

## Proposed Decision to be taken by the Portfolio for Transport and Planning on or after 19 December 2014

### Hermes Close, Regent Street, Clarendon Street, Leamington Spa, District of Warwick - Proposed Waiting Restrictions and On-Street Parking Places

#### Recommendation

That the Portfolio Holder for Transport and Planning approves that the 'The Warwickshire County Council (District of Warwick)(Permitted Parking Area)(Waiting Restrictions, On Street Parking Places & Residents' Parking) (Consolidation) (Variation No. 24) Order 2014' be made as advertised.

#### 1. Introduction

1.1 Proposals for waiting restrictions in various locations in Warwick District were advertised on 9<sup>th</sup> October 2014. Objections to the following proposals have been received.

- Hermes Close, Leamington Spa – Double Yellow lines
- Regent Street, Leamington Spa – Disabled Persons Parking Place
- Clarendon Street, Leamington Spa - Disabled Persons Parking Place

1.2 A number of other proposals were included in the advertisements with no objections being received. It is recommended that those proposals be implemented as advertised.

1.3 The comments, suggestions and objections that have been received are discussed below together with the reasons for the proposals. The numbers of objections received are shown in brackets [ ].

1.4 The statutory criteria for decisions on making Traffic Regulation Orders are included as **Appendix A**.

1.5 Drawings showing published restrictions which have attracted objections are found in **Appendix B**.

#### 2. Hermes Close – Proposed Double Yellow Lines (Plan 1 in appendix B).

2.1 Hermes Close is an access road leading to industrial units on Heathcote Industrial Estate. Leeson Polyurethanes Ltd moved to a larger unit on the same road and as part of the planning conditions were required to implement a Traffic Regulation Order for double yellow lines.

2.2. The following objections/comments have been received.

**Objections [1] Comments [1]**

**Objection from Leeson Polyurethanes Ltd**

...we strongly object to the proposal as the effect of the proposed restrictions will be to increase the parking on the road outside both our existing premises and the new premises.....this will have a detrimental effect on the access of lorries, trucks and bulk tankers into our premises and will interfere with our ability to carry out our business.

**Response**

The proposal was consulted on as it was a planning condition imposed on Leeson Polyurethanes Ltd as part of the planning consent. The restrictions are proposed to alleviate problems HGVs have accessing the close. We have had no reports of adverse parking on this road.

2.3 **Comments [1]**

I confirm that we, J.J. Gallagher Limited, as the long leaseholder of Unit 1, Hermes Court have no objection to the proposal outlined in said letter. We are in favour, given the clear abuse this area currently suffers.

2.4 **Recommendation**

Implement as advertised.

3. **8 Regent Street – Proposed Disabled Persons Parking Place (Plan 2 in appendix B).**

3.1. Regent Street is a main road through the centre of Leamington Spa. There is a Limited Waiting bay adjacent to two shops and a residential property which can accommodate three vehicles. The residential property has requested a 'Disabled Persons Parking Place' and is a current blue badge holder.

3.2. The following objections/comments have been received.

**Objections [3]**

**Objection [1]**

The points listed below are a summary of the main points received;

1. The existing three parking spaces with short waiting restrictions were originally designed to encourage passing trade for the three shops in that area.

2. To reduce this facility will directly affect the passing trade to these shops by a third.
3. The person who rented the house at number 8 was fully aware at the time of renting that waiting restrictions were imposed outside the property, long term parking in that area will encourage drivers into parking illegally on double yellow lines.
4. The bay's location will increase the occurrences of sight line obstruction for cars exiting Grove Street, with all its associated accident hazards if unrestricted parking is allowed. However there is plenty of parking space available in the Residents Parking Scheme in Grove Street which is very close to the property.
5. In fact a disabled parking bay could be provided outside 53 Grove Street only twenty meters away from the front door of no 8 Regent Street. I feel sure that a disabled person can walk that extra distance with ease and this would then not affect any passing trade or reduce the viability of shopping in this area.

### **Response**

1. Bays are designed to accommodate all vehicles and not solely for particular businesses.
2. The disabled bay will take up one space and is for the use of all blue badge holders. There will be two remaining spaces.
3. Disabled bays do not encourage other drivers to park illegally.
4. The bay will be increased by approximately 1 metre to allow for one disabled persons parking bay and still leave room for two other vehicles.

We have received the following advice from our Safety Engineering Team regarding the sight lines from Grove Street.

