

The background of the page is the Falkirk Council Coat of Arms, rendered in a light grey color. It features a crown at the top with four floral motifs. The shield is divided into four quadrants: top-left shows a castle tower, top-right shows a stag's head, bottom-left shows a three-masted sailing ship on water, and bottom-right shows an eagle with wings spread. A banner at the bottom contains the motto 'AINE FOR A'.

AGENDA ITEM

4

**The Falkirk Council (On-Street Parking
Space for Disabled Persons)(No TRO/
DB/17/036) Order 2017 –
King Street, Falkirk**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/17/036) ORDER 2017 – KING STREET, FALKIRK
Meeting: PLANNING COMMITTEE
Date: 30 May 2018
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North (Ward 6)

Local Members: Councillor David Alexander
Councillor Robert Bissett
Councillor Dennis Goldie
Councillor Cecil Meiklejohn

Community Council: Grahamston, Middlefield & Westfield 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/17/036) Order 2017, the purpose of which is to reserve a parking space on King 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 outside their house on King Street, Falkirk, to the southern side of their property. 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 was sent a plan showing the disabled bay in the same location their vehicle was witnessed to be parked in during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/17/036/001. The applicant has not made any adverse comments regarding the location and their vehicle is regularly parked in the area identified as a proposed disabled bay. As such, the proposed bay location is considered to be convenient for them.

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 27 July 2017.

4. CONSULTATION

- 4.1 Two letters of objection were received, one dated 31 July 2017, the other dated 17 August 2017. The anonymised content of the objections and Development Services' responses are attached in Appendix A
- 4.2 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 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: 17 May 2018

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/17/036) Order 2017
2. Letters of objection and correspondence



THORNHILL COURT

46 to 57

25 to 31

17 to 23

9 to 15

Indicative location for on-street disabled parking space.

70 to 80

KING STREET

46 to 56

26 28 42 44

TITLE OF ORDER
THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/17/036) ORDER 2017



Falkirk Council
Development Services (Roads)
Engineering Design
Abbotsford House, David's Loan
Falkirk FK2 7YZ
Tel: 01324 504850 Fax: 01324 504850
Director: Rhona Geisler

SCALE 1:500@A4	DRAWN MD	CHECKED DEHG	APPROVED RS
	DATE 30/05/17	DATE 31/05/17	DATE 31/05/17

DRAWING NO.
TRO/DB/17/036/001

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

<p>Objection 1 (received 31 July 2017)</p>	<p>To whom it may concern</p> <p>I am sending this notice of objection regarding the proposed disabled bay in King Street, Falkirk.</p> <p>My reason for objection is that where this new bay has been painted is in front of a block of 6 flats. This now means there is 3 disabled spaces within the vicinity of this building, making it difficult for any other tenants/property owners to park outside their home-myself being one of them. Surely this space could be moved further down the street to where another existing bay already is. My other concern is having 3 disabled bays outside 1 building isn't much of a selling point if I decided to sell my property.</p> <p>I look forward to hearing from you with a decision.</p>
<p>Development Services Response of 10 October 2017</p>	<p>I refer to your objection of 1 August 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 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 can advise that site visits have confirmed that all three spaces have been in use by vehicles displaying blue badges. On this basis it is considered that the proposed space is convenient to the applicant, and, in terms of the 2009 Act, is considered to be an appropriate location.</p> <p>The 2009 Act requires the Council to provide a space for an eligible application in a convenient location. As a result, it is not considered appropriate to relocate the disabled space to another location in the</p>

<p>Development Services Response (continued)</p>	<p>street which is not convenient for the applicant.</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 2 (received 17 August 2017)</p>	<p>I wish to strongly object to the recent addition of a THIRD disabled parking bay outside the flats mentioned above in King St, Falkirk. Initially, there was one, then two + one further down the street. Now there are <u>three</u> clustered together + one further down the street. My objection is mainly due to the grouping together of the bays rather than spreading them out along the street. I own the property at ■ King St and lived there for many years. My son, ■■■■■■■■■■, now lives there and is unable to park near his flat ever.</p> <p>I request that one of the disabled bays be moved to another position in the street. I myself have a blue badge but consider the disabled parking situation outside ■ King Street and other flats in building as an excessive and extreme overload.</p>
<p>Development Services Response of 10 October 2017</p>	<p>I refer to your objection of 17 August 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 off-street parking, in the form of a driveway, garage/lock-up or parking court.

Development
Services
Response
(continued)

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The 2009 Act requires the Council to provide a space for an eligible application in a convenient location. As a result, it is not considered appropriate to relocate the disabled space to another location in the street which is not convenient for the applicant.

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.

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.

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.