North Yorkshire County Council

Business and Environmental Services

Executive Member for Highways and Transportation

25 November 2022

Review of Traffic Regulation Orders – Residential Disabled Parking Bay, Gordon Street, Sutton-in-Craven

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

1.1 The purpose of this report is to advise the Corporate Director - Business and Environmental Services (BES) and the Executive Member for Highways and Transportation of the outcome of the public consultation and for a decision to be made on whether the proposals be introduced or set aside in light of the objections received.

2.0 Background

- 2.1 Resident's Disabled Parking Bays (RDPB) can be introduced to provide on-street parking in residential areas for 'blue badge' holders. The County Council's policy states that provision of these bays should only be considered when an individual does not have access to off-street parking such as a drive or garage. Where a RDPB is provided it is not for the exclusive use of one resident but is available for use by any 'blue badge' holder.
- 2.2 Disabled parking bays require a Traffic Regulation Order (TRO) to be in place in order to be enforceable. Historically some advisory and therefore unenforceable residential disabled parking bays were introduced without a Traffic Regulation Order. The Traffic Signs Regulations and General Directions 2016 (as amended) do not permit the use of disabled parking bay road markings without a Traffic Regulation Order and, as a consequence, enforcement action cannot be taken against those that misuse the advisory bays.
- 2.3 The Residential Disabled Parking Bay Policy was approved in August 2011 which determined that only enforceable bays would be provided. In line with this decision, a two-stage assessment process was put in place against which applications are assessed. The assessment criteria for both stages are outlined in Appendix A.
- 2.4 The first stage of the assessment is undertaken by Customer Resolution Centre officers and assesses whether the applicant meets the Stage 1 criteria. This application was assessed and met the criteria and was processed to Stage 2 of the process.
- 2.5 Stage 2 of the process requires that the local Area Highways Office assesses the application against the relevant highway and site assessment criteria. The assessment criteria were deemed to have been satisfied. The proposal then proceeded to consultation with the local member and the proposed TRO was also advertised.

- 2.6 The local member was consulted on the proposed RDPB and no comments were received.
- 2.7 The TRO was advertised on the 5 August 2021 and the last date for receipt of objections was the 30 August 2021. A number of objections were received, and these are set out in Appendix B along with the Officers comments in response. The delay in bringing this report for consideration is due to further investigations taking place after it was suggested that the applicant was moving home. This turned out to be unfounded and the process was recommenced.

3.0 Officer Comment and Conclusion

- 3.1 The objections received centre around two issues the impact on parking on Gordon Street and the eligibility of the applicant.
- 3.2 Impact on parking Gordon Street and other streets in the vicinity experience high demand for parking as a result of a high-density of terraced housing. The applicant currently parks on the street and, whilst a disabled space does occupy slightly more kerbside space than a vehicle, the impact on parking is considered to be minimal. However, it must be noted that there will be some impact on parking locally.
- 3.3 Eligibility of the applicant the applicant is a Blue Badge holder and has met the Stage 1 criteria. As the application meets all the stage 1 and stage 2 assessment criteria for the introduction of a residential disabled parking bay officers consider that there is no valid reason why the bay should not be provided at this time. Therefore, officers' recommendation is that the disabled bay at Gordon Street, Skipton be introduced as proposed.

4.0 Financial Implications

4.1 Funding is available from the existing Highways Area 5 Signs, Lines and TRO budget to support the installation of these measures for the proposed bay which is estimated to be in the region of £500.

5.0 Equalities Implications

- 5.1 An Equality Impact Assessment has been completed for the Residential Disabled Parking Bay Protocol and it is published on the County Council website. The provision of RDPB's will enhance accessibility for mobility-impaired residents enabling them to participate positively in community life.
- 5.2 A screening form has been included in Appendix C.

6.0 Legal Implications

6.1 The process for the consideration of objections to TRO's was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to TROs is now a matter for the Executive and the role of the Area Constituency Committee is changed to a consultative role on wide area impact TRO's. The consideration of objections has been delegated by the Executive to the Corporate Director – BES in consultation with the Executive Member for Highways and Transportation. The decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A wide area impact TRO is classed as a proposal satisfying all of the three criteria set out below:

The proposal affects more than one street or road
The proposal affects more than one community
The proposal is located within the ward of more than one County Councillor.

