

Agenda Item 4

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR
DISABLED PERSONS)(No TRO/DB/17/116)
ORDER 20__ –
BALFOUR CRESCENT, LARBERT**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/17/116) ORDER 20__ – BALFOUR CRESCENT, LARBERT

Meeting: PLANNING COMMITTEE

Date: 24 October 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Bonnybridge & Larbert (Ward 5)

**Local Members: Councillor William Buchanan
Councillor Niall Coleman
Councillor David Grant**

Community Council: Larbert, Stenhousemuir and Torwood 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/17/116) Order 20__, the purpose of which is to reserve a parking space on Balfour Crescent, Larbert 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 reporter appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider their report and recommendation 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 the front of their property on Balfour Crescent, Larbert. 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.
- 2.4 The applicant was sent a plan showing the disabled bay in the same location their vehicle was witnessed to be parked in during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/17/116/002. The applicant confirmed the proposed bay location is convenient for them.

3. PROPOSAL

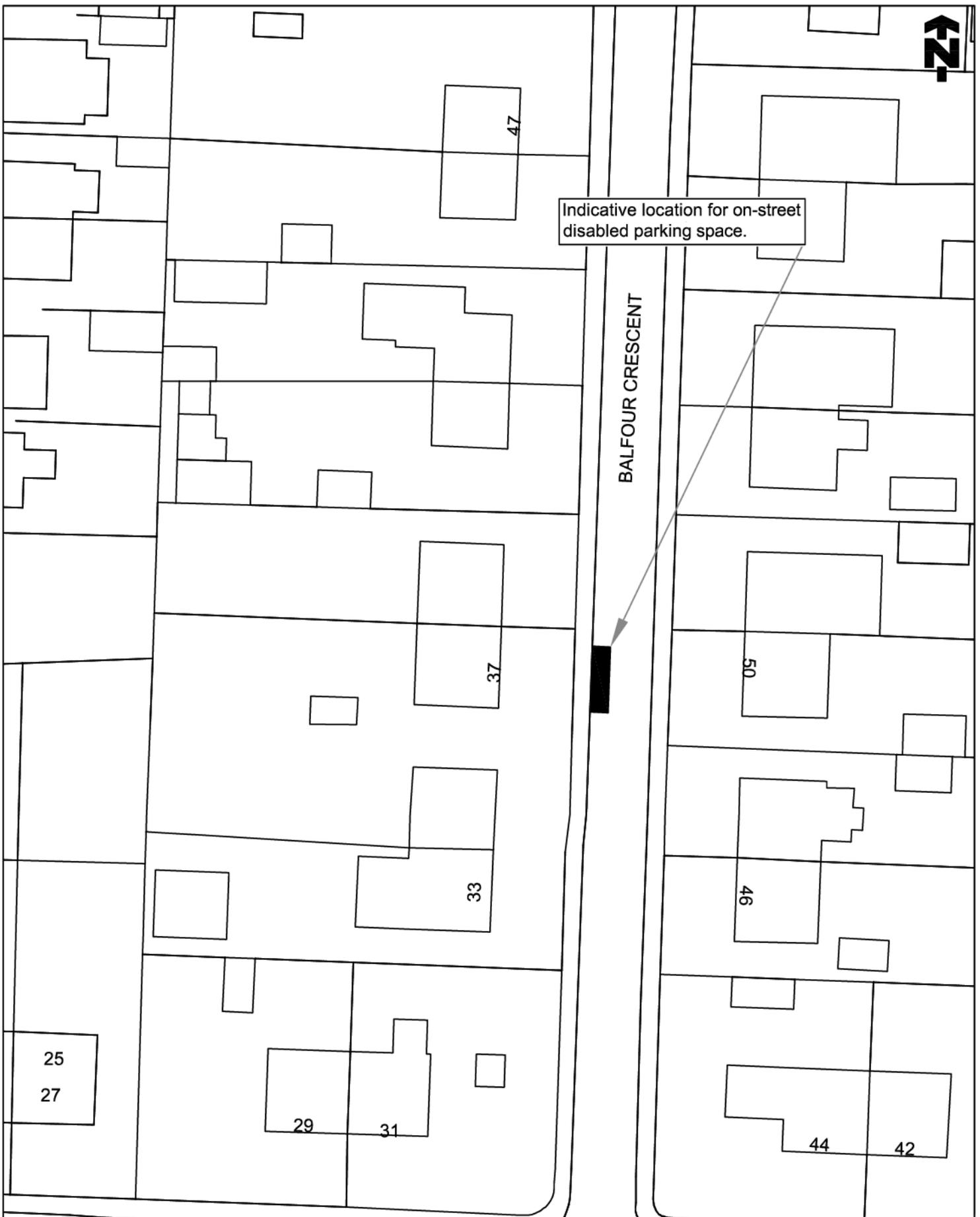
- 3.1 Following the necessary checks against the criteria laid down in the 2009 Act, the statutory procedure for promoting a traffic regulation order was initiated. In accordance with the Act an advisory bay was marked in response to the application prior to the Order being made.
- 3.2 In accordance 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 22 February 2018.

