



Agenda Item

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**The Falkirk Council (On Street
Parking Space for Disabled Persons)
(No. TRO/DB/16/056) Order 2017 –
Croftfoot Place, Dunipace**

FALKIRK COUNCIL

**Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR
DISABLED PERSONS)(No TRO/DB/16/056) ORDER 2017 –
CROFTFOOT PLACE, DUNIPACE**
Meeting: PLANNING COMMITTEE
Date: 27 June 2017
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Denny and Banknock (Ward 3)

**Local Members: Councillor Jim Blackwood
Councillor Fiona Collie
Councillor Paul Garner
Councillor Nigel Harris**

Community Council: Denny and District 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/16/056) Order 2017, the purpose of which is to reserve a parking space on Croftfoot Place, Dunipace 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 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 in Croftfoot Place, to the rear of the property (applicant's property is addressed to Stirling Street). 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 for the bay has agreed that the most convenient location for a proposed disabled bay for them is in the location described in paragraph 2.3 and shown on the attached drawing numbered 20170524/JA/JA.

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 23 February 2017.

4. CONSULTATION

- 4.1 Seven letters of objection were received, one dated 28 February 2017, five identical objections received on 3 March 2017 and one dated 6 March 2017. The anonymised content of the objections and Development Services' responses of 2 May 2017 are attached in Appendix A.
- 4.2 The objectors have been asked to withdraw their objections, if minded to do so, to allow the Order to progress.
- 4.3 The objections have not been withdrawn.

5. CONCLUSION

- 5.1 The purpose of Falkirk Council's policy is to provide a parking space for a disabled person who meets the requirements of the 2009 Act. The 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 **Committee is asked to consider the terms of the report including the objections and determine whether the Order should be made.**

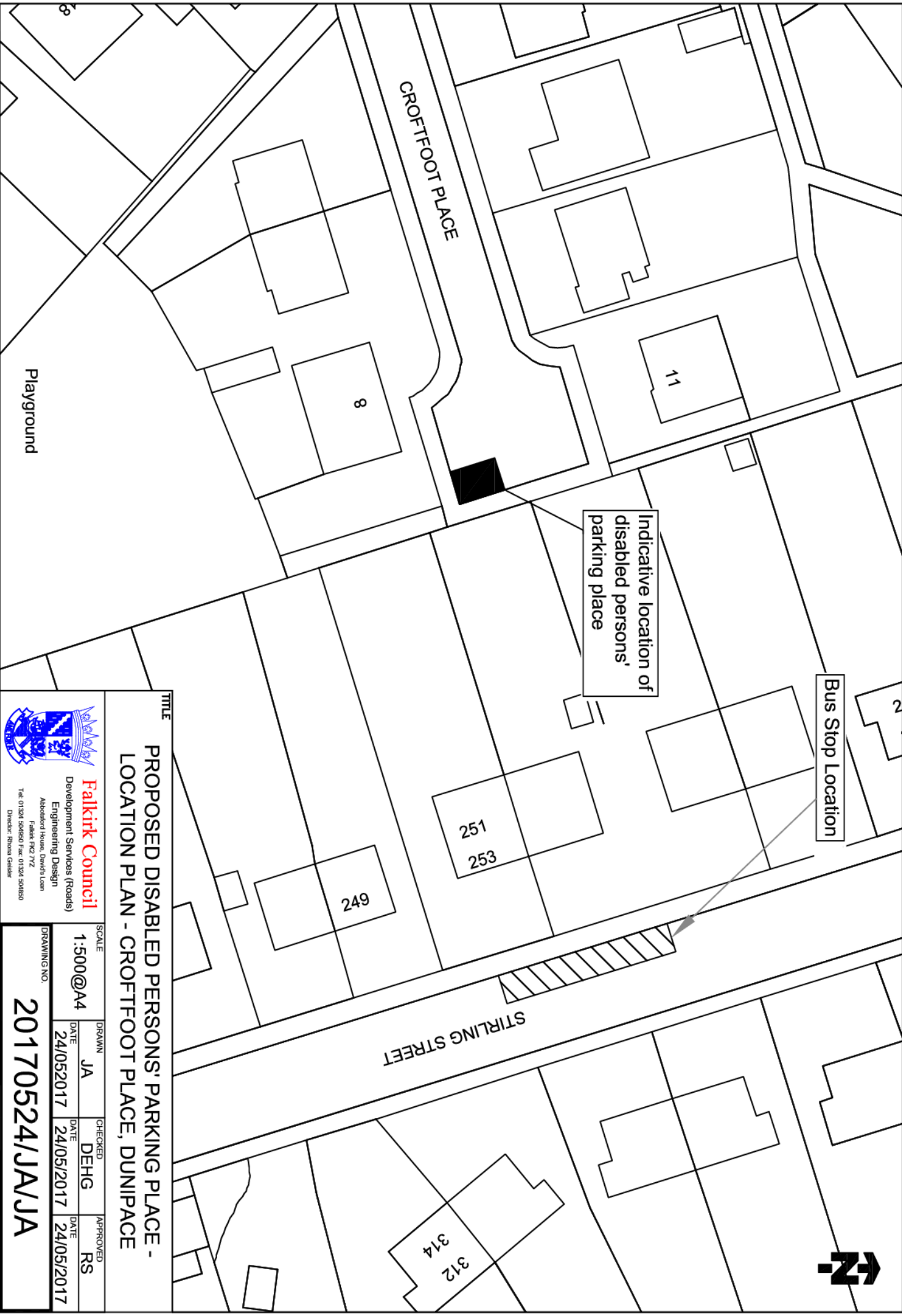
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Director of Development Services
Date: 16 June 2017

