

**FALKIRK COUNCIL**

**Subject:** THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/12/013) ORDER 2012 – WINDSOR CRESCENT, MADDISTON

**Meeting:** PLANNING COMMITTEE

**Date:** 28 November 2012

**Author:** DIRECTOR OF DEVELOPMENT SERVICES

**Ward:** Upper Braes

**Local Members:** Councillor Gordon Hughes  
Councillor John McLuckie  
Councillor Rosie Murray

**Community Council:** Maddiston 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/12/013) Order 2012, the purpose of which is to reserve a parking space on Windsor Crescent, Maddiston 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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.

- 2.3 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 of the site determined that residents parked on the opposite side of the road from the applicant's house. It was also determined that the applicant's vehicle was generally parked on Windsor Crescent opposite their house. 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 agreed that the most convenient location for a proposed disabled bay for them is outside their house on Windsor Crescent as indicated on the attached drawing numbered CR/001.

### **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 June 2012.

### **4. CONSULTATION**

- 4.1 One letter of objection was received, and has not been withdrawn following explanatory correspondence. This objection was made by a resident who would be affected by the provision of a disabled bay directly outside their property on Windsor Crescent.
- 4.2 The objection was based on 2 separate points:
- the first point of objection related to the perceived detrimental effect a disabled bay would have on the value of the objector's property and potential difficulty in then selling the property.
  - the second point suggested that the objector may, at some time in the future, apply for permission to construct a footway crossing to allow for access to a proposed driveway.
- 4.3 Development Services responded to the objector on 8 August 2012 explaining the criteria for the provision of disabled person's parking places and advising that the applicant fully meets the criteria. In terms of assessing an application for a disabled person's parking place, the criteria contained in the 2009 Act does not include for determining the effect on property values or sales. With respect to the issue of constructing a footway crossing, the objector was advised that an application for minor road works consent would consider the relocation of a disabled person's parking bay.
- 4.4 The objector was asked to formally withdraw their objection.
- 4.5 The objection has not been 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 objections and determine whether the Order should be made.**

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**Director of Development Services**

**Date:** 20<sup>th</sup> 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/DB/12/013) Order 2012
2. Letter of objection and correspondence