

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACES FOR
DISABLED PERSONS) (No.96) ORDER 2010**
Meeting: PLANNING COMMITTEE
Date: 21st September, 2011
Author: DIRECTOR OF DEVELOPMENT SERVICES

1. INTRODUCTION

- 1.1 This report seeks a decision on The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010, the purpose of which is to reserve a parking space in Duncan Avenue, Carronshore 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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.
- 2.2 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 of Main Street and Duncan Avenue, Carronshore identified that the applicant's vehicle was generally parked in Duncan Avenue, Carronshore which would be suitable for allocating a parking place. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway and given the level of mobility difficulties experienced by the applicant, is deemed a safer location than on Main Street, Carronshore.
- 2.3 The applicant for the bay has confirmed that the most convenient location of a proposed disabled bay for them is in Duncan Avenue as indicated on the attached drawing number

CR/001. This location is also deemed most suitable in terms of road safety by both Council officers and Central Scotland Police.

- 2.4 An application for a disabled person's parking space on Duncan Avenue was previously received from a resident of Main Street, Carronshore. The associated Traffic Regulation Order received objections from residents of Duncan Avenue. The Planning Committee meeting of 22 September 2010, following objections and a site visit, refused to make the Order. The Order was refused on the grounds that the committee considered the location was contrary to road safety due to its close proximity to the busy nearby junction with Main Street, Carronshore. The new Order takes into consideration concerns raised by residents of Duncan Avenue and the discussions at the Planning Committee meeting of 22 September 2010 when refusing the previous Order (RDTRAF/960).

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 taking into consideration the discussion at the 22 September 2010 Planning Committee.
- 3.2 Drawing CR/001 indicates the proposed disabled persons' parking place location. Also shown is the extension to double yellow line waiting restrictions as proposed in TRO/10/004 - The Falkirk Council (Duncan Avenue and Main Street, Carronshore)(Prohibition of Waiting) Order 2010.
- 3.3 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 2010.

4. CONSULTATION

- 4.1 16 matching objections dated 15 December 2010 were received from residents of Duncan Avenue, Carronshore.
- 4.2 The objectors advise that their objections to the previous Order (RDTRAF/960) still stand. The basis of the previous objections received was that the provision of a disabled parking space as proposed in the new Order would have road safety implications for residents accessing and egressing their street, Duncan Avenue. Objectors also perceive the space to be encouraging non-residents to park in their street.
- 4.3 The objectors also state that the location of the advisory disabled persons' parking space exacerbates congestion around the junction between Duncan Avenue and Main Street.
- 4.4 In addition to previous objections as stated above, objectors indicate their belief that the entrance to Duncan Avenue will remain a "single track" with a space located as indicated in drawing number CR/001 despite the proposed disabled persons' parking place location being in excess of 15 metres (49 feet) from the give way line.
- 4.5 The objectors also state that the bay will be further from the applicant's property thus defeating the purpose of the bay. Objectors believe the bay would be more conveniently and easily located outwith Duncan Avenue, on Main Street, Carronshore.

- 4.6 Development Services responded to the objectors on 23 February 2011 explaining:-
- a) the criteria for the provision of disabled persons' parking places and that there are no road safety concerns for the space as proposed.
 - b) Development Services' proposals to extend waiting restrictions into Duncan Avenue as suggested by the objectors in their correspondence of 25 May 2010 in relation to the previous Order (RDTRAF/960).
 - c) the road safety concerns of locating a disabled persons' parking place on Main Street, Carronshore.
- 4.7 Objectors were asked to formally withdraw their objections.
- 4.8 Two objectors formally withdrew their objections. Fourteen objectors have not withdrawn their objections and hence a Committee decision is required in accordance with para 1.1.
- 4.9 Central Scotland Police have attended the location and advised that they have no adverse road safety concerns regarding the location of the proposed disabled persons' parking space. Central Scotland Police advise that they support the location as proposed in The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010.

5.0 CONCLUSION

- 5.1 The purpose of Falkirk Council's policy and of this particular Order is to provide a parking space for a disabled person who meets the requirement of impaired mobility and has difficulties parking near their house. 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.

6.0 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: 14 September, 2011

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

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (On-Street Parking Spaces for Disabled Persons)(No.96) Order 2010
2. Consultation responses
3. Letters of objection and correspondence



REVISIONS AND ISSUES				PROJECT		DRAWING		
				LOCATION OF DISABLED PERSONS' PARKING PLACE		DUNCAN AVENUE, CARRONSHORE		
NO	DATE	BY	DETAILS					
				DRAWING NO.				
				CR/001		Falkirk Council Development Services (Roads) Abbotsford House, David's Loan Falkirk FK2 7YZ Tel: 01324 504850 Fax: 01324 504850 Director: Rhona Connor		