



AGENDA ITEM

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**The Falkirk Council (On-Street
Parking Space For Disabled
Persons)(No TRO/DB/16/029)
Order 2016 – Park Avenue,
Stenhousemuir, Larbert**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/16/029) ORDER 2016 – PARK AVENUE, STENHOUSEMUIR, LARBERT
Meeting: PLANNING COMMITTEE
Date: 23 NOVEMBER 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird and Tryst (Ward 4)

**Local Members: Councillor Stephen Bird
Councillor Steven Carleschi
Councillor Charles MacDonald
Councillor Craig Martin**

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/16/029) Order 2016, the purpose of which is to reserve a parking space on Park Avenue, Stenhousemuir for disabled persons. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as an unresolved objection has 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 legally 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 or traffic congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway. Park Avenue, whilst of narrow road geometry, is passable with care.
- 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 TRO/DB/16/029.

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 on 25 August 2016.

4. CONSULTATION

- 4.1 One email of objection was received on 02 September 2016. The anonymised content of the objection and Development Services' response is attached in Appendix A
- 4.2 The objector was asked to withdraw their objection, if minded to do so, to allow the Order to progress.
- 4.3 The objection has not been withdrawn.

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 objection and determine whether the Order should be made.**

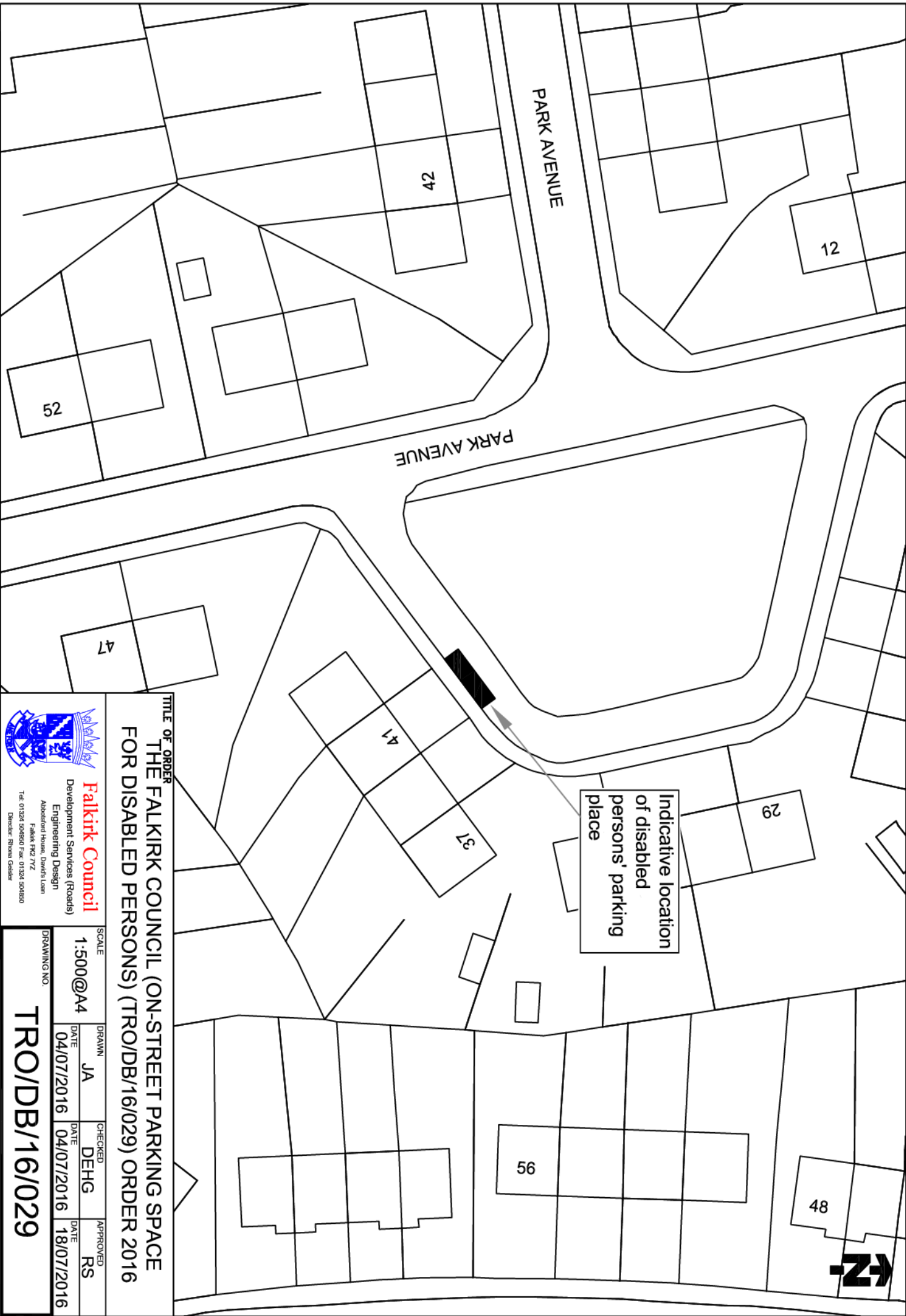
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Director of Development Services
Date: 11 November 2016

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

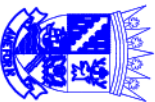
LIST OF BACKGROUND PAPERS

The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/16/029) Order 2016
2. Letter of objection and correspondence



TITLE OF ORDER
THE FALKIRK COUNCIL (ON-STREET PARKING SPACE
FOR DISABLED PERSONS) (TRO/DB/16/029) ORDER 2016



Falkirk Council
Development Services (Roads)
Engineering Design
Abolished House, Dawkots Loan
Falkirk FK2 7YZ
Tel: 01324 504850 Fax: 01324 504850
Director: Rhona Gaskier

SCALE
1:500@A4

DRAWN	CHECKED	APPROVED
JA	DEHG	RS
DATE 04/07/2016	DATE 04/07/2016	DATE 18/07/2016

DRAWING NO.