*Further to your e-mail dated 08/12/14 and attached dwg TP/9251 requesting our comments in relation to the impact on sight lines following proposals to reposition the parking bay/s on Regent Street, Leamington Spa. Whilst the proposal will move the parking bay approximately 1.0m closer to the junction, the impact on sight lines and thus road user safety has not been materially altered from the existing provision, and which is characteristic of a town centre environment.*

5. It is County Council policy to locate the disabled persons parking bay outside the applicant's property and not to place it outside another property. We cannot make assumptions regarding a person's disability and what distance they are capable of walking.

## **Objection [2]**

We rely on passing trade and the ability to generate custom from passing motorists and a disabled parking space will reduce this option by 33% and in the present climate this will greatly affect our business.

## **Response**

There will be two spaces remaining and also a space which any blue badge holder can park in.

### **3.3. Recommendation**

Implement as advertised

## **4. 47 Clarendon Street – Proposed Disabled Persons Parking Bay (Plan 3 in appendix B).**

4.1 Clarendon Street is a main road through the centre of Leamington Spa. It is part of a residents parking zone. Outside the property in question there is a Limited Waiting/Residents Parking bay. The property is also in close proximity to some traffic signals. The residents at 47a have requested a 'Disabled Persons Parking Bay' and are current blue badge holders.

4.2 The following objections/comments have been received.

## **Objections [1]**

### **Objection**

1. There is already a blue badge – disabled parking restriction in front of the Post Office.
2. There is a massive lack of parking spaces in the street for 'permit holders' who have to pay.
3. There are more properties being built in the street which means more vehicles parking in the street which will cause more transport parking on double yellow lines right up to the traffic lights.....
4. If the blue badge holder was to move or any other reason no longer lived at the property the parking bay would still be there.
5. The blue badge holder can use the allocated space in front of the Post Office and walk the short distance to the property.

## **Response**

1. It is County Council policy to locate the disabled persons parking bay outside the applicant's property and not to place it outside another property.

2. There is only a finite amount of space for parking on street.
3. Disabled bays do not encourage other drivers to park illegally.
4. If the Disable Persons Parking Bay was no longer required then we would remove it.
5. We cannot make assumptions regarding a person's disability and what distance they are capable of walking.

#### **4. Background Papers**

- 4.1 Letters, email objections

#### **5. Financial Implications**

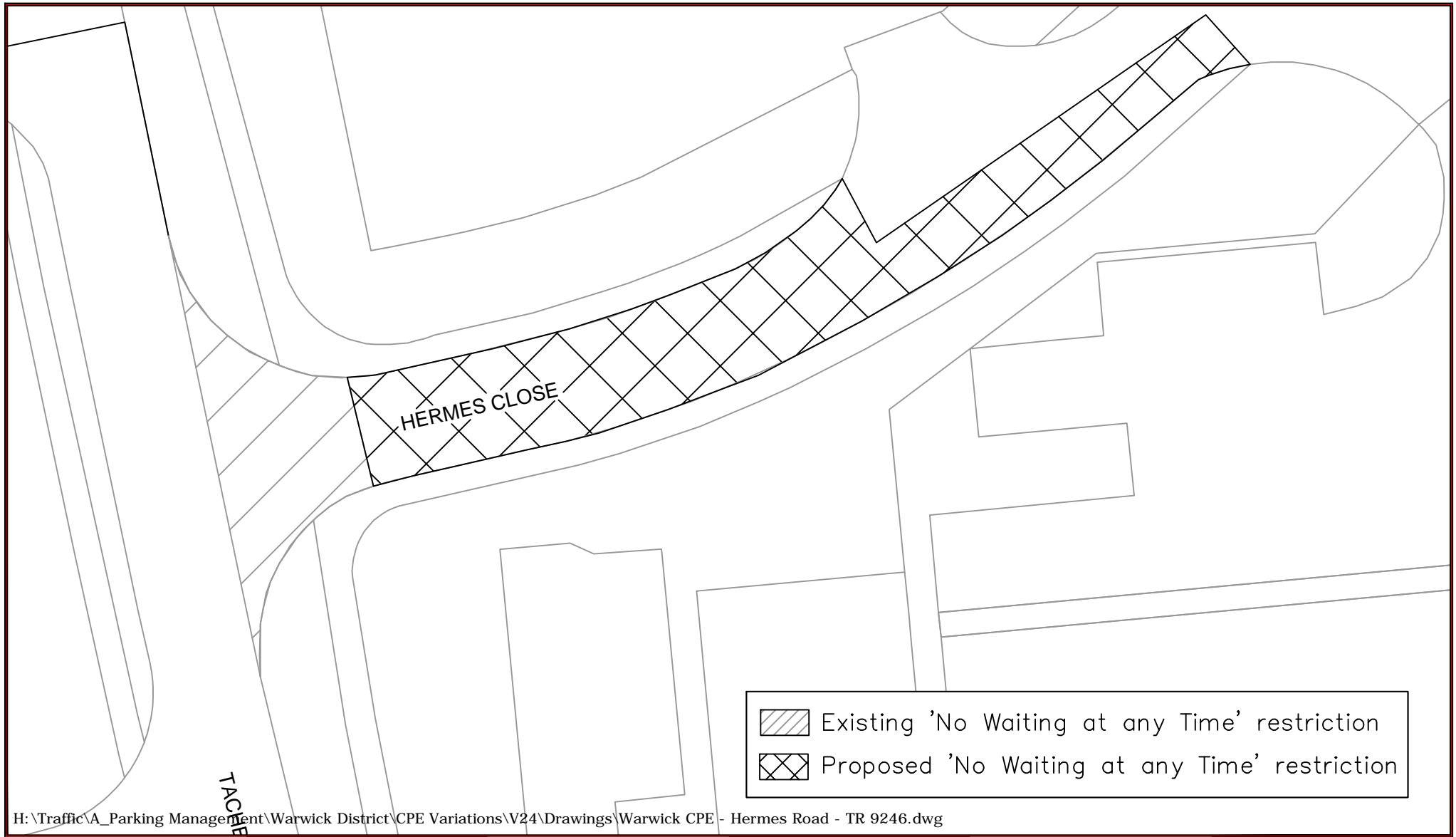
- 5.1 All works will be carried out from within existing 2014/15 budget allocations.

