

North Tyneside Council Report to Cabinet 7 April 2014

ITEM 6(a)
Traffic Regulation Order –
Whitley Road, Whitley Bay

Portfolio(s): Economic Development

Cabinet Member(s): Cllr F Lott

Report from Service Area: Environment and Leisure

Report Author: Phil Scott, Head of Environment and Leisure (Tel: 0191 643 7295)

Wards affected: Whitley Bay

PART 1

1.1 Purpose:

The purpose of this report is to seek Cabinet's approval to introduce a daytime loading restriction, operational from Monday to Saturday between 8am and 6pm, on the north side of Whitley Road between its junctions with Victoria Terrace and Station Road and on the south side of Whitley Road to the east of the pedestrian crossing at Victoria Terrace, and set aside three objections received to the proposal.

1.2 Recommendation(s):

It is recommended that Cabinet:

- 1) notes the development of the detailed proposal for a parking management scheme ("Proposal 3") at this location as described in section 1.5.1;
- 2) considers the objections received to this proposal;
- 3) sets aside the objections in the interests of improving access along Whitley Road, particularly for buses; and
- 4) confirms the Traffic Regulation Order, as drafted.

1.3 Forward Plan:

Objections relating to proposed Traffic Regulation Orders are a standard item on the Forward Plan.

1.4 Council Plan and Policy Framework

The proposals in this report are relevant to the following priority set out in Our North Tyneside, the Council Plan 2014 to 2018:

1 C We will improve accessibility in the borough and support accessibility by walking and cycling

1.5 Information:

1.5.1 Background

Proposals to prevent vehicles from parking on both sides of Whitley Road during core daytime hours were developed following representation from the bus operator Go North East. The restrictions currently in operation on this section of Whitley Road comprise free, 1 hour maximum stay parking with exemption for permit holders on the south side of the road and a no waiting (single yellow line) restriction on the north side. Both restrictions apply between 8am and 6pm, Monday to Saturday.

The no waiting restriction on the north side of the road allows blue badge holders to park for up to 3 hours and also permits loading and unloading. This arrangement results in a situation where vehicles are often parked on both sides of the road, which, owing to the limited width of the carriageway, can result in access, particularly for large vehicles, being compromised.

In order to address this situation two alternative scheme proposals were developed and presented to local Members, bus operators, the Town Centres Manager and Whitley Bay Chamber of Trade for consideration.

Proposal 1 involved the following measures:

1. Introduction of a no stopping restriction (No waiting or loading/unloading) between 8am and 6pm Monday to Saturday on the north side of the road.
2. Introduction of pay and display parking on the south side of the road between 9am and 5.30pm, Monday to Saturday (in line with the existing charged parking in the area). The parking charge would be 1p per minute (again in line with existing restrictions in this area) but this would only apply after the first hour which would be free of charge. Existing permit holders would be exempt from this restriction.
3. Introduction of a loading bay for goods vehicles only, operational between 8am and 6pm, Monday to Saturday on the south side of the road.
4. Introduction of a 'no stopping at any time' restriction on the south side of the road at the western end of this section of Whitley Road adjacent to the pedestrian crossing.

Proposal 2 involved the following measures:

1. Introduction of sections of 'no stopping at any time' restrictions (no waiting and no loading/unloading at any time) at either end of this section of Whitley Road adjacent to the pedestrian crossings.
2. Introduction of a loading bay for goods vehicles only between 8am and 6pm, Monday to Saturday on the north side of the road.
3. Introduction of pay and display parking on the south side of the road between 9am and 5.30pm, Monday to Saturday (in line with the existing charged parking in the area). The parking charge would be 1p per minute (again in line with existing restrictions in this area) but this would only apply after the first hour which would be free of charge. Existing permit holders would be exempt from this restriction.

4. Introduction of a no stopping at any time restriction on the south side of the road at the western end of this section of Whitley Road adjacent to the pedestrian crossing. As a result of feedback received during this consultation process principally from Whitley Bay Chamber of Trade, an alternative proposal (Proposal 3) was developed which involved the following:

1. Introduction of a loading restriction between 8am and 6pm, Monday to Saturday on the north side of the road and on the south side in the vicinity of the pedestrian crossing east of the junction with Victoria Terrace.
2. Existing waiting restriction between 8am and 6pm, Monday to Saturday on the north side to remain.
3. Existing 1 hour maximum stay parking between 8am and 6pm, Monday to Saturday with exemption for permit holders to remain on the south side.

