



Agenda Item 7

**THE FALKIRK COUNCIL (ON-STREET
PARKING SPACE FOR DISABLED
PERSONS)(No TRO/DB/19/083) ORDER
20__ – JEFFREY TERRACE, POLMONT**

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS)(No TRO/DB/19/083) ORDER 20__ – JEFFREY TERRACE,POLMONT
Meeting: PLANNING COMMITTEE
Date: 18 March 2020
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Lower Braes (Ward 8)

Local Members: Councillor Adanna McCue
Councillor Malcolm Nicol
Councillor Alan Nimmo

Community Council: Polmont 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/19/083) Order 20__, the purpose of which is to reserve a parking space on Jeffrey Terrace, Polmont 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 In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.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 reporter appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider their report and recommendation before making a determination.

2. BACKGROUND

- 2.1 The 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 the 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 the front of their property on Jeffrey Terrace, Polmont. 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 observed during initial site surveys. This location is described in paragraph 2.3 and shown on the attached drawing numbered TRO/DB/19/083/001.

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 on 31 October 2019.

4. CONSULTATION

- 4.1 Two objections were received by e-mail dated 4 November 2019 (objection 1) and 7 November 2019 (objection 2) respectively. Following Development Services response, objection 2 was withdrawn by e-mail dated 28 November 2019. The anonymised content of the objections and Development Services' responses are attached in Appendix A

CONCLUSION

- 5.1 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 remaining objection and determine whether the Order should be made.**

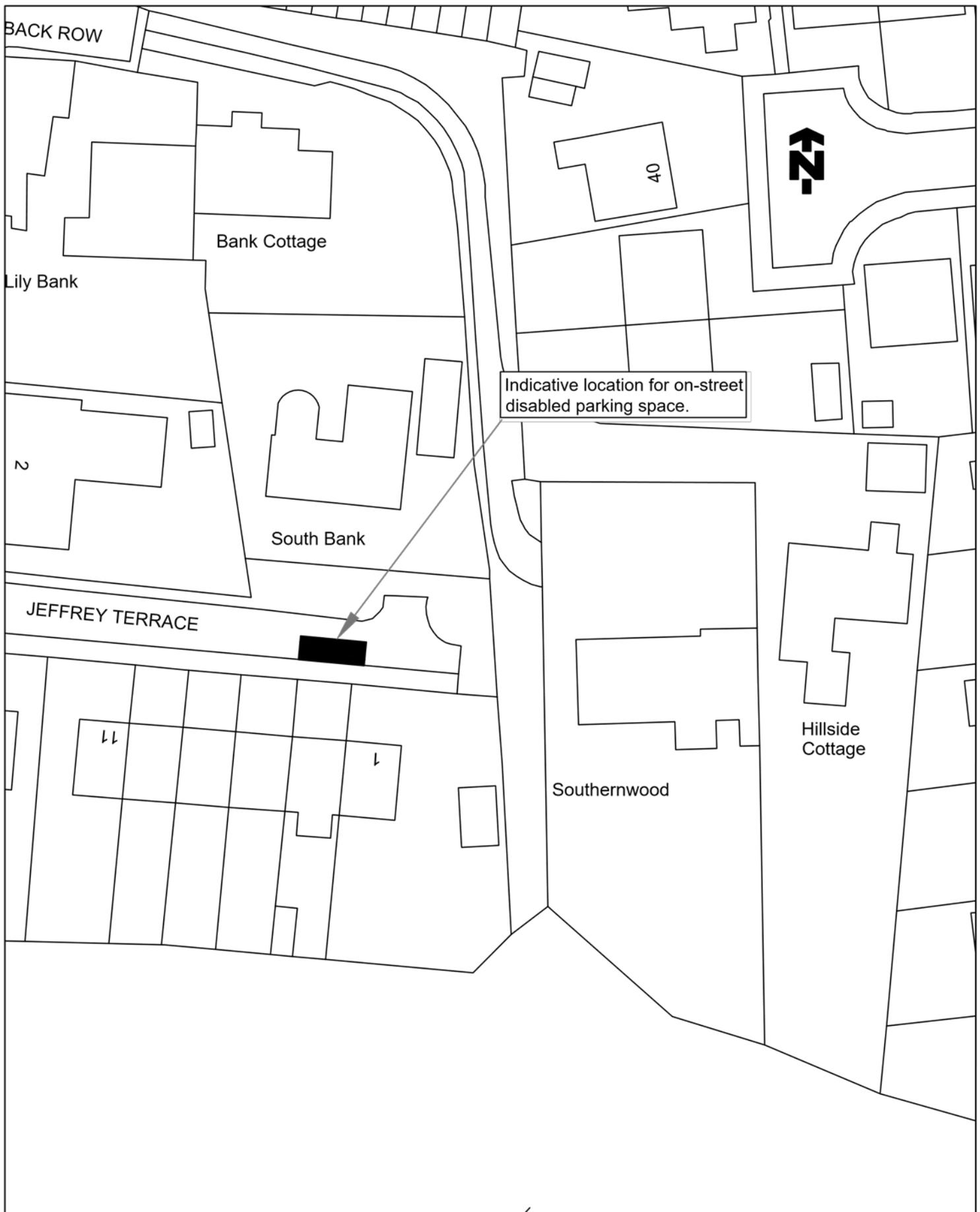
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Director of Development Services
Date: 4 March 2020

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/19/083) Order 20__
2. Letters of objection and correspondence



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TITLE OF ORDER

THE FALKIRK COUNCIL (ON-STREET PARKING SPACE FOR DISABLED PERSONS) (NO TRO/DB/19/083) ORDER 2019



Falkirk Council
 Development Services (Roads)
 Engineering Design
 Abbotsford House, David's Loan
 Falkirk FK2 7YZ
 Tel: 01324 504950 Fax: 01324 504850
 Director: Rhona Geisler

SCALE
 1:500@A4

DRAWN
 GJ
 DATE
 09/10/19

CHECKED
 DEHG
 DATE
 14/10/19

APPROVED
 RS
 DATE
 14/10/19

DRAWING NO.

