seem to have trouble when walking round the shops. The proposers who are disabled badge users who are already being inconsiderate in not actually using the

disabled bay when vacant. So my objection is that the current disabled bay is clearly not being used by the Disabled proposer when Vacant, and it would be very inconsiderate for the removal on 2 Car spaces When there is already a bay in Dawley Green, so therefore I would like to put forward my objection for a second Disabled Bay for these reasons.“

In regards the objections received these indicate that the current disabled bay in the vicinity is not utilised as the previous occupiers have relocated. In discussions with occupational therapy this is correct however the new occupants are blue badge holders and this bay is utilised in that respect. Therefore there is a need to provide an additional bay to accommodate the new request; this bay is also located closer to the applicant's property.

- 3.4 At a general level, it is important to ensure that delegated decisions are taken by the appropriate officer, and that the origin of the delegation can be readily identified in case of future challenge.

In this instance, should parking restrictions be carried forward to implementation, they would be subject to the making of a Traffic Regulation Order (TRO). Under the provision of the Road Traffic Regulation Act 1984, local authorities can implement TRO's, designed to regulate, restrict or prohibit the use of a road or any part of the width of a road by vehicular traffic or pedestrians. A TRO may take effect at all times or during specified periods, and certain classes of traffic may be exempted from a TRO.

Permanent TRO's are subject to the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, which impose various legal requirements prior to the making of an order. These requirements include publishing a notice of the proposals in a local newspaper, display of notices in roads or other places affected by the order; or the delivery of notices or letters to premises, or premises occupied by persons, appearing to the authority to be likely affected by any provision in the order and allowing potential objectors 21 days to make representations. It is incumbent on the Council to take account of any representations made as a consequence of such an advertisement.

- 3.5 Should parking restrictions be implemented as recommended, the cost will be approximately £500.00 and would be funded from the Disabled Parking Bay Requests - Project code 10098. There is sufficient funding available for these projects.
- 3.6 With regards to equality implications the proposal to introduce restrictions will improve road safety, visibility and accessibility for disabled users. The equality impacts on not upholding the restrictions have been considered and it is considered it would have a negative impact for disabled users.

4. Reasons for Recommendation

- 4.1 To accommodate the disabled parking bay as requested by Thurrock First on behalf the resident in need of the disabled bay for parking in close proximity to

their house as they do not have adequate off street parking.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 The scheme falls within the Ockendon ward and members from this ward have been consulted on this DDR. No comments have been received from local ward members.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 These actions accord with the Council priorities to create a safer environment.

7. Implications

7.1 Financial

Should parking restrictions be implemented as recommended, the cost will be approximately £500.00 and would be funded from the Disabled Parking Bay Requests - Project code 10098. There is sufficient funding available for these projects.

Implications verified by: Rosie Hurst
Telephone and email: RHurst@thurrock.gov.uk

7.2 Legal

7.2.1 This report sets out proposals for disabled parking bays in Ockendon ward that were requested by Thurrock First and then formally consulted upon in October 2019. The report also deals with the relevant legislation.

7.2.2 The consultation process resulted in two of the four proposed bays receiving no objections; these bays will be progressed in the normal way. The other two bays (at Dawley Green & 205 Daiglen Drive) resulted in five objections, which are set out in the report and analysed.

7.2.3 The objections made in relation to Daiglen Drive are not upheld, but as a consequence of the objections officers are looking into ways of improving parking in that area. The objections made in relation to Dawley Green are also not upheld on the grounds that the location of the new bay is in accordance with policy and that the retention of the existing bay was due to the relevant occupiers having a blue badge.

7.2.4 This is a decision to be taken under delegated powers by an officer, the Transport Development Manager, under HT13 of the Council's Scheme of Delegation. HT13 is for decisions relating to "Exercising the functions of the Authority under Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and all other enabling powers in relation to: traffic regulation; crossings and playgrounds; speed limits & etc" and it is

confirmed that the relevant officer does have the requisite authority to make this decision.

7.2.5 No further legal comments to add.

Implications verified by: Bob Capstick
Telephone and email: x63259 & Robert.Capstick@thurrocklegal.org.uk

7.3 **Diversity and Equality**

With regards to equality implications the proposal to introduce restrictions will improve road safety, visibility and accessibility for disabled users. The equality impacts on not upholding the restrictions have been considered and it is considered it would have a negative impact for disabled users.

Implications verified by: rlee@thurrock.gov.uk
Telephone and email: Rebecca Lee

7.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Letters of objection

9. **Appendices to the report**

- None

Report Author:

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