Businesses on the north side of the section of Whitley Road in question were informed of this alternative proposal (Proposal 3) by letter prior to the statutory consultation taking place.

In accordance with the statutory process, a Notice of Intention for the alternative proposal (Proposal 3) was displayed on site, in the local newspaper and on the Authority's website outlining the proposed restrictions.

Three objections were received in response to the statutory Notice of Intention. A summary of the objections is provided below.

1.5.2 Statutory Consultation

Parking proposals are subject to statutory legal process. Schemes must be advertised on site and in the local press. This enables members of the public or businesses to object to the proposal. Any objectors are first sent a detailed response and invited to reconsider their objection. Any objections not withdrawn are referred to Cabinet for its consideration.

1.5.3 Summary of Objections

Mr G of a local business which owns a number of retail and leisure units in the centre of Whitley Bay submitted an objection to the proposals on the following grounds:

1. The businesses in this area need to be able to receive deliveries from Whitley Road at varying times during the day and the proposed day time loading restriction would prevent this.
2. It is not practical for vehicles delivering to the businesses on Whitley Road to use the existing loading bay on Station Road as is too far away.
3. Loading bays are required on both sides of Whitley Road to accommodate the delivery requirements of businesses.

Mr G reaffirmed his objection to the proposal during discussions with an officer.

Mrs G of a local bridge club submitted an objection to the proposals on the following grounds:

1. The proposals do not give sufficient consideration to the requirements of the club's numerous elderly and disabled members who, at the very least need access to a drop off/pick up facility near the premises.
2. The proposed loading restriction will have a detrimental effect on existing businesses and will hinder any attempts to attract new businesses to the area.
3. A better solution to improving traffic flows along this section of Whitley Road would be the introduction of a one way system.

An officer from the Authority contacted Mrs G to clarify that the proposed loading restriction would still allow vehicles to drop off and pick up although waiting would be prohibited. It was also pointed out that blue badge holders are entitled to park in the limited waiting bays on the south side of the road and they can also make use of disabled parking bays at the northern end of Victoria Terrace. Mrs G responded stating that should club members make use of the limited waiting bays then this would have a detrimental effect on businesses and confirmed that she did not wish to withdraw her objection.

Miss W submitted an objection to the proposals on the following grounds:

1. The businesses in this area need to be able to receive deliveries from Whitley Road at varying times during the day and the proposed day time loading restriction would prevent this.
2. Loading bays are required on both sides of Whitley Road to accommodate the delivery requirements of businesses.

Miss W reaffirmed her objection to the proposal during discussions with an officer.

It is the view of officers that if the proposal were implemented, businesses could receive deliveries on the north side of the road outside the operating hours of the restriction or alternatively make use of the existing limited waiting bays on the south side or the loading bay on Station Road. The proposed loading restrictions would allow vehicles to drop off and pick up passengers although waiting would be prohibited. Blue badge holders are entitled to park in the limited waiting bays on the south side of the road and can also make use of disabled parking bays at the northern end of Victoria Terrace.

1.6 Decision options:

The following options are available for consideration by Cabinet:

Option 1

Approve the recommendations set out in section 1.2.

Option 2

Not approve the recommendations set out in section 1.2.

Option 1 is the recommended option.

1.7 Reasons for recommended option:

Option 1 is recommended to allow the implementation of Proposal 3 which has been developed in response to feedback from local stakeholders as described in section 1.5.1. This will help to discourage parking on both sides of this section of Whitley Road between 8am and 6pm, Monday to Saturday, thereby improving access particularly for buses along this section of Whitley Road during the day.

Businesses can receive deliveries on the north side of the road outside these hours or alternatively make use of the existing limited waiting bays on the south side or the loading bay on Station Road. The proposed loading restrictions would allow vehicles to drop off and pick up passengers although waiting would be prohibited. Blue badge holders are entitled to park in the limited waiting bays on the south side of the road and they can also make use of disabled parking bays at the northern end of Victoria Terrace.

In accordance with current council policy, the proposed scheme will be reviewed within 6 to 12 months of implementation and the impact of the restrictions, for example in terms of

displacement of parking, will be assessed. Alternative/additional restrictions will be considered following this exercise as appropriate.

