TRO Panel

TRO Panel – Review of Disabled Persons Parking Place outside 106 Oak Street, Shaw

Report of: Executive Director, Economy, Skills and Neighbourhoods

Officer contact: Jeanette Whitney, Technical Admin Officer
Ext. 4305

12 September 2016

Reason for Decision
The purpose of the report is for the Panel to re-consider the application and subsequent objections received to the introduction of a disabled persons parking place outside 106 Oak Street, Shaw.

Recommendation
It is recommended that the panel re-consider the extract of the report attached at Appendix A and minute their considerations in reaching a decision.
Review of Disabled Persons Parking Place outside 106 Oak Street, Shaw

1 Background

1.1 A proposal to support the introduction of 41 disabled persons parking places at various locations in the Borough was approved under delegated powers on 9 November 2015 (reference D2422).

2.1 One of the disabled bays was proposed for introduction on Oak Street, Shaw and three letters of objection (including a petition) were received from neighbouring properties. The TRO Panel therefore duly considered these objections at a meeting on 7 March 2016.

2 Current Position

2.1 The panel recommended that the application should not be introduced at the location proposed and another location be sought. Further observations have recently been undertaken but unfortunately, a convenient location within close proximity to the applicants property has not been found.

2.2 The applicants property is located near to Linney Lane on the east side of the street and to ensure traffic manoeuvres are not obstructed at the Linney Lane/Oak Street junction, double yellow lines are present outside the applicants property. It is not considered appropriate to remove some of the waiting restrictions to implement a disabled persons parking place as the remaining length would be less than a standard car length which could be problematic for motorists entering Oak Street, particularly if vehicles were egressing the junction at the same time. The Highway Code also recommends that vehicles should not be parked within ten metres of a junction; the current restrictions are considered the minimum required to ensure safe manoeuvres at the junction.

2.3 On the west side of the carriageway (opposite the applicants property), vehicles are being parked half on the footway and half on the carriageway to ensure that moving traffic does not become obstructed; unfortunately, a disabled persons parking place can only be implemented within the carriageway.

2.4 Disabled bay facilities are provided to help residents that have mobility problems, especially in areas where parking problems regularly exist. As a convenient location cannot be found within the vicinity of the applicants property it is not considered appropriate to consider a location further away as it would not provide any assistance to the applicant.

2.5 In view of the above the Panel are asked to re-consider the application for a bay outside Nos 96-98 Oak Street.
Options/Alternatives

3.1 Option 1: To approve the recommendation.

3.2 Option 2: Not to approve the recommendation.

Preferred Option

4.1 The preferred option to follow is Option 1.

Comments Of Shaw Ward Councillors

5.1 Ward Councillors were consulted previously and no comments were received. A copy of this report has been forwarded to Ward Councillors for consultation and Councillor H Sykes opposes the creation of the space for the reasons the objectors state, more specifically:

a) Parking is not allowed outside 106 due to waiting restrictions already in place.

b) There is already a disabled bay adjacent to property outside 102 that is available for use.

c) To put a disabled bay outside 98/96 would conflict with entrance to Edmund Street. There is Council owned off-road parking available on Linney Lane which is practically equidistant to number 106.

Response to Ward Councillors Comments

6.1 Each of the points raised are discussed below separately:

a) The presence of the waiting restrictions outside number 106 is known as stated in paragraph 2.2, it is not considered appropriate to remove some of the waiting restrictions to implement a disabled persons parking place.

b) The disabled bay outside number 102 was implemented in 2014 at the request of the applicant. The ModernGov report at Appendix A, explains the applicant has applied for another disabled bay to be located within the vicinity of his property due to him not being able to access the existing disabled bay implemented in 2014. Although photographic evidence has been supplied with the objection petition showing the applicants vehicle parked within the disabled bay; observations undertaken by the Traffic Section would suggest another vehicle is permanently parked within the existing disabled bay. The applicant is aware that the disabled bay is not for their sole use but at present they feel unable to use the disabled bay at all.

c) It is not felt that a disabled bay outside 98/96 would conflict with the entrance to Edmund Street, this location is approximately 10 metres from the Edmund Street Junction.
A site investigation was carried out to implement a disabled bay within the Council owned car park on Linney Lane but unfortunately, after liaising with the Parking Client Team this car park is not managed by them and enforcement action would not take place. The applicant would probably find themselves in the same position they are in now.

7 **Financial Implications**

7.1 These were dealt with in the previous report.

8 **Legal Services Comments**

8.1 These were dealt with in the previous report.

9 **Co-operative Agenda**

9.1 In respect of proposed disabled bays there are no Co-operative issues or opportunities arising and the proposals are in line with the Council's Ethical Framework.

10 **Human Resources Comments**

10.1 None.

11 **Risk Assessments**

11.1 None.

12 **IT Implications**

12.1 None.

13 **Property Implications**

13.1 None.

14 **Procurement Implications**

14.1 None.

15 **Environmental and Health & Safety Implications**

15.1 These were dealt with in the previous report.

16 **Equality, community cohesion and crime implications**

16.1 The provision of disabled parking places will ease concerns for disabled residents but the facilities may effect community cohesion due to the reduction in on-street parking that will result.
17  **Equality Impact Assessment Completed?**

17.1 No.

18  **Key Decision**

18.1 No.

19  **Key Decision Reference**

19.1 Not applicable.

20  **Background Papers**

20.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

None.

