



West Lothian
Council

COUNCIL EXECUTIVE

OBJECTIONS TO DISABLED PERSONS' PARKING ORDER, VARIATION NO. 2 (PTO-11-05) AND UPDATE

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to allow the council executive to consider three objections which have been made in respect of the proposal to provide enforceable parking places, identified for qualifying persons, in line with the Disabled Persons' Parking Places (Scotland) Act 2011.

B. RECOMMENDATION

It is recommended that the council executive:

1. overrules the objections submitted during the statutory objection period and approves the provision of enforceable disabled parking bays in the vicinity of the following properties :
 - 7 Traprain Crescent, Bathgate (2 parking bays)
 - 11 Scott Place, Fauldhouse (1 parking bay)
 - 121 Birkenshaw Way, Armadale (2 parking bays)
2. notes the reason that the parking bay previously approved for Hopefield Road has not been provided and the reason that the bay at Howley Avenue has not been removed.

C. SUMMARY OF IMPLICATIONS

I Council Values

Focusing on our customers' needs

Being honest, open and accountable

Providing equality of opportunities

Making best use of our resources

Working in partnership

II Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Policy: None Legal: The Disabled Person's Parking Places (Scotland) Act 2009 places duties on the council in relation to the provision of disabled persons' parking bays. Implementation of a Traffic Regulation Order. Statutory advertisement was undertaken between 6 October 2011 and 27 October 2011.
III Implications for Scheme of Delegations to Officers	None
IV Impact on performance and performance Indicators	None
V Relevance to Single Outcome Agreement	The provision of residential on-street disabled persons' parking places supports outcomes 7 (We have tackled the significant inequalities in Scottish society) and 13 (We take pride in a strong, fair and inclusive national identity).
VI Resources - (Financial, Staffing and Property)	Financial: Promotion of the traffic regulation order and associated works will be funded from the disabled parking capital budget. Maintenance costs relating to the road markings and signage will require to be accommodated in future revenue budgets. Staffing: None. Property: None.
VII Consideration at PDSP	None
VIII Other consultations	Lothian & Borders Police, Disability West Lothian and Local Ward Members (Wards 6, 8 and 9)

D. TERMS OF REPORT

Introduction

On 23 August 2011, the council executive approved the commencement of the statutory procedure to provide and remove enforceable disabled parking bays in residential areas, in line with the council's duty under the Disabled Persons' Parking Places (Scotland) Act 2009.

The proposals were formally advertised between 6 October 2011 and 27 October 2011.

The total number of bays finally considered for designation was lower than the projected 180, as indicated on 23 August 2011. This is because one bay was identified as being on land that was unadopted. In this case the roads authority has no power to make a bay in this location. The bay not designated was the bay proposed in Hopefield Road, Blackburn (TRS-DIS-1726).

The total number of bays finally considered for removal was lower than the projected 31, as indicated on 23 August 2011. This is because one bay was identified as being in a convenient location for a new applicant who applied after the 23 August 2011 but before the advertisement period had begun. The bay which remains in place is the bay in Howley Avenue (TRS-DIS-72).

During the statutory advertisement period three written objections were received relating to five proposed parking bays. These objections (attached in Appendices 1, 2 and 3) are still outstanding and are discussed below.

As there were no objections to any other advertised bays, the order has been made in part in respect of the remaining designated and removed parking bays and commenced on 10 November 2011.

Objection to Disabled Parking Bays near 7 Traprain Crescent, Bathgate

There were two parking bays advertised in the vicinity of 7 Traprain Crescent. Whilst the objector made reference to a parking bay allocated to a specific resident, as these parking bays are not allocated to a specific household, it was considered prudent not to proceed with two bays in Traprain Crescent until a decision had been made regarding the objection.

The objector cited the presence of a driveway at number 7 Traprain Crescent and that the vehicle currently parked in one of the spaces does not show a Blue Badge.

The objector also cites existing parking pressure in the street as a reason that the parking place should not be provided.

A copy of this objection is contained in Appendix 1 of this report.

Officer's Response

The parking places in the vicinity of 7 Traprain Crescent, Bathgate, have been applied for by qualifying people, in line with the Disabled Persons' Parking Places (Scotland) Act 2009. Officers have undertaken an assessment of the information provided by the applicants and have deemed it necessary to provide disabled person's parking places in this location.

These parking places are for the use of any Blue Badge holder and are not set aside for any one individual; therefore these parking places are not allocated to any one address. If a traffic regulation order is made in respect of these parking places, vehicles parking in the parking places, which do not show a disabled persons' Blue Badge may incur a penalty.

Therefore, it is recommended that the objection should be overruled and the parking places should be made enforceable as per the original order.

Objection to Disabled Parking Bay near 11 Scott Place, Fauldhouse

A parking place has been advertised in the vicinity of 11 Scott Place in Fauldhouse, the objector cites that she has been granted planning permission to put a runway in her front garden and the disabled bay blocks this. A copy of the full objection is provided in Appendix 2 of this report.

Officer's Response

The objector has been granted planning permission (Ref. No. 0393/H/11) to form a driveway at their property and the disabled parking place currently obstructs the chosen access point.

The planning permission has the following condition applied "The driveway hereby approved shall not be formed until the disabled parking place in the carriageway adjacent to the proposed driveway has been relocated so that it does not conflict with the access for the proposed driveway".

The disabled parking bay was provided at a location which was considered to be safe and in line with the existing parking activity on Scott Place and was provided under the terms of the Disabled Persons' Parking Places (Scotland) Act 2009. The site was confirmed as being convenient by the original applicant and was therefore progressed in that location.

