

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(No.017) ORDER 2011 – CARRONSIDE
STREET, FALKIRK**
Meeting: PLANNING COMMITTEE
Date: 01 February 2012
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North

**Local Members: Cllr David Alexander
Cllr Craig R Martin
Cllr Cecil Meiklejohn
Provost Pat Reid**

Community Council: Langlees, Bainsford and New Carron
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 017) Order 2011, the purpose of which is to reserve a parking space in Carronside Street, Falkirk 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 In terms of the relevant legislation, the Council requires to consider all objections made and not withdrawn before making the Order.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 Places (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 in Carronside Street. In terms of road safety and congestion, there are no issues which would prevent a disabled bay being provided in this area of carriageway.
- 2.4 The applicant for the bay has confirmed that the most convenient location of a proposed disabled bay for them is outside their house in Carronside Street as indicated on the attached drawing numbered TM12/11/017/DS/DS.

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.
- 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 March 2011.

4. CONSULTATION

- 4.1 One letter of objection was received, and has not been withdrawn following explanatory correspondence. The objection was made by a resident of Carronside Street.
- 4.2 The objection is based on 2 separate issues:
- the first issue related to the location of the proposed disabled space in Carronside Street where parking is already difficult. The objector states that the applicant intends to lower the kerb to make a driveway in their garden and hence the space should move to outside the applicant's window. Also, the objector also stated they may wish to apply for a lowered kerb themselves in the future at the location of the proposed disabled space.
 - the second issue related to the level of disability of the applicant.
- 4.3 Development Services responded to the objector on 03 May 2011 explaining:
- the space is currently located adjacent to the path which leads to the applicant's home. The objector was advised that should their or the applicant's circumstances change in the future the space can be relocated or removed as appropriate.
 - the criteria for the provision of disabled persons' parking places and that the applicant fully meets the criteria.
- 4.4 The objector was asked to formally withdraw their objection.
- 4.5 The objection was not withdrawn and hence a Committee decision is required in accordance with paragraph 1.1.

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.**

.....
Director of Development Services

Date: 24th January, 2012

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/017) Order 2011
2. Letters of objection and correspondence