TRO/DB/19/083/001

APPENDIX A

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSES

OBJECTIONS (ANONYMISED) AND DEVELOPMENT SERVICES RESPONSE

<p>Objection 1 (received 4 November 2019)</p>	<p>Further to our discussion today I would like to reiterate my objection to the length of 7 metres for a proposed disabled parking bay at no. ■ Jeffrey Terrace.</p> <p>As discussed, parking in the Terrace is already at a premium. Visitors to my neighbours and own home already have difficulty finding parking and a bay of this length would only make this situation worse.</p> <p>Scottish Government guidelines suggest a length of between 5-6 metres is more than sufficient. I feel 7 metres is excessive and unnecessary.</p> <p>I would like to suggest that the length of the proposed space be reduced and moved 1 metre towards the start of the Terrace. This would make available a parking space at the front of my property for the use of visitors to myself and other neighbours.</p> <p>I have been considering putting a drive in at the front of my property and would like to carry out this work in the foreseeable future.</p> <p>I would be grateful for your kind consideration in this matter as parking is already causing friction between neighbours.</p>
<p>Development Services Response to Objection 1 of 21 November 2019</p>	<p>I refer to your e-mailed objection of 4 November 2019, to the above draft 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 places. 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. The current application for the proposed disabled person parking space in Jeffrey Terrace has fulfilled the requirements of the act and the applicant is deemed to be a qualifying person.</p> <p>The proposed line markings and road signing require to comply with The Traffic Signs Regulations and General Directions 2016. This standard applies to all on-street disabled persons parking spaces. The minimum length for a disabled space parallel to the kerb is 6.6m. The traffic regulation order refers to 7m to simplify matters and take account of any minor inaccuracy when the space is marked. The space will be marked as a 6.6m long space.</p> <p>In view of the above, I would respectfully ask that you withdraw</p>

	<p>your objection. Should you wish to withdraw your objection you can do so in writing by emailing adteam3.ds@falkirk.gov.uk.</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the '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 Council's Planning Committee requesting this matter to be determined. Any report will note your objections.</p>
<p>Objection 2 (received 7 November 2019)</p>	<p>To Head of Design, Road and Transport, Excessive Length Applied For</p> <p>The above refers to the application for on street parking for the occupant at ■ Jeffrey Terrace. I am by no means objecting to their being a disabled parking space outside the above address for this lady, but I certainly do object to the fact that it is planned to make it 7 metres in length! That is just under 23 feet! The car to be parked in said space is a Ford Fiesta, which by no stretch of the imagination requires anything like that length in which to park. This lady has no requirement for wheelchair access to her vehicle and in fact doesn't even use a stick, therefore has no need for space in addition to that required in order to park a normal car – in her case, as stated above, a Ford Fiesta.</p> <p>I understand that the standard length for such a parking space is 5 metres, just over 16 feet and I can see no justification for a space any longer than the standard length in this case.</p> <p>I own No.■ Jeffrey Terrace and at 7 metres the disabled "bay" would need to encroach on the road outside my property or that to the other side, No.5 which would seem to be equally unfair, denying the owner of that property the facility to park, as parking is at a premium in this street, the full length being occupied by parked vehicles outside working hours. My property is at the end of the cul-de-sac, with the turning point for the narrow terrace road. Currently any large vehicle has great difficulty turning round if a vehicle is parked outside my property, hence I avoid doing so. Fortunately having a drive to the side of my property makes this possible.</p> <p>My house, No.■, is currently empty, but I will be moving in there on 10th December and extensive work will be carried out in the New Year, with large lorries dropping off building materials etc and I dread to think how they will turn if the above application is granted at a length of 7 metres, thereby encroaching on the road outside my property, it is difficult enough when their car is parked totally</p>

	<p>outside their own house at No. ■</p> <p>I reiterate that I am in no way objecting to the owners of No. ■ having a disabled “bay” outside their property, so enabling them to park outside their home at any time of the day or night, avoiding the lady in question having to walk any further than she needs to – I am solely objection to the proposed length of 7 metres.</p>
<p>Development Services Response to Objection 2 of 21 November 2019</p>	<p>I refer to your e-mailed objection of 7 November 2019, to the draft 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 places. 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. The current application for the proposed disabled person parking space in Jeffrey Terrace has fulfilled the requirements of the act and the applicant is deemed to be a qualifying person.</p> <p>The proposed line markings and road signing require to comply with The Traffic Signs Regulations and General Directions 2016. This standard applies to all on-street disabled persons parking spaces. The minimum length for a disabled space parallel to the kerb is 6.6m. The traffic regulation order refers to 7 metres to simplify matters and take account of any minor inaccuracy when the space is being marked. The space will be marked as a 6.6m long space.</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 emailing adteam3.ds@falkirk.gov.uk .</p> <p>In order for Local Authorities to implement traffic regulation orders they must follow a statutory procedure laid down in the “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 Council’s Planning Committee requesting this matter to be determined. Any report will note your objections.</p>