- 6.2 The proposed TRO has not been classed as a wide area impact TRO as the proposal does not affect more than one street or road and hence the Area Constituency Committee's views have not been sought.
- 6.3 In the event that the Executive Member Highways and Transportation and BES Corporate Director resolve to follow the recommendations contained in this report, then in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996, the County Council will be required to make a Traffic Regulation Order (with or without modifications) and publish a notice of making the Order in the local press. The County Council will also be required to notify the objectors of its decision and the reasons for making that decision within 14 days of the Order being made.
- Where an Order has been made (ie sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within six weeks from the date on which the Order is made.
- In recommending the implementation of the proposed TRO as advertised for the reasons set out in this Report, Officers consider that the County Council is complying with its duty under Section 122 of the Road Traffic Regulation Act 1984 and has carried out the required balancing exercise in coming to that decision.
- 6.6 All other main legal aspects are covered in Section 3 to this report. Beyond that, it is the view of officers that the proposals do not have any legal implications for the County Council.
- 6.7 In accordance with the protocol for BES Executive Member reports, the local Elected Member will be provided with a copy of this report and be invited to the meeting on 25 November 2022

7.0 Climate Change Implications

7.1 Consideration has also been given to the potential for any adverse Climate Change impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on Climate Change and as such a Climate Change Impact Assessment has not been carried out. A copy of the Climate Change Impact Assessment decision form is attached as Appendix E

8.0 Recommendations

- 8.1 It is recommended (having taken into account of all the duly made representations and objections) that the:
 - i) results of the consultation are noted
 - ii) Corporate Director, BES and Executive Member for Highways and Transportation, approve the introduction of the disabled bay as advertised

iii) Assistant Chief Executive (Legal and Democratic Services) be authorised to seal the relevant Traffic Regulation Order in light of the objections received and that the objectors are notified within 14 days of the order being made.

BARRIE MASON

Assistant Director - Highways & Transportation, Business and Environmental Services

Author of Report: Daniel Herbert, Improvement Manager Area 5

Background Documents: Letters/ Emails objecting to the proposals, as outlined in this

report are held in the scheme files held by the Skipton Area 5

Highways Office.

Assessment/Eligibility Criteria

Stage one - applicant conditions

The applicant must be:

- The blue badge holder
- The driver of the vehicle (evidence of driver's licence and vehicle ownership will be required).
- Requesting a disabled parking bay for the same address as their blue badge has been issued.
- Unable or virtually unable to walk or propel a wheelchair for a comfortable distance outside the home - estimation of comfortable walking distance required.
- Unable to access suitable off-street parking, for example a driveway, garage or parking place provided by a housing association or social landlord.
- Unable to regularly park their vehicle on the public highway within a comfortable distance of their household

If you do not meet all of these criteria, but feel that your case is exceptional, please <u>contact</u> <u>us</u>. We will be able to assess your eligibility and advise you on whether to proceed with an application.

Stage two - highways specific conditions

We will make our decision on the following highway specific conditions. The application may be denied if one or more of the following exist:

- We believe that there is reasonable evidence to suggest that the driver can regularly park their vehicle within a comfortable distance of their household either off-street or on-street.
- The request is for a highway that is not maintainable at public expense.
- The driver has access to suitable off-street parking, for example a driveway or garage. The suitability of the off-street parking facility will be considered in line with government guidance, specifically:
 - whether it is located on firm and level ground
 - o whether the gradient is reasonable
 - whether there is space to enable the disabled driver to get into the car easily and safely
- Waiting restrictions (for example double/single yellow lines, clearways / bus stop clearways and school keep clear road markings) are already in place or have been proposed in the requested location.
- The request is within a Controlled Parking Zone.
- Access or visibility would be impaired by the parking bay.
- The road is not wide enough to allow the free flow of traffic when a vehicle is parked in the bay.
- The location is listed in the Highway Code as a place where vehicles should not be parked.
- The road has a speed limit over 30mph.
- The current number of disabled parking bays installed is higher than 10% of the total number of residential properties or 10% of the number of parking spaces in the street, whichever is higher i.e., 40 houses = maximum number of 4 Disabled Bays in that street.

If either the stage one or stage two criteria are not satisfied, then the request will be declined.

The process includes the assessments above, and the preparation of a traffic regulation order.