1.8 Appendices:

- Appendix 1 Details of objections and associated correspondence
- Appendix 2 Legal Notice of Intention as published in local press
- Appendix 3 Plan of scheme will be displayed in each group room and will be available for inspection at Cabinet

1.9 Contact officers:

Andrew Flynn, Client Manager - Integrated Transport, 0191 643 6083
Kevin Ridpath, Highway Network Manager, Capita, 0773 028 5609
Garry Hoyle, Parking Manager, Capita, 0191 643 6599
Alison Campbell, Financial Business Manager, 0191 643 7038

1.10 Background information:

North Tyneside Parking Strategy 2012 - 2016
http://www.northtyneside.gov.uk/browse.shtml?p_subjectCategory=360

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

Funding is available from the (Public Transport) Local Transport Plan capital budget for 2014/15.

2.2 Legal

Parking proposals that involve revocations or amendments to existing parking orders and any new parking restrictions are subject to statutory legal process set out in the Road Traffic Regulation Act 1984 and the Regulations that flow from that Act, namely, the Local Authorities' Traffic Orders (Procedure)(England and Wales) Regulations 1996. All schemes are formally advertised and include a 21-day period for objections. In accordance with the Authority's policy, if any objections cannot be resolved, then Cabinet is asked to consider the objections.

The Legal Notice of Intent was published in local press and may be cited as the North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012 Variation Order 2014 – Various Roads.

2.3 Consultation/community engagement

Consultation was carried out in line with statutory process as described in section 1.5.2.

2.4 Human rights

The proposals within this report do not have direct implications in respect of the Human Rights Act 1998.

2.5 Equalities and diversity

There are potential positive equalities implications in that physical accessibility, particularly for people with disabilities, may be improved.

2.6 Risk management

There are no risk management implications directly arising from this report.

2.7 Crime and disorder

There are no crime and disorder implications directly arising from this report.

2.8 Environment and sustainability

There are no environment and sustainability implications directly arising from this report.

PART 3 - SIGN OFF

- Chief Executive

- Deputy Chief Executive

- Head of Service

- Mayor/Cabinet Member(s)

- Chief Finance Officer

- Monitoring Officer

- Strategic Manager Policy, Partnerships, Performance and Communication

Appendix 1- Details of objections and associated correspondence

Details of Objection – Mr G. – Local Business (dated 21 January 2014)

Dear V Geary,

I am writing on behalf of (local business) to object to the plans to restrict loading and unloading on Whitley Road.

(Local Business) owns a number of retail and leisure units in the centre of Whitley Bay. After much hard work, and investment in the local area, we have finally managed to let all those units. However, despite our best efforts to find tenants who have sustainable businesses, trading conditions in the area remain extremely challenging. In these circumstances, any proposal to make changes which will make it more difficult for retailers and others to carry on their businesses is of very serious concern.

As I live in Manchester, I have not had the opportunity of examining the full details of the proposals at your office. However, I understand that there is a proposal to prohibit loading and unloading on the section of Whitley Road outside 218-228 between 8am and 6pm.

Our businesses are local ones (not national firms) and they are dependent for their success on receiving deliveries **during the day**. It is inevitable that, if the proposed scheme is implemented in its current form, all the remaining parking spaces on this stretch of Whitley Road will be occupied during the day and delivery drivers will not be able to stop near to the businesses whose livelihood depends on them.

Delivery drivers do not arrange drop off times at specific times for such businesses. Rather, they come when it fits in with their delivery routes. Further, delivery drivers are not prepared to park some distance away and carry loads around a whole block from Station Road as seems to be being proposed by Nick Saunders in Parking Control. It should also be noted that delivery drivers only stop for very short periods of time.

The proposals need to be amended. As a minimum, they need to allow some dedicated loading space on each side of Whitley Road so that delivery drivers can stop (for a short time) during normal working hours within easy carrying distance of the local businesses. If the loading spaces are not directly opposite each other, and no normal parking is allowed in those spaces, any concerns about the flow of traffic and access for buses should be addressed.

For the above reasons, the proposed restrictions to prohibit loading and unloading should not be implemented and an alternative solution (for example, as I have suggested above) should be considered.

It is essential that any changes take full account of the requirements of the businesses on Whitley Road to help them to stay in business and so provide support for the local economy and employment prospects.