21  ** Appendices**


22  **Proposal**

22.1 It is proposed that the Panel re-consider the objections received to the disabled bay application for 106 Oak Street, Shaw and minute their considerations in reaching a decision.
APPENDIX A

EXTRACT OF TRO PANEL REPORT SUBMITTED 7 MARCH 2016
3 Summary of Objections

3.3 Samantha Perry has objected to the proposal to introduce a disabled bay on Oak Street, Shaw because she feels that this will exacerbate the on-street parking problem within this area due to staff from nearby businesses parking on Oak Street instead of the designated staff car parks.

3.4 Michelle Cooke has objected to the proposal to introduce a disabled bay on Oak Street, Shaw because it will be positioned outside her property; she feels the bay will be detrimental as she is a carer for her mother and would make it difficult for her mother to visit. As a disabled bay is already located within this vicinity she feels another bay is not required and will displace parking for other residents and has enclosed a petition with her letter.

3.5 Janet Ward has objected to the proposal to introduce a disabled bay on Oak Street, Shaw because it will be positioned outside her property; she feels that this will exacerbate the on-street parking problem within this area as staff from nearby businesses park on Oak Street instead of the designated staff car parks. She is concerned that her neighbours have small children and sometimes are forced to park unsafely and also the highway being used as a ‘rat-run’.

4 Consideration of the Objections

4.3 Consideration of objection raised by Samantha Perry:-

a) There is already a parking problem on the street and the proposed disabled bay will reduce the available on-street car parking capacity

The Highway Authority accepts that this will occur due to the length of the bay. It must be borne in mind though that the facility is provided to help residents that have mobility problems, especially in areas where parking problems regularly exist. Evidence of there being a parking problem on the street would therefore add further justification for a disabled space to be provided.

4.4 Consideration of objection raised by Michelle Cooke and three other residents:-

a) The disabled space will be implemented outside our property

Unfortunately, due to the position of the applicants property a disabled persons parking place cannot be implemented directly outside their property and for highway safety reasons, can only be placed at this location. The space on the highway outside a person’s property is not under their control and cannot be reserved as their own private parking facility.
b) The disabled space will be detrimental to the health and wellbeing of her visiting mother

The concerns of the objection have been considered but the space on the highway outside a person’s property is open to the public and an owner does not have a preferential right to reserve the space outside their property across the extent of their frontage.

c) Another disabled day is not required as one already exists nearby

The applicant has applied for another disabled bay to be located within the vicinity of his property due to him not being able to access the existing disabled bay implemented in 2014. Photographic evidence has been supplied with the petition showing the applicants vehicle parked within the disabled bay; observations have taken place over the past few weeks by the Traffic Section and it would appear another vehicle is permanently parked within the existing disabled bay rather than using it as a general use parking facility. The applicant is aware that the disabled bay is not for their sole use but at present they feel unable to use the disabled bay at all.

4.5 Consideration of objection raised by Janet Ward:-

a) The disabled space will be implemented outside our property

Unfortunately, due to the position of the applicants property a disabled persons parking place cannot be implemented directly outside their property and for highway safety reasons, can only be placed at this location. The space on the highway outside a person’s property is not under their control and cannot be reserved as their own private parking facility.

b) There is already a parking problem on the street and the proposed disabled bay will reduce the available on-street car parking capacity

The Highway Authority accepts that this will occur due to the length of the bay. It must be borne in mind though that the facility is provided to help residents that have mobility problems, especially in areas where there is a parking problem on the street. Evidence of there being a parking problem on the street would therefore add further justification for a disabled space to be provided.
## SCHEDULE 9
Shaw & Crompton Area - Disabled Bays

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
<th>Column 6</th>
</tr>
</thead>
<tbody>
<tr>
<td>Item No</td>
<td>Length of Road</td>
<td>Class of vehicle</td>
<td>Days and Hours of Operation</td>
<td>Maximum period of parking</td>
<td>No return within</td>
</tr>
<tr>
<td>Oak Street, Shaw (East side)</td>
<td>From a point 29.3 metres south of its junction with Linney Lane for a distance of 6.6 metres in a southerly direction</td>
<td>Disabled Persons Vehicle</td>
<td>24 Hours Daily</td>
<td>No Limit</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>
To whom it may concern

RE: Proposed Disabled Persons Parking Places Order – Various Locations

I hope this email finds you well. You have recently written to my neighbour at 96/98 Oak Street Shaw seeking approval for a Disabled Parking Space to be placed at the front of their houses. Although the letter was not addressed to me, nor was my permission asked, I feel the need to politely object a request regarding this matter.

There are a few reasons why;

Firstly, I feel that one Disabled parking space is sufficient enough for a gentleman that seems to have no issue with parking. I have lived in my house now for 8 years and I have never seen him struggle for a parking space, every now and then he may be required to park in front of the house next door but other than that I have not witnessed any other difficulties in where he usually parks if the current Disabled spot it occupied.