Contact Officer: Russell Steedman, Network Co-ordinator Tel: 504830
Email: russell.steedman@falkirk.gov.uk

LIST OF BACKGROUND PAPERS


The following papers were relied on in the preparation of this report in terms of the Local Government (Scotland) Act 1973:

1. The Falkirk Council (On-Street Parking Space for Disabled Persons)(No TRO/DB/16/056) Order 2017
2. Letters of objection and correspondence



TITLE

**PROPOSED DISABLED PERSONS' PARKING PLACE -
LOCATION PLAN - CROFTFOOT PLACE, DUNIPACE**



Falkirk Council
Development Services (Roads)
Engineering Design
Abbotsford House, Dunfermline
Falkirk FK2 7YZ
Tel: 01724 504850 Fax: 01724 504850
Director: Rhonda Gadder

SCALE		DRAWN		CHECKED		APPROVED	
1:500@A4		JA		DEHG		RS	
DATE	24/05/2017	DATE	24/05/2017	DATE	24/05/2017		

DRAWING NO.
20170524/JA/JA

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

<p>Objection 1 (Dated 28 February 2017)</p>	<p>I write to submit my objection to the above order for a parking space in Croftfoot Place, Dunipace on the following considerations:</p> <ol style="list-style-type: none"> 1. There are no residents of Croftfoot Place in need of a disabled parking space. 2. The applicant does not reside in Croftfoot Place but instead resides in Stirling Street, Dunipace. 3. Scottish Government guidelines for disabled parking spaces as stated in the 'Scottish Government guidelines document 'Parking for Disabled' stipulate that : "Disabled parking must be located as close as possible to the main entrance to your building. Where physically possible, locate your disabled parking no more than 45 m away from the entrance". The proposed space in Croftfoot Place is double the distance from the entrance to the residence that the resident's home address on Stirling Street, where a disabled parking space could be considered. 4. The Scottish Government document also stipulates that 'There must be level access between the disabled parking and your building'. The proposed space is not a smooth transition from the space to the main entrance of the residence but is in fact a back garden whereas Stirling Street is a paved smooth transition from the residence. 5. Disabled parking on the proposed location on a permanent basis will block vehicle access to the play park for maintenance which is used by the local authority on a regular basis. 6. As stipulated in the title deeds for the properties of Croftfoot Place, the cul-de-sac was stated as a designated area for turning only, for visitors to the properties in Croftfoot Place and not to be used for overnight parking. 7. The turning area is essential and used on a daily basis by all residents of Croftfoot Place and is particularly crucial for emergency service vehicles. 8. Croftfoot Place is a small street of only 11 houses all of which have multiple occupancy and more than one vehicle per household. The street is often congested and there are no nearby alternatives for residents of Croftfoot Place to park. 9. The applicant not only uses the proposed space which is much further from the main building but also has a regular visitor to the residence who also parks in Croftfoot Place which adds to the congestion. 10. Given that Falkirk Council Local Authority housing strategy appears to prioritise the properties on Stirling Street to elderly and disabled residents and that 4 flats on Stirling Street have the rear of their gardens facing onto Croftfoot Place causes the residents of Croftfoot Place grave concern that disable parking space for one resident of Stirling Street would set a
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	<p>precedence for residents to follow this example which would exacerbate the problem.</p> <p>The considerations above conclude my objections.</p> <p>Please contact me if you require any clarification on these objections and please keep me informed of the progress of the application.</p>