Yours sincerely,

Mr G

Council response (sent 10 February 2014)

Dear Mr G,

I acknowledge receipt of your objection to the Notice of Intention in respect of proposed loading restrictions for Whitley Road between Station Road and Victoria Terrace in Whitley Bay.

As discussed in our previous correspondence, the proposed scheme is designed to address the longstanding access problems being experienced particularly by buses due to parked vehicles on both sides of this section of Whitley Road and it is intended that loading would take place in the parking bays on the south side of the road and also in the loading bay at the top end of Station Road.

As you are aware, alternative proposals involving additional loading facilities were put to Whitley Bay Chamber of Trade as part of the consultation process but these did not receive sufficient support from businesses to be taken forward.

I can confirm that your objection to the Notice of Intention will be included in a report that will be submitted to Cabinet for their consideration in the near future. I will notify you of their decision as soon as it is made available.

Yours sincerely,

Nick Saunders
Senior Traffic Engineer - Parking Control

Details of Objection – Mrs G. – (local) Bridge Club (dated 28 January 2014)

Dear Ms Geary,

It has come to my attention that the Council is considering quite radical changes to the parking and loading facilities on Whitley Road.

As you are no doubt aware, (local) Bridge Club has occupied (number) Whitley Road, for some forty years, but nevertheless we have received no notification of the proposed changes.

I fully understand the problem that buses encounter when travelling between Victoria Terrace and Station Road, but on behalf of our numerous disabled and elderly members, as Secretary, I feel that I must protest that no consideration has been given to these members of society. It is essential for both their mental and physical well being that at the very least, a drop off point is made available near to our premises.

Additionally, it is essential that there should be loading bays on both sides of the road, not only to attract new businesses but to hold on to those we have. As a resident of Whitley Bay, I would hope that the Council would do everything in its power to prevent the further demise of our town centre.

Would a simpler and less controversial solution not be to introduce a one way system, with traffic heading towards the town centre, turning up onto Station Road or down onto the Esplanade.

Yours sincerely,

Mrs G
Secretary

Council response (sent 4 February 2014)

Dear Mrs G,

I refer to your recent correspondence regarding the loading restrictions proposed for Whitley Road between Victoria Terrace and Station Road.

I am sorry that you have found the consultation process to be unsatisfactory but should point out that significant efforts were made to ensure that affected parties were notified of the proposals prior to the statutory consultation process commencing. Letters were delivered to properties on the north side of this section of Whitley Road and discussions with Whitley Bay Chamber of Trade took place prior to the final proposals being designed.

Whilst I appreciate the requirements of your disabled and elderly members it should be noted that the proposed loading restriction would still allow vehicles to drop off and pick up although waiting would be prohibited. As long as civil enforcement officers are able to see passengers either alighting from or boarding a vehicle parked at the kerbside, they would not be entitled to issue penalty charge notices. It is also worth noting that blue badge holders are entitled to park in the limited waiting bays on the south side of the road and they can also make use of disabled parking bays at the northern end of Victoria Terrace.

In terms of your comments regarding the potential introduction of a one way system on Whitley Road, our Traffic and Road Safety team have confirmed that there are currently no plans for this to be progressed. This type of scheme would require an area wide traffic study to be commissioned with the associated costs and, at present there are no significant road safety reasons to justify this course of action in the current financial climate.

I would appreciate it if you could confirm (either by letter or email) whether or not you wish your letter to be classed as a formal objection to the proposals in light of the information provided above.

Yours faithfully,

Nick Saunders
Senior Traffic Engineer – Parking Control

Further correspondence from Objector (received 11 February 2014)

Thank you for your letter dated 4 February addressing my concerns regarding the above.

Should, as you suggest, our members make use of the limited waiting bays, then this will have a detrimental effect on deliveries to local shops. We have many disabled members using the premises on three mornings each week as well as Wednesday afternoon.

I would like to confirm therefore, that I wish my letter to be classed as a formal objection to the proposals.

Mrs G
Secretary

Details of Objection – Miss W. – Book Shop (received 31 January 2014)

Dear Nick,

I am disappointed that you did not see fit to send the notice of intention to me when I have already been in contact with you about the above issue. I only found out about it by accident yesterday when I happened to see my landlord and he kindly forwarded it to me last night.