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Portfolio Holder	Councillor P Butlin	

### **Statutory Criteria for Decisions on Making Traffic Regulation Orders and Parking Orders**

1. The Road Traffic Regulation Act 1984 enables the Council to implement Traffic Regulation Orders (TROs) for one or more of the following purposes:-
  - (i) avoiding danger to persons or traffic;
  - (ii) preventing damage to the road or to buildings nearby;
  - (iii) facilitating the passage of traffic;
  - (iv) preventing use by unsuitable traffic;
  - (v) preserving the character of a road especially suitable for walking and horse riding;
  - (vi) preserving or improving amenities of the area through which the road runs;
  - (vii) for any of the purposes specified in Section 87(1)(a) to (c) of the Environment Act 1995 in relation to air quality.
2. TROs are 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. Permanent TROs remain in force until superseded or revoked.
3. TROs must not have the effect of preventing pedestrian access at any time, or preventing vehicular access for more than 8 hours in 24, to premises on or adjacent to the road. This restriction does not apply if the Council states in the order that it requires vehicular access to be limited for more than 8 hours in 24.
4. The Road Traffic Regulation Act 1984 also enables the Council to make orders authorising the use of part of a road as a parking place without charge, for the purpose of preventing or relieving congestion, and enables the Council to make orders designating parking places on highways with a charge. In determining what parking places are to be designated, the Council shall consider both the interests of traffic, and those of the owners/occupiers of adjoining property and in particular:-
  - (i) The need for maintaining the free movement of traffic;
  - (ii) The need for maintaining reasonable access to premises; and
  - (iii) The extent to which off-street parking is available in the neighbourhood.
5. In deciding whether or not to make any order, the Council is required to have regard to the matters set out in section 122 of the 1984 Act. Section 122(1) requires the Council to exercise the functions conferred on it by the 1984 Act as (so far as practicable, having regard to the matters specified in Section 122(2)) 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.

6. The matters to which the Council must have regard are:-
- (i) The desirability of securing and maintaining reasonable access to premises;
  - (ii) The effect on the amenities of any locality affected, and the importance of regulating and restricting the use of roads by heavy commercial vehicles so as to preserve or improve the amenities of the areas through which the roads run;
  - (iii) The national air quality strategy prepared under Section 80 of the Environmental Protection Act 1995;
  - (iv) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles;
  - (v) Any other matters appearing to the Council to be relevant
7. Therefore, whilst the overall objective of the Council must be to secure the expeditious, convenient and safe movement of vehicular traffic, this will sometimes need to give way to the objectives in Section 122(2), and a balance has to be achieved between the overall objective and the matters set out in Section 122(2).



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TACADE

TP/9246

JW

GP

**Transport and Planning - Portfolio Decision**  
**Hermes Close**  
**Appendix B Plan 1**

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5

# REGENT STREET

56.1m

9

 Proposed Disabled Persons Parking Place.