Development Services Response	<p>I refer to your objection of 28 February 2017 to the above proposed traffic regulation order and would advise as follows.</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 means of 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>The 2009 Act requires a local authority, on receipt of an application from a qualifying person, to identify a convenient location to the applicant's address, in which to locate a disabled persons' parking place. The Disabled Persons' Parking Places Scotland Act 2009 does not state that <i>"Disabled parking must be located as close as possible to the main entrance to your building."</i> The Scottish Government guidance you quote in points 3 and 4 of your objection appear to relate to commercial development as opposed to residential disabled parking places, and, as such, this guidance is not a consideration in relation to this proposed on-street disabled persons' parking place.</p> <p>To locate a disabled persons' parking place, in respect of this application, on Stirling Street may have a detrimental impact on road safety due to the proximity of bus stop facilities. In addition, the applicant has confirmed that the proposed location is convenient for their access, and, in terms of the 2009 Act, is considered to be an appropriate location. In terms of the Act, there is no regulation which specifies that a disabled bay must be placed in the same street to</p>

<p>Development Services Response (Continued)</p>	<p>which the applicant's property is addressed.</p> <p>Croftfoot Place is a residential cul-de-sac which forms part of the formally adopted public road. As such, whilst residents may hold title deed documents suggesting otherwise, the road, its use and its maintenance are the same as all other public roads. Any vehicle with valid vehicle excise duty (road tax), a valid MOT and valid insurance, which is not in excess of 3.5 tonnes in weight or parked in a dangerous or obstructive manner, is entitled to park on the public road.</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>Objections 2, 3, 4, 5 and 6 (Received 3 March 2017)</p>	<p>I write to object to the aforementioned proposed order at Croftfoot Place, Dunipace,</p> <p>In the first instance, No-one in Croftfoot Place requires or requested such a position. We understand the person(s) requesting same one infact is a resident not in Croftfoot Place, but on Stirling Street that being the case, the space should be provided at Stirling Street, and not in Croftfoot Place. If the person is disabled, then it is a longer distance to their door from Croftfoot Place than it is from Stirling Street. In addition others on Stirling Street have disabled parking provisons on Stirling Street. Why is this case different? Others on Stirling Street have also had driveways made in from Stirling Street, surely this person could do the same. Or is it for another reason, whatever that may be essential for them to enter from Croftfoot Place, then they can use their garden for disabled access rather than taken up valuable space on Croftfoot Place which is, after all a turning circle to which it states in our title deeds for the residents, that is is a turning circle where there should be no overnight parking. The persons' seeking this space have been spoken to by residents of Croftfoot Place on several occasions regarding not only there parking + restricting space to residents of this small cul-de-sac but also regarding the manner of their driving in particularly the danegrous manner on excessive speed used in what is a very small street.</p>

