

**FALKIRK COUNCIL**

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR  
DISABLED PERSONS)(No TRO/DB/13/070) ORDER 2013 – PARK  
AVENUE, LAURIESTON**  
**Meeting: PLANNING COMMITTEE**  
**Date: 10 SEPTEMBER 2014**  
**Author: DIRECTOR OF DEVELOPMENT SERVICES**

**Ward: Lower Braes**

**Local Members: Councillor Steven Jackson  
Councillor Malcolm Nicol  
Councillor Alan Nimmo**

**Community Council: Lower Braes Community Council**

**Council Officer: Russell Steedman – Network Co-ordinator**

**1. INTRODUCTION**

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/13/070) Order 2013, the purpose of which is to reserve a parking space on Park Avenue, Laurieston for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.
- 1.2 Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent party appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the Reporter before making a determination.

**2. BACKGROUND**

- 2.1 Falkirk Council currently provides on-street parking spaces in residential areas, enforceable by virtue of a traffic regulation order, for people with a disability who are in receipt of a Blue Badge and who meet the criteria as laid down in the Disabled Persons' Parking Place (Scotland) Act 2009 (the 2009 Act).
- 2.2 It should be noted that, although a disabled parking place is marked as a result of an application by an individual, any person who displays a Blue Badge on their vehicle may park in the bay.

- 2.3 On receipt of an application for a disabled bay, the 2009 Act requires Falkirk Council to decide whether it is possible to identify a suitable street parking place from which there is convenient access to the applicant's address. An assessment identified that the applicant's vehicle was generally parked outside their house on Park Avenue. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway. Park Avenue is bisected by Kenilworth Drive. There are no further disabled bays on this section of Park Avenue.
- 2.4 The applicant for the bay has agreed that the most convenient location for a proposed disabled bay for them is outside their house on Park Avenue as indicated on the attached drawing numbered CR/001.

### **3. PROPOSAL**

- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a traffic regulation order was initiated. In accordance with the 2009 Act an advisory bay was marked in response to the application prior to the Order being made.
- 3.2 In accordance with Local Authorities Traffic Orders (Procedure) (Scotland) Regulations, 1999, notices of intention were posted on-street and in the local press in the prescribed manner in November 2013.

### **4. CONSULTATION**

- 4.1 One letter of objection was received, and has not been withdrawn following explanatory correspondence. This objection was made by a resident on Park Avenue.
- 4.2 The objection was based on 4 separate points, these are listed below:
- a) There was an existing disabled bay in the vicinity of the applicant's house that had recently been removed and this bay had not been used at any time within the last 6 months.
  - b) The proposed disabled bay adversely affects access to the objector's driveway and would prevent the installation of a dropped kerb footway crossing.
  - c) The proposed location for the disabled bay is hazardous to other road users due to it being located on a bend and on a dead end street. The proposed location would obstruct visibility and require drivers to travel on the 'wrong' side of the road.
  - d) The interests of all residents would be best served by either reinstating the recently removed disabled bay or moving the location of the proposed bay to directly behind this bay
- 4.3 Development Services responded to the objector on 28 February 2014 in general terms explaining that the provision of disabled person's parking places is determined under criteria laid down in the Disabled Persons' Parking Place (Scotland) Act 2009. Each of the separate points of objection listed above were addressed in turn:
- a) It was acknowledged that there had been a disabled bay located in the vicinity of the applicant's house. The objector was advised that Corporate and Neighbourhood

Services had informed that this bay was no longer required and that several site inspections had confirmed that the bay was not being used by a Blue Badge holder.

It was explained that there could be a number of possible reasons why a Blue Badge holder may not utilise a disabled bay that had been provided in response to an application from another person. The reason the applicant for the proposed bay had not utilised the existing bay was unknown but was also irrelevant in terms of their current application.

- b) The objector was advised that the 2009 Act required local authorities to mark an advisory disabled bay as soon as reasonable following the commencement of the statutory procedure for making the traffic regulation order. It was acknowledged that the road markings contractor had marked the advisory bay in the wrong location but this error had now been corrected. The objector was advised that the correct location for the disabled bay would not prevent the objector from installing a dropped kerb.
- c) It was acknowledged that the proposed location for the disabled bay was located at the end of and on the outside of a corner. It was agreed that this would require vehicles to travel on the “wrong” side of the road, however the objector was advised that visibility through the corner was sufficient to ensure road safety was not compromised. It was highlighted that the disabled bay that had recently been removed was located at the other end of and on the outside of the same corner.
- d) The objector was advised that when determining a possible location for a disabled bay there were many factors that influence the decision. The objector was advised that the 2009 Act requires local authorities to provide disabled bays at locations from which there is convenient access to the applicant’s premises. It was acknowledged that local authorities should also have regard to the movement of traffic, maintaining access to premises and the extent to which there is alternative off-street parking. It was confirmed that all these factors were considered when determining the location of the bay.

4.4 The objector was asked to formally withdraw their objection.

4.5 The objection has not been withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

## **5. CONCLUSION**

5.1 The purpose of Falkirk Council’s policy is to provide a parking space for a disabled person who meets the requirements of the 2009 Act. The 2009 Act requires local authorities to consider road safety and congestion as part of the application process. The proposed location is considered satisfactory bearing in mind these considerations.