Secondly, although I can respect he (I’m assuming) is a disabled badge holder and that parking in close proximity to his house is needed I also would like to point out that this new proposed parking space would have a rippling effect on all the neighbours causing each of us to relocate where we park our cars. With businesses recently flourishing and more visitors coming to Shaw, Oak Street has seen an impact with parking spaces being available. This number is dramatically reduced when a lot of the staff from Shop Direct chooses to park on Oak Street instead of in the designated staff car parks. Now out of respect for the gentleman who needs a disabled parking space, if there is a space available outside his house we avoid using this space for ourselves and leave it available for him, but this does not mean that we so easily just find another place to park our cars.

I am fully aware that there is a small car park available located on Linney Lane that is for the residents of Oak Street. I am a new driver and my annual insurance quote is astronomical, working within the Traffic and Network Management, I’m sure you may be aware that when obtaining car insurance you need to specify where it would be stored overnight, which is a legal requirement when applying to state correct and accurate information. If I was to state I keep my car in an unsecured car park then my premium would increase by £313.79 per year. I am unwilling to pay as I pay a rather large price to start with, so unless the council are willing to reimburse me £313.79 per year to park elsewhere other then the street I live on then I am unable to make that financial commitment.

Thirdly, I am a single parent with a small child aged 7. I do everything by myself. Simple tasks like bringing in the food shopping would become more difficult if the proposed space is added. A lot of cars seem too use Oak Street as a ‘Cut through’ to avoid the traffic lights located at the end of Linney Lane. I would say 80% of the people driving these cars seem have no regards for personal safety and will zoom down at 30mph, a dangerous speed considering the density of cars parked, so for me
being unable to park on the same roadside as my house poses a daily danger to my daughter. This
danger in my eyes will be increased if the disabled space is put in because of the rippling effect
described earlier.

Now to bring this all together I personally think the negatives on what this proposed parking space
would cause far out weight the positives so I have no other choice then to respectfully and politely
delinet, and I ask you please to reevaluate the case and consider all points being made from both side
to come to your conclusion.

I will end my letter on a suggestion; if the proposed disabled parking space does go ahead then it
might be an idea to give each of the community designated areas to park their cars. With each
resident selecting preferences on where we would like to be parked before a structured plan is put
into place.

I'm sure this will go without stating that even though I have disclosed my full identity within this
letter I would prefer the source of these reasons to remain anonymous to the public.

If more information is required from me regarding this subject then please do not hesitate to
contact me in writing using the below address.

Thank you for taking the time to read this letter.

Yours Faithfully

Samantha Perry
94 Oak Street
Shaw
Oldham
OL28EJ

12/01/16
Henshaw house, Cheapside
Oldham OL1 1ny

Dear Jeanette Whitney:

I'm writing in regards to the proposed disabled parking in front of 96 and 98 oak street for use of property 106 oak street Shaw.

This would displace parking for residents at properties of 96 oak street 98 oak street 100 oak street and also 102 oak street as we already struggle to park near our properties due to Littlewoods direct and Waggy warehouse.

I have four children under the age of 15 in my property and I'm a care for my mother which this parking proposal would make it difficult for my mother to visit.

And due to the fact that 106 Oak Street already uses the provided disabled parking place next to their property I cannot understand why they are allowed to get another which takes over 4 parking places for 4 residents of Oak Street that would stop 4 residents being unable to park.

I'm attaching photos of the only vehicle of 106 Oak Street using the provided disabled parking space on separate occasions. I find it very hard to understand why they would require another disabled parking space further away from their property when they already have full use of the one I front of their own property.

This has caused upset to the nearing residents of Oak Street and to which you will find attached signed petition against the proposed disabled parking space in front of 96 oak street and 98 oak street Shaw Oldham.

Sincerely,

[Signature]

Michelle Cooke
Michelle Cooke
98 oak street shaw oldham
OL2 8EJ | 07729503384

04/01/2016

Highways and Engineering

Traffic section, floor 1.
To Jeanette Whitney

I am responding to the proposed disabled parking in front of 96 Oak Street, Shaw.

I am against this proposal for the following reasons. Myself and other residents at 94, 96, 98, 100, 102, 104, 106 struggle to park as it is close to workers from Littlewoods, Waggy Warehouse and a newly opened cafe on the corner of the street. What I don't quite understand is why Mrs. Doughty has applied for another parking space when he has already been granted a space. Also putting one outside 96, 98 would be much further away from his front door than the one on the street now.

And also on the odd occasion when he can't park in the space because someone else is in it that has a "blue badge" he just parks behind them which is even closer to his door or across the road. But my main concerns are, both of my neighbours have small children and are sometimes forced to park unsafely and this road is used as a cut through and now...
no one has been run over is a good-send

I do have problems moving about when my Sciatica starts to play up. And my last point is we all would be forced to park illegally. I am hopeful you will consider all the points I have made before you make a decision.

Yours sincerely

J L Lord