

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(No.11/096) ORDER 2012 – BALFOUR
CRESCENT, LARBERT**
Meeting: PLANNING COMMITTEE
Date: 28 NOVEMBER 2012
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Carse, Kinnaird and Tryst

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

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 11/096) Order 2012, the purpose of which is to reserve a parking space in 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 In terms of the relevant legislation, the Council requires to consider all objections made and not withdrawn before making the Order.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 Balfour Crescent. 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 Balfour Crescent as indicated on the attached drawing numbered TRO/DB/11/096A.

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 August 2012.

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 Balfour Crescent.
- The objection is based on concerns relating to vehicles moving closer to the objector's property and restricting access and egress. The objector currently parks their vehicle within the curtilage of their property. There is no authorised dropped kerb and access is obtained by mounting the footway.
- 4.2 Development Services responded to the objector on 25 September 2012 explaining:
- The requirement placed on a local authority by the Disabled Persons' Parking Places' (Scotland) Act 2009 to locate a disabled person's parking place in a convenient location for an eligible person.
 - Corporate and Neighbourhood Services, who maintain the parking area, were consulted over the location and agreed to a disabled person's parking place being placed in the proposed location.
 - It is considered that the proposed disabled person's parking place location will not have a significant impact on the objector's ability to access and egress their property.
- 4.3 The objector was asked to formally withdraw their objection.
- 4.4 The objection was not 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, 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. RECOMMENDATION

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

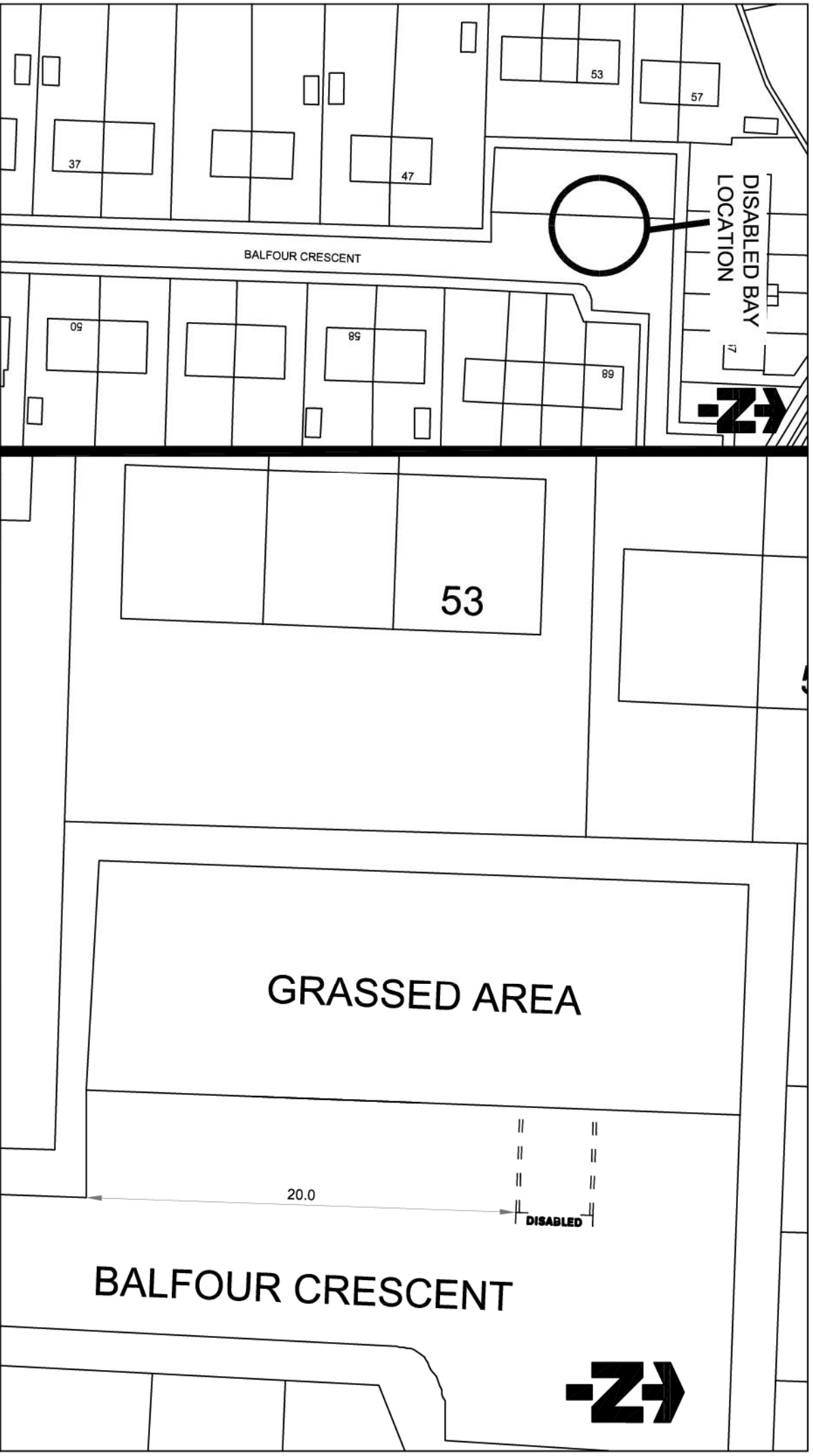
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Director of Development Services

Date: 20th November, 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/11/096) Order 2012
2. Letter of objection and correspondence



This is the plan referred to in "The Falkirk Council (on-street parking place for disabled persons) (TRO/DB/11/096) Order 2012"

TITLE OF ORDER
THE FALKIRK COUNCIL (ON-STREET PARKING PLACE FOR DISABLED PERSONS) (TRO/DB/11/096) ORDER 2012

Head of Roads and Design



SCALE	DRAWN	CHECKED	APPROVED
NTS	JA	RS	RS
DATE	DATE	DATE	DATE
02/07/2012	02/07/2012	02/07/2012	02/07/2012

DRAWING NO. **TRO/DB/11/096A**