5.2 The applicant for whom this Order was promoted meets the current assessment criteria for obtaining a disabled person’s parking space in accordance with the 2009 Act.

## **6. RECOMMENDATION**

- 6.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.**

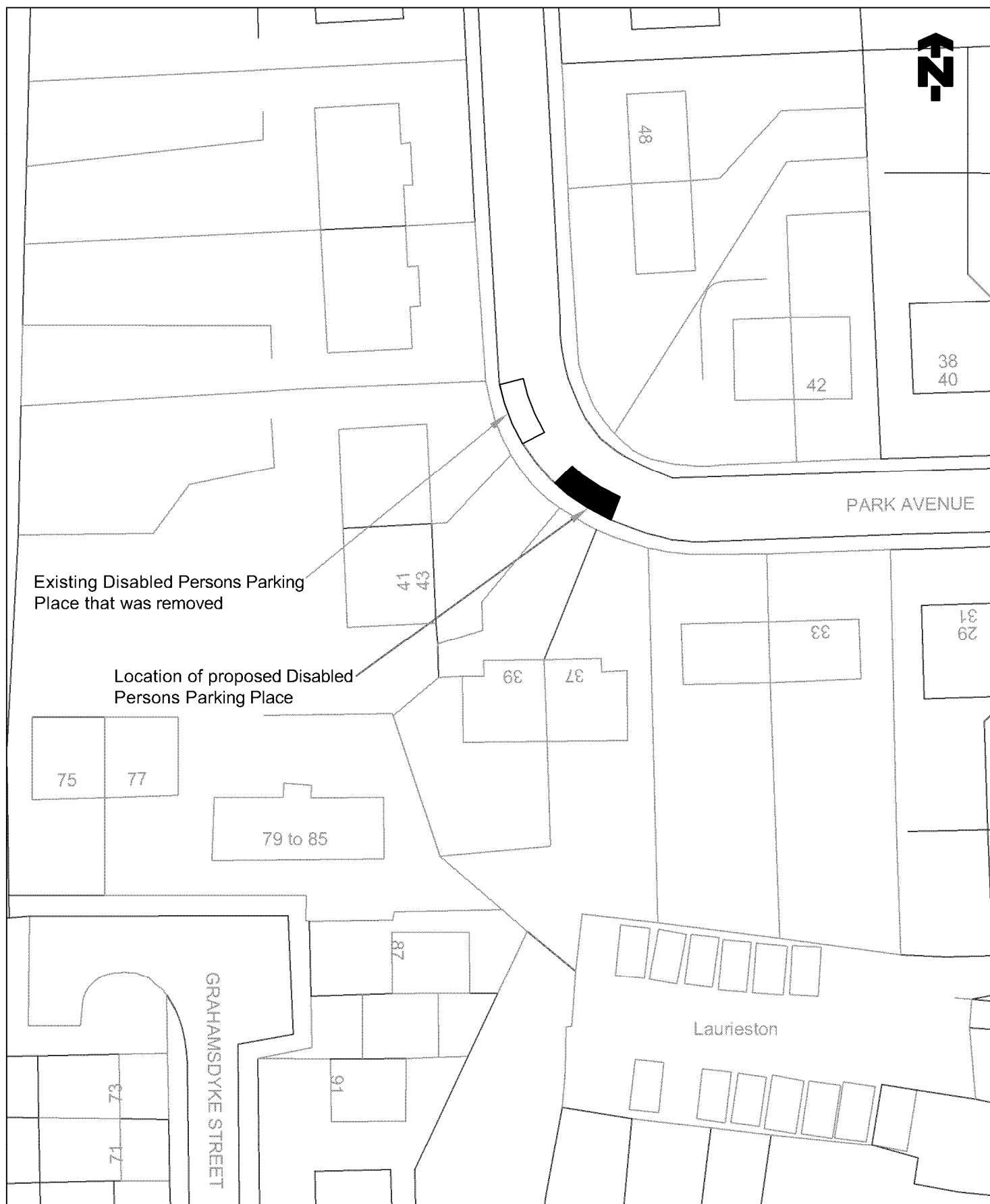
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**Director of Development Services**

**Date: 29 August, 2014**

Contact Officer:        Russell Steedman, Network Co-ordinator        Tel: Ext 4830

### **LIST OF BACKGROUND PAPERS**

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/12/027) Order 2012
2. Letter of objection and correspondence



TITLE OF ORDER

**THE FALKIRK COUNCIL (ON-STREET  
PARKING SPACE FOR DISABLED PERSONS)  
(No. TRO/DB/13/070) ORDER 2013**



**Falkirk Council**  
Development Services (Roads)  
Engineering Design  
Abbotsford House, Davids Loan  
Falkirk FK2 7YZ  
Tel: 01324 504850 Fax: 01324 504850  
Director: Rhona Goslar

SCALE	DRAWN	CHECKED	APPROVED
1:500@A4	DEHG	RS	RS
	DATE	DATE	DATE
	10/06/14	28/07/14	28/07/14

DRAWING NO.

**CR/001**