 Existing limited waiting

NB. The double yellow lines will be reduced by approximately 1 metre, all other restrictions will remain the same.

8

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8a & b

8

12

53

TP/9251

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## Transport and Planning - Portfolio Decision

### Regent Street

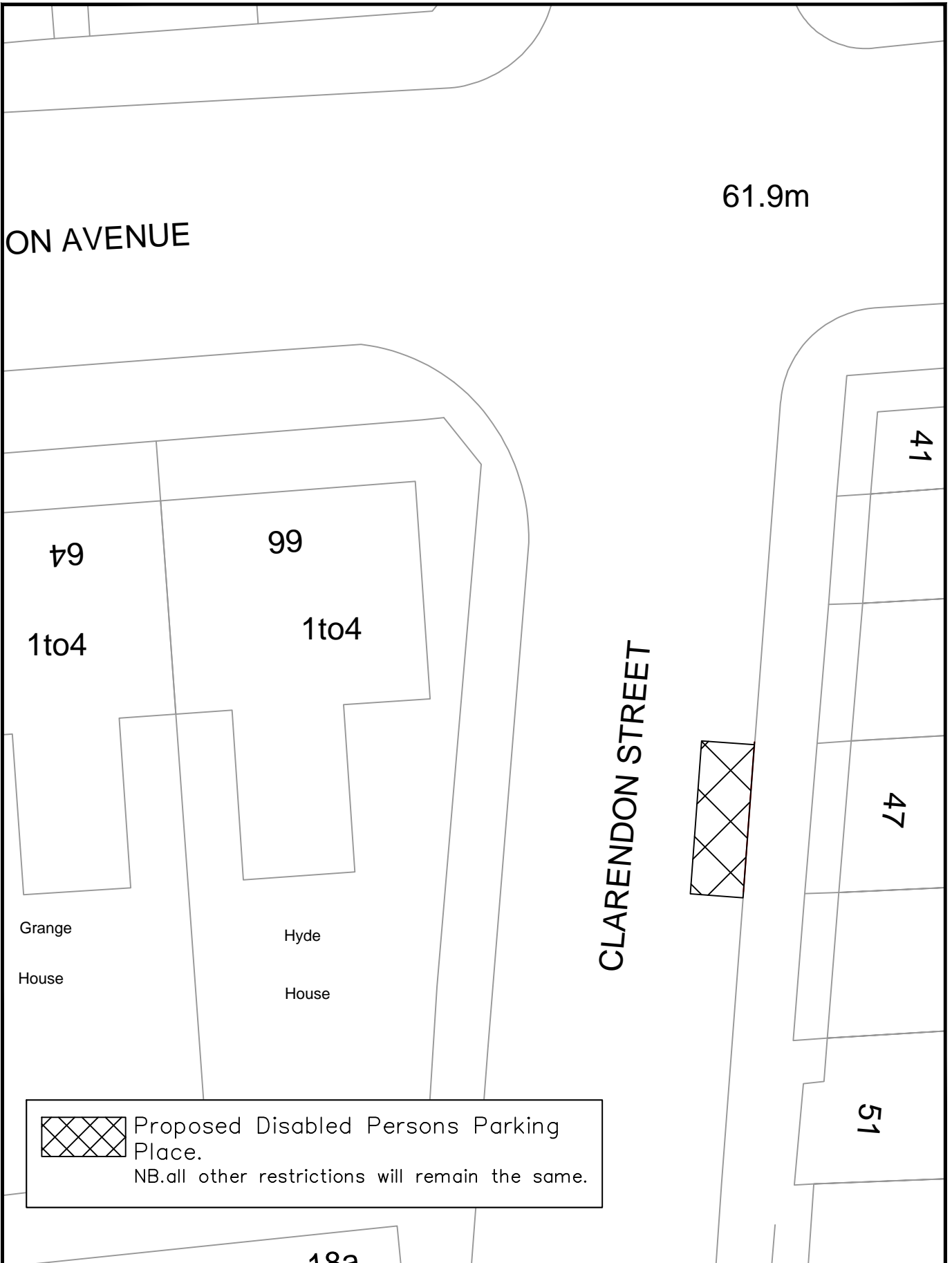
### Appendix B Plan 2

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 Proposed Disabled Persons Parking Place.  
NB.all other restrictions will remain the same.

Reference No.:	TP/9250	Drawn by:	JW	Checked by:	GP
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**Transport and Planning - Portfolio Decision**  
**Hermes Road**  
**Appendix B Plan 3**

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