GORDON STREET SUTTON IN CRAVEN



GORDON ST	GORDON STREET, SKIPTON.						
Responder	Issue raised (against)	Officer comments					
Resident.	I would like to strongly object to the proposed disabled parking bay for 30 Gordon Street.	Gordon Street and other streets in the vicinity experience high demand					
	I live at 18 Gordon Street, and the Street is already very busy for parking. It's rare I can park outside my house when returning from work, and the proposed space will be making	for parking as a result of high-density terraced housing.					
	parking for everyone on the street more difficult. The child in question is also very mobile. He is often seen running up and down the street with ease and doesn't seem	The applicant meets all the stage 1 and stage 2 assessment criteria for					
	to struggle, which also suggests the space is not needed.	the introduction of a residential disabled					
Resident	I wish to object for the parking bay outside this house. The street is under strain as it is and this will be only causing more problems to our street, to bring to your attention they are in the Skipton papers for doing a house swop to cowling. She has no intention of staying on this street, All	parking bay and officers therefore consider that there is no valid reason why the bay could not be provided at this time.					
	we ask for is what's right for the people on this street who struggle to even park on the street never mind on the door step!!	Officer recommendation is that the disabled bay at Gordon Street, Skipton be introduced as					
Resident	I strongly object to the proposed parking bay on Gordon Street	proposed and that the Director and Members note that his may impact upon parking opportunity					

I believe this parking bay is purely for the parents benefit and not to improve the child's lifestyle. It would only give the parent easier access to the car for her own use. for neighbouring residents.

The occupants of 30 Gordon Street are only home through the week and stay elsewhere during the weekend. I feel this would only cause more parking issues for the remaining residents of Gordon Street. Not to mention, making the parking wars on the street more frequent and frustrating.

I would highly recommend you visit the resident of 30 Gordon Street and assess the child in receipt of the blue badge as he has no physical mobility impairment and is able to walk/run to and from the car. It is often witnessed that the mother doesn't even help the child into the car or strapping him in. He is expected to do this himself.

I trust you will take my objection seriously and reconsider the unnecessary proposed parking bay and its consequences that come with it.

Resident

To whom this may concern,

I would like to express objection to the above referenced proposed parking bay on Gordon Street, Sutton-In-Craven.

The parking on this street is bad enough at the best of times with most houses having two cars, to put a disabled parking space where it is not physically needed would make matters worse for residents.

Resident

I wish to object to the proposed disabled parking bay on Gordon Street. She doesn't need a marked bay as she and her children are more than capable of walking to their car whether it be outside her house or down the road. I often see the children running and playing on the street and don't understand why she needs a larger than average space which will also take up half a space of her neighbours' property. Both her neighbours on either side have small young children, one of which is severely disabled and would benefit from a mobility car and parking bay instead of her who obviously doesn't need it. She only wants it for HER convenience so she can load her car for her cleaning business. She already gets rude and very aggressive if someone parks outside her house. God help anyone who would park outside even if they had a blue badge. I understand the child has a hidden disability, but it doesn't have an impact on his mobility getting to and from the house to the car. I've witnessed many times when he gets in and out of the car whilst his mum loads the car up for work.

Resident

I would like to express my concerns and objection to the above referenced proposed parking bay on Gordon Street, Sutton-In-Craven.

I feel the proposed parking bay for the requesting property is unnecessary. The child in question has no physical mobility problems and is able to walk and run unaided and often unsupervised. I regularly witness this and the child playing football outside on the path and onto the main road.

After having been threatened and demanded that I move my car by the occupant at 30 Gordon Street for parking outside their house, I have concerns for other residents on the street especially those who are elderly with a blue badge that may park in this proposed bay when it is available.

I understand the child in mention has a hidden disability which requires nightly cares. I am at a loss when trying to understand why this hidden disability require the occupants to need a disabled parking bay directly outside the property? As a homeowner on the street who frequently is unable to park directly outside my home feel it's unnecessary for someone who rents a property to get a permanent parking bay outside their home. This would mean that it would be often difficult especially when the occupants of 30 Gordon Street are staying in other properties most weekends and out in the car most days when the child is at school.