4. CONSULTATION

- 4.1 Two letters of objection were received, both dated 12 March 2018. The anonymised content of the objections and Development Services' responses is attached in Appendix A
- 4.2 The objections have not been withdrawn.

5. CONCLUSION

- 5.1 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.



BALFOUR CRESCENT

TITLE OF ORDER

THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (TRO/DB/17/116) ORDER 2018



Falkirk Council
 Development Services (Roads)
 Engineering Design
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 Falkirk FK2 7YZ
 Tel: 01324 504850 Fax: 01324 504850
 Director: Rhona Geisler

SCALE

1:500@A4

DRAWN

MD

DATE

29/01/18

CHECKED

JA

DATE

31/01/18

APPROVED

RS

DATE

05/02/18

DRAWING NO.

TRO/DB/17/116/002

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APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 12 March 2018)</p>	<p>Dear Sirs, I wish to object to the application for on street disabled parking at ** Balfour Cres. At present they sometimes park off street as there is plenty room at their property to do so but mostly, park on street making it awkward for other residents. The lady ** ** next door to them has a large disabled van and always parks up her driveway. I also have a disabled sister who visits often and will have to park farther from our house if the proposed disabled parking is granted.</p> <p>I hope this issue is resolved to suit everyone and not just one person.</p>
<p>Development Services Response of 12 June 2018</p>	<p>I refer to your objection received 12 March 2018 to the above proposed traffic regulation order and apologise for the delay in responding.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled parking spaces. The Act requires the Local Authority to provide a disabled persons parking place in a convenient location, on receipt of an application from a qualifying person.</p> <p>The Disabled Persons' Parking Places (Scotland) Act 2009 requires a Local Authority to assess applications for disabled persons' parking places against defined criteria. These criteria include:</p> <ul style="list-style-type: none"> • Applicant must have a valid disabled persons' blue badge. • There must be a vehicle registered to and kept at the applicants address. • Generally, there should not be access to alternative off-street parking, in the form of a driveway, garage/lock-up or parking court. <p>I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person.</p> <p>I can advise that site visits have confirmed that the applicant's vehicle is generally parked in the location identified in the draft traffic regulation order. The applicant has confirmed that they are now unable to make use of their driveway and this has been confirmed by the Council's Social Work Department. On this basis it is considered that the proposed space is convenient to the applicant and, in terms of the 2009 Act, is considered to be an appropriate location. Unfortunately, due to an administrative error, the advisory bay which was previously marked, was removed from the carriageway. I can advise that this advisory bay will be reinstated whilst the Order process progresses.</p>

<p>Development Services Response of 12 June 2018 (continued)</p>	<p>In view of the above, I would respectfully ask that you withdraw your objection. Should you wish to withdraw your objection you can do so in writing by completing and returning the attached pro-forma.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in 'The Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999 as amended. Before making a traffic regulation order the local authority must consider all objections made and not withdrawn.</p> <p>I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.</p>
<p>Objection 2 (received 12 March 2018)</p>	<p>Dear Sir,</p> <p>I would like to raise an objection to the above application for a parking space to be outlined as disabled. The property at ** Balfour Crescent is directly opposite my residence at ** Balfour Crescent. My Driveway enters and exits the roadway directly adjacent to the proposed location of the parking space.</p> <p>I have raised concerns with the householder about her current parking which frequently creates an obstruction for me entering and exiting my driveway.</p> <p>Myself ***** and my Wife ***** are in our late 70's and have health issues for which we are currently receiving disability assistance and frequent hospital care. These health issues are chronic with symptom management only and are likely to deteriorate over time.</p> <p>I use my vehicle daily and due to my own health and my wifes significant mobility issues require unrestricted access to my driveway which will not be possible if my neighbour is allowed to park her vehicle on the location intended.</p> <p>Thank you for your consideration.</p>
<p>Development Services Response of 12 June 2018</p>	<p>I refer to your objection received 12 March 2018 to the above proposed traffic regulation order and apologise for the delay in responding.</p> <p>In 2009 the Scottish Government introduced the Disabled Persons' Parking Places (Scotland) Act which regulates applications for on-street disabled parking spaces. The Act requires the Local Authority to provide a disabled persons parking place in a convenient location, on receipt of an application from a qualifying person.</p>

Development
Services
Response of
12 June
2018
(continued)

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- Applicant must have a valid disabled persons' blue badge.
- There must be a vehicle registered to and kept at the applicants address.
- Generally, there should not be access to alternative off-street parking, in the form of a driveway, garage/lock-up or parking court.

I can advise that in accordance with the 2009 Act, the applicant is considered to be a qualifying person.

I can advise that site visits have confirmed that the applicant's vehicle is generally parked in the location identified in the draft traffic regulation order. The applicant has confirmed that they are now unable to make use of their driveway and this has been confirmed by the Council's Social Work Department. On this basis it is considered that the proposed space is convenient to the applicant and, in terms of the 2009 Act, is considered to be an appropriate location. Unfortunately, due to an administrative error, the advisory bay which was previously marked, was removed from the carriageway. I can advise that this advisory bay will be reinstated whilst the Order process progresses.

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I would advise that should you decide not to withdraw your objection a report will be placed before the Planning Committee requesting this matter to be determined. Any report will note your comments.