	<p>It seems inconceivable that Falkirk Council can consider such an order for someone who is not even a resident in this street and in the circumstances where objections have already been raised to there parking and the numerous other options available to the individuals and indeed to the local authority.</p> <p>It is upon this basis, we object to the proposal.</p>
Development Services Response	<p>I refer to your objection of 3 March 2017 to the above proposed traffic regulation order and would advise as follows.</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 means of 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 note that you believe that any proposed space should be located on Stirling Street. Stirling Street is a main A class road (A872) to Stirling. To locate a disabled persons' parking place, in respect of this application, on Stirling Street may have a detrimental impact on road safety due to the proximity of bus stop facilities. In addition, the applicant has confirmed that the proposed location is convenient for their access, and, in terms of the 2009 Act, is considered to be an appropriate location. In terms of the Act, there is no regulation which specifies that a disabled bay must be placed in the same street to which the applicant's property is addressed.</p> <p>Croftfoot Place is a residential cul-de-sac which forms part of the formally adopted public road. As such, whilst residents may hold title deed documents suggesting otherwise, the road, its use and its maintenance are the same as all other public roads. Any vehicle with valid vehicle excise duty (road tax), a valid MOT and valid insurance, which is not in excess of 3.5 tonnes in weight or parked in a dangerous or obstructive manner, is entitled to park on the public road.</p>

<p>Development Services Response (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 7 (Dated 6 March 2017)</p>	<p>This letter is to register an official objection to the above proposed disabled parking space. It should be stated that this objection should not in any way be seen as discriminatory against disabled persons.</p> <p>The main reasons and justifications for this objection are detailed below:</p> <ol style="list-style-type: none"> 1. The proposed site for this disabled parking space is a specifically designated turning area at the end of the cul-de-sac in Croftfoot Place and is used primarily by residents and their visitors. In addition, Council refuse and cleaning vehicles regularly use this turning area. Siting of the proposed disabled parking space will restrict its original intended use and create a distinct unnecessary safety hazard as vehicles will now have to undertake multiple manoeuvres e.g. three point turns. (It should be noted that adjacent to this area there is an access point for local children to a public play area. Vehicles reversing in this area would increase the risk to local families and their children) 2. As highlighted in point 1 above, the proposed parking space would restrict council parks department vehicles such as grass cutting/tractors etc, from accessing the public play area. 3. At present there are no known disabled persons currently resident in Croftfoot Place. My understanding is that the applicant is a resident of a dwelling house in Stirling Street. The resident at present parks their vehicle in Croftfoot Place and accesses their property through a boundary fence at the rear of their property. There is a public footpath between the boundary and Croftfoot Place and was never intended to be a point of access point between properties in Stirling Street and the private residential area of Croftfoot Place. 4. It is difficult to understand why this disabled parking space would be sited in Croftfoot Place when a Disabled Parking Space directly opposite their main access point in Stirling

	<p>Street would be more appropriate. (The walking distance required from Croftfoot Place to their house is significantly more than that of a parking space in Stirling Street which I would have thought from a disabled persons perspective would be of more benefit.</p> <p>On the above key points, I strongly object to this proposal.</p>
Development Services Response	<p>I refer to your objection of 6 March 2017 to the above proposed traffic regulation order and would advise as follows.</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 means of 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 note that you believe that any proposed space should be located on Stirling Street. Stirling Street is a main A class road (A872) to Stirling. To locate a disabled persons' parking place, in respect of this application, on Stirling Street may have a detrimental impact on road safety due to the proximity of bus stop facilities. In addition, the applicant has confirmed that the proposed location is convenient for their access, and, in terms of the 2009 Act, is considered to be an appropriate location. In terms of the Act, there is no regulation which specifies that a disabled bay must be placed in the same street to which the applicant's property is addressed.</p> <p>Croftfoot Place is a residential cul-de-sac which forms part of the formally adopted public road. As such, whilst residents may hold title deed documents suggesting otherwise, the road, its use and its maintenance are the same as all other public roads. Any vehicle with valid vehicle excise duty (road tax), a valid MOT and valid insurance, which is not in excess of 3.5 tonnes in weight or parked in a dangerous or obstructive manner, is entitled to park on the public road.</p>

<p>Development Services Response (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>
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