TRO/DB/16/029

APPENDIX A

OBJECTION (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

Objection 1	<p>To whom it may concern. Hi there, I am writing to you about my objection on the proposed disabled parking bay in Park Avenue, Stenhousemuir, FK5 3JA. If you look on your map you will see that the area you propose to put this bay is in a very tight cul de sac that is already busy with parked cars. The road is not very wide and a car and van/lorry cannot pass side by side. The Council has already had to cut down trees that lined the road to allow said access for bin lorries. Vans and lorries have to bump up on the grass verge to get to houses further round the road and I think this is a health and safety issue as ambulance and fire brigade struggle to gain access as it is without you adding more parking to the area. Would it not be better to cut parking bays into the unused grass area that the vehicles have to bump up on? Or is this too much of an expense? If this is not possible would it not be better to put the bay on the straight piece of road outside the cul de sac adjacent to the access for the other cul de sac in Park Avenue? That way the bay would be accessible to everyone in the street and not just suiting one individual? I know that every disabled person can use this bay but if someone is visiting say, number one, and there is no other parking available, they have to park at one end of the street and everyone has access to it and the already tight and busily parked cul de sac has a space that anyone can use. I believe that this bay is being proposed to suit one individual and not for all disabled people. Would putting a driveway in for the applicant not also be an option? That way the individual can park in their drive freeing up parking space and you can put the disabled bay where I proposed? That way eberynes a winner. If you would like to let me know your thoughts or discuss this further please don't hesitate to contact me.</p>
Development Services Response	<p>I refer to your objection of 2 September, received by email, to the above proposed traffic regulation order. I shall address each of your points of objection, in turn, below.</p> <p>I understand that your grounds for objection are as follows:</p> <ul style="list-style-type: none"> • Park Avenue is a tight cul-de-sac that is already busy with parked cars. <p>The introduction of a disabled persons parking bay would simply reserve a small section of the carriageway for specific users. As vehicles already park on Park Avenue, the introduction of a disabled parking space is not considered to be detrimental to the parking provision within the street nor is it considered to be detrimental to road safety.</p>

<p>Development Services Response (Continued)</p>	<ul style="list-style-type: none"> <p>Large vehicles such as vans, lorries and emergency service vehicles have to mount the verge to pass parked vehicles and that by adding parking, the Council area creating a health and safety risk as emergency service vehicles already struggle to gain access.</p> <p>As advised above, the provision of a disabled parking space simply designates a particular section of carriageway for specific users. It does not change the number of vehicles which can be accommodated within the street. The proposed disabled parking space will not impact on how other vehicles navigate the street. As part of the statutory legal process for creating a traffic regulation order, the emergency services are consulted. I can advise that no adverse representation has been received from the emergency services to this proposed traffic regulation order.</p> <p>Access to the disabled bay is unfair and is to suit an individual.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which makes provisions for someone to apply for an on-street disabled parking space. The Act requires a local authority to provide a disabled persons parking place in a convenient location, on receipt of an application from an eligible person.</p> <p>Although a disabled persons' parking place is available to all disabled persons' blue badge holders, bays are installed following the successful application of an individual. I can confirm that the proposed location is convenient for the applicant and is not considered to be in a location which is detrimental to overall road safety in the area.</p> <p>I also note that you make the following suggestions and again shall address them, in turn, below:</p> <p>Create parking bays in the grassed area.</p> <p>I refer to your suggestion that the grassed area in the centre of Park Avenue is converted to parking. The area to which you refer is not held on the roads account. Accordingly, any decision as to whether to convert this to parking would have to be taken by the relevant service, in this case, Corporate and Neighbourhood Services. You may wish to contact them directly with your suggestion.</p>
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<p>Development Services Response (Continued)</p>	<ul style="list-style-type: none"> • Put the proposed bay on a straight section of road outside the cul-de-sac so it is in the middle of the street and available to use by everyone. <p>As advised above, although available to all valid disabled persons' blue badge holders, a disabled persons' parking place is installed following the successful application of an eligible person. The Council, under the terms of the 2009 Act, has a duty to provide a disabled persons' parking place in a convenient location. Your suggested location would not be convenient for the applicant and hence is not appropriate in terms of the 2009 Act.</p> <ul style="list-style-type: none"> • Create a driveway for the applicant. <p>It is not for this service to provide off-street parking, in the form of a driveway, for an individual. It would be for an individual householder to decide whether they have a desire to park their car off-street and for them to make the appropriate arrangements.</p> <p>In order to allow the legal process of creating a traffic regulation order to continue and the traffic regulation order to be made, either any objection made to the proposed order must be withdrawn or, failing that, a report placed before committee for elected members to consider the objection and determine the outcome.</p> <p>With the above information in mind, should you be minded to do so, I would respectfully ask that you withdraw your objection to the traffic regulation order by completing and returning the attached form or reply to adteam3.ds@falkirk.gov.uk quoting the above reference.</p>
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