The council had no plans to move the bay before the planning application to form a driveway at this location was received. Following the application, a potential alternative location for the bay has been identified. However, since the objector was aware of the existence of the parking bay when making their planning application and the only reason to move the bay would be due to this application, the costs of moving the bay should be met by the objector. This has been estimated to be £250. The objector has been advised of this by council officers over the last few months however has advised that she does not want to pay to have the bay moved.

Therefore, it is recommended that the objection should be overruled and the parking place should be made enforceable as per the original order.

Objection to Disabled Parking Bay at Birkenshaw Way, Armadale

The objector cited that the proposed disabled parking bays will impede their access for deliveries and trades people as well as affecting the value of the property. In addition the objector also cites the posts that have been provided will attract vandalism and encourage children to play in the vicinity of this property, possibly causing damage to property. The objector requests that the parking bays are located closer to the applicants' homes. A copy of the full objection is provided in Appendix 3 of this report.

Officer's Response

The council has a duty to provide such parking places, if they are requested by qualifying people, in a location that is suitable location for the blue badge holder and which meets the requirements of the Road Traffic Regulation Act 1984. The location where the objector would like the bays located is a turning area which was not originally intended for parking. It would not be appropriate to formalise parking in this area.

The location chosen has been confirmed as being convenient to the original applicant and therefore progressed in that location.

The council is obligated to provide the posts and signs in locations where designated disabled persons' parking places are located. In this specific case, the signage is to be provided on the adopted public footway. The sign face to be provided has been made as small as possible and the located posts are currently 1500mm in height. However, in order to minimise visual intrusion the posts could be reduced to a minimum height of 1150mm.

Therefore, it is recommended that the objection should be overruled and the parking place should be made enforceable as per the original order.

Consultation

As indicated previously, this paper was issued to Lothian and Borders Police, Disability West Lothian and Ward Members (Wards 6, 8 and 9) for comments. The following comments/responses have been received.

Lothian and Borders Police advised that they had no adverse comments to make.

Disability West Lothian commented as follows:

"The objections to the Disabled Parking Bays in PTO 11/05 were considered at the most recent West Lothian Access Committee (14 December 2011) and members were in agreement that the objections should be overruled and that the provision of enforceable disabled parking bays should be created in the vicinity of the properties outlined in the report."

In addition, the following responses were received from ward members :

Councillor Walker advised that he was happy to go along with officer's recommendation.

Councillor Dixon has reviewed the paper and has no comments.

Councillor Borrowman sought reassurance that officers had investigated all options to minimise inconvenience for neighbours.

No other comments were received.

E. CONCLUSION

During the statutory advertisement period for the provision of over 180 new enforceable parking bays, the council received three objections to five of the parking bays.

It is recommended that the objections to the parking bays on Traprain Crescent, Scott Place and Birkenshaw Way should be overruled to provide enforceable disabled parking bays for qualifying people as set out in the Disabled Persons' Parking Places (Scotland) Act 2009.

Since the council executive meeting of 23 August 2011 a number of minor changes have been made in terms of the numbers of new and removed parking bays reported at that time.

F. BACKGROUND REFERENCES

Planning Application No. 0393/H/11

PTO -11-05 Disabled Persons' Parking Places Advert

Appendices/Attachments:

Appendix 1 – Objection 1 – Traprain Crescent, Bathgate

Appendix 2 – Objection 2 – Scott Place, Fauldhouse

Appendix 3 – Objection 3 – Birkenshaw Way, Armadale

Contact Person: Jane Dunlop, Engineer, Road Safety and Traffic Management.

jane.dunlop@westlothian.gov.uk 01506 282338

Jim Jack, Head of Operational Services, Whitehill House, Whitestone Place, Bathgate, West Lothian

Date: 13 January 2012

Dunlop, Jane

From: [REDACTED]
Sent: 20 October 2011 13:52
To: objections.roads
Subject: Reference PTO/11/05

Dear Sirs,

I wish to object to the disabled parking space allocated to number 7 Traprain Crescent, Bathgate, EH48 2BA. My reasons are since they were awarded the disabled space they have had a driveway built at their property. So for this reason alone they should not require an additional disabled parking space. The parking on the street is already quite bad and it's a struggle to get somewhere safe to park. Also the car that's constantly parked in their disabled spot (and is very rarely moved), does not have a disabled parking badge.

May I add I wish to keep in identity private and confidential.

Kind Regards

[REDACTED]

JM

08-10-11

REF PTO/11/05

LEGAL SERVICE
RECEIVED
1st OCT 2011

Dear Julie Whitehead

I am writing to object to the disabled bay on Scott Place Fauldhouse. I have been granted planning permission to put a runway into my front garden at the cost of £160 the disabled bay, blocks the entrance into my grounds my grid ref. 293453 660931

Yours Faithfully

Dunlop, Jane

From: [REDACTED]
Sent: 19 October 2011 21:54
To: objections.roads@westlothian.gov.uk
Subject: disabled parking places-all hours

[REDACTED]

Dear Sir/Madam

Please be aware off my strong objections to you creating two disabled parking bays at the rear of my property it will impede my access for deliveries and trades people and afect the value of the property, I also object to the erection of two large posts at my rear fence, they will be a magnet for vandals and not to mention goal posts for kids playing football in the street causing damage to my property. Please put them outside the disabled badge holders doors.

[REDACTED]