Resident

I wish to once again oppose the application for a disabled parking space to be made available for the resident at 30 Gordon Street, Sutton in Craven BD20 7EU. Attached is a screenshot of the criteria required to be able to successfully have a disabled space granted outside your home. The screenshot is from Craven District Council's website and criteria. It states that the applicant must be virtually unable to walk or propel a wheelchair for a comfortable distance. Having observed the residents applying for the disabled space not one of them is unable to walk a comfortable distance (they are also often running) I have also not seen a wheelchair ever being used. Parking is limited however, there is always a space within a comfortable walking distance. I believe the application was not successful last time and since then none of the circumstances have changed.

Resident

I am writing this email in relation to the proposed disabled parking bay outside number 30 Gordon Street, Sutton-in-Craven.

I would like to strongly oppose the application due the fact there is no one who lives at number 30 who is physically disabled, and no one uses a wheelchair. The youngest child who lives there has health issues or has previously had health issues, but he has no mobility issues and is regularly seen playing out and running up and down the street, so there is no need for a permanent allocated bay outside the house.

The criteria on your website states you have to be 'unable or virtually unable to walk or propel a wheelchair for a comfortable distance outside the home' and 'you have to be unable to regularly park on the public highway within a comfortable distance of your house' and this is not the case as although this is a busy street, there is always parking available on Gordon Street and usually outside your own house. Therefore, due the fact that none of the residents use a wheelchair they do not fit that criteria.

Also, the resident at number 30 has her house on a 'swap' site meaning she is not intending to stay as a resident on Gordon Street anyway, so the bay would be needless in due course.

Resident

I am replying in response to a letter received regards a request for a disabled parking bay outside of 30 Gordon Street Sutton In Craven.

This request is unfounded. No person living at these premises nor immediate members of family meet the requirements for a disabled bay. This request is for personal gain as the occupier has been heard complaining about parking in front of the premises and stated she was having a private bay. Yes, parking is a problem. But all households suffer at some point during the week due to lack of spaces compared to the number of cars.

Initial equality impact assessment screening form

(As of October 2015 this form replaces 'Record of decision not to carry out an EIA')

This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.

Directorate	Business and Environmental Services
Service area	Highways and Transportation
Proposal being screened	Traffic Regulation Order – Proposed Residential
	Disabled Parking Bay, Gordon Street, Sutton-in-Craven
Officer(s) carrying out screening	James Coonan-Byrom
What are you proposing to do?	Installation of a residential disabled parking bay (RDPB)
	at Gordon Street, Sutton-in-Craven.
Why are you proposing this? What are the	An eligible resident has applied for a RDPB outside or
desired outcomes?	near their property going through the application process
	set out by NYCC.
Does the proposal involve a significant	No
commitment or removal of resources?	
Please give details.	

Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics? As part of this assessment, please consider the following questions:

- To what extent is this service used by particular groups of people with protected characteristics?
- Does the proposal relate to functions that previous consultation has identified as important?
- Do different groups have different needs or experiences in the area the proposal relates to?

If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your <u>Equality rep</u> for advice if you are in any doubt.

Protected characteristic	Yes	No	Don't know/No info available
Age		✓	
Disability		✓	
Sex (Gender)		✓	
Race		✓	
Sexual orientation		✓	
Gender reassignment		✓	
Religion or belief		✓	
Pregnancy or maternity		✓	
Marriage or civil partnership		✓	
NYCC additional characteristic			
People in rural areas		✓	
People on a low income		✓	
Carer (unpaid family or friend)		✓	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.			be able to park in the proving access for disabled

Appendix C

Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No impact			
Decision (Please tick one option)	EIA not relevant or proportionate:	✓	Continue to full EIA:	
Reason for decision	people with prote additional charac Council to comp	ected cha cteristics ly with its Regulati	have no negative in aracteristics (or NY) and will enable the s duties under Section Act 1984 and Section Act 2004.	CCs e County ion 122 of
Signed (Assistant Director or equivalent)	Barrie Mason			
Date	14/11/2022			

<u>PROPOSED INTRODUCTION OF DISABLED PERSONS' ON-STREET PARKING PLACE</u> GORDON STREET SUTTON-N-CRAVEN – CRAVEN DISTRICT

STATEMENT OF THE COUNCIL'S REASONS FOR PROPOSING TO MAKE THE ORDER

LEGAL POWERS

Under Section 1 of the Road Traffic Regulation Act 1984 the County Council, as traffic authority for North Yorkshire, has powers to make a Traffic Regulation Order (TRO) where it appears expedient to make it on one or more of the following grounds:-

- (a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or
- (b) for preventing damage to the road or to any building on or near the road, or
- (c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or
- (d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or
- (e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is specially suitable for use by persons on horseback or on foot, or
- (f) for preserving or improving the amenities of the area through which the road runs; or
- (g) for any of the purposes specified in paragraphs (a) to (c) of subsection (1) of Section 87 of the Environment Act 1995 (air quality).

REASONS FOR MAKING THE ORDER

The County Council considers that it is expedient to make this Order on grounds (a), (c) and (f) above for the following reasons:-

Resident at the location described in the Schedule have requested a residential disabled parking bay outside or near to their property. The resident has been assessed under the eligibility and highway criteria set out by NYCC, and were deemed to meet the requirements for a residential disabled parking bay.

It is proposed to install a disabled persons bay road marking and associated signage at the location outlined below and shown on the relevant schedule and plans.

Location(s) of Proposed Order(s)

Settlement	Road	Side	From	То	Restriction
Sutton-in-	Gordon	west	A point from the	A point 6.0 metres	Disabled
craven	Street		boundary of No28	south	Bay

CONSIDERATION OF OBJECTIONS

Under the County Council's Constitution, the consideration of objections to a proposed TRO is delegated to the Corporate Director - Business and Environmental Services (BES) in consultation with the BES Executive Member. For each TRO where there are objections, it will be necessary to bring a report to the Corporate Director - BES and the BES Executive Member seeking a decision on the consideration of the objections. The report will include the views of the relevant local member who will also be invited to the meeting that considers the report. The Corporate Director - BES may wish to refer the matter to the Council's Executive for a final decision.

A report to the relevant Area Committee will only be necessary when there are objections to a wide area impact TRO.

A wide area impact TRO is defined as a proposal satisfying <u>all</u> of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor

The report will seek the views of the Area Committee and these views will then be included in a report to the Corporate Director - BES and the BES Executive Member seeking a decision on the consideration of the objections. The Corporate Director - BES may wish to refer the matter to the Executive for a final decision.

The existing arrangements for members of the public wishing to attend or speak at committee meetings will apply and it may be appropriate for the Corporate Director - BES to have his decision-making meetings open to the public, so that the public and in particular those with objections, have the opportunity to put their views across directly.

N.B. The Corporate Director - BES has delegated powers to make decisions on TROs where there are no objections.



Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance, please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission

Environmental Impact Assessment

Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Gordon street Sutton-in-Craven disabled bay		
Brief description of proposal	To introduce a disabled bay at the above location		
Directorate	BES		
Service area	Highways & Transportation		
Lead officer	James Coonan-Byrom		
Names and roles of other people involved in	James Coonan-Byrom – Project Engineer Area 5 Skipton Highways Office		
carrying out the impact assessment			
Date impact assessment started	1 September 2022		

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

No other options were considered

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Impact will be cost neutral. Disabled bay will be enforced by Harrogate BC parking enforcement as part of their daily duties.

How will this proposon the environment N.B. There may be a negative impact and term positive impact include all potential over the lifetime of and provide an expl	? short term d longer t. Please impacts a project	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO ₂ e • Links to relevant documents	Explain how you plan to improve any positive outcomes as far as possible.
Minimise greenhouse gas	Emissions from travel		X			
emissions e.g. reducing emissions from travel,	Emissions from construction		X		n/a	
increasing energy efficiencies etc.	Emissions from running of buildings		X		n/a	
Minimise waste: Red recycle and compost reducing use of single	e.g.		X			
Reduce water consumption			Χ			
Minimise pollution (including air, land, water, light and noise)			X			

How will this proposal impact on the environment? N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO ₂ e • Links to relevant documents	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers		Х				
Enhance conservation and wildlife		Х				
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		Х				
Other (please state below)		х				

Are there any recognised good practice environmental standards in relation to this proposal? If	so, please detail	how this proposal
meets those standards.		

None

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

This will be a positive impact for the applicant of the disabled bay.

Sign off section

This climate change impact assessment was completed by:

Name	James Coonan-Byrom
Job title	Project Engineer
Service area	H&T
Directorate	BES
Signature	James Coonan-Byrom
Completion date	01/09/2022

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 14/11/2022