I am in favour of stopping parking on this side of the road as it frequently causes blockages and hold-ups but I would like to support what Mr Gordon has already said to you. Deliverers only stop for long enough to drop off goods and I do not know when they will come - it depends on the other deliveries they need to make. They will refuse to deliver if they cannot stop close to the place they are delivering to. I am a small business which is already struggling due to the serious reduction in footfall along this road. Problems with deliveries could be a death blow to me. Staggering two dedicated delivery bays would assist with this problem and will not hinder the flow of traffic.

As this has to be in today and I have not had time to finish it before now I will have to leave it at that but I would appreciate it if you would keep me informed of developments as they occur.

Thank you.
Regards,
Miss W

Council response (sent 3 February 2014)

Dear Miss W,

I am sorry that you have found the consultation process to be unsatisfactory but should point out that the notice of intention has been advertised on site over the last 3 weeks (and also in the local press and Council website) as per our statutory obligation as a local authority. Notices would not be provided on an individual basis unless specifically requested. However, although it is not a legal requirement, affected residents and business owners (including yourself) were also contacted prior to notices being advertised as a courtesy and the proposals discussed in further detail as necessary.

With regard to your comments concerning the scheme itself, alternative proposals were put to the Whitley Bay Chamber of Trade which involved additional loading facilities but these were not supported and as a result were not taken forward.

I forwarded your email to our legal department on Friday 31st January (the final day of the consultation period) and would be grateful if you could confirm whether or not you would like it to be classed as a formal objection to the proposals.

Regards,

Nick Saunders
Senior Traffic Engineer – Parking Control

Further correspondence from Objector (received 3 February 2014)

Dear Mr Saunders,

I am, of course, aware that I was contacted before any notices were advertised but had thought, obviously incorrectly, that notices were to be put up in the street as used to happen when changes were planned. I had been waiting for these notices. I cannot afford to buy a paper and I do not use the council website.

Never having seen or heard of anyone from Whitley Bay Council of Trade, I can only assume that they are not interested in the traders along this part of Whitley Road. As I have already stated, I am not objecting to the prevention of parking along here which, I think is the main point at issue, but as I assume I can't give qualified support, I suppose I am making a formal objection to the plan as it stands.

Yours sincerely,
Miss W

NORTH TYNESIDE COUNCIL

**North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation)
Order 2012 Variation Order 2014 – Various Roads**

North Tyneside Council gives notice that it proposes to make a Variation Order under Sections 1, 2 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and all other enabling powers. The effect of the Order, if made, will be to vary the North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2012, so that a no loading/unloading restriction between 8am and 6pm, Monday to Saturday is introduced on the following lengths of road:-

Whitley Road, Whitley Bay

- (i). the north side between a point 5 metres west of its junction with Esplanade and its junction with rear lane of South Parade/Esplanade.
- (ii). the north side between its junction with rear lane of South Parade/Esplanade and a point 108 metres west of its junction with rear lane of South Parade/Esplanade.
- (iii). the south side from a point 21 metres east of its junction with Victoria Terrace to that junction.

To improve the free flow of traffic

Full details of the proposals, may be examined at the address below between 8.30 am and 4.00 pm on Mondays to Fridays. If you wish to object to the proposals, you should send the grounds for your objection in writing to the undersigned by 31 January 2014. Any objections received will be placed in the working file and can be viewed by the public if requested.

10 January 2014

V Geary, Head of Law & Governance
Quadrant, Silverlink North, Cobalt Business Park, NE27 0BY

- NOTES**
1. Part or whole of this is reproduced from Ordnance Survey, marked with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Tyne-side Council License No 100071901, 2008
 2. All dimensions are in millimetres and all levels are in meters unless otherwise stated.
 3. The Contractor is to take all reasonable precautions for the location and protection of any public or private easements in the vicinity of the work.
 4. The Contractor is to satisfy himself that all levels, dimensions and other information shown on this drawing are correct. If any discrepancies are found they are to be reported to the Designer immediately.

Engineering Services
 Registration, Development and Regulatory Services
 11 The Strand North
 Newcastle upon Tyne
 NE1 5DF
 Tel: 0191 275 4242
 Fax: 0191 275 4243
 Email: Highways@northyorks.gov.uk
 Web: www.northyorks.gov.uk



Drawn	Client	Project No.
CT	North Tyne-side Council	WHFT
Checked	Project Title	Drawing No.
NB	Whitley Road	003
Scale	Access Improvement Schemes	Revision
1:500	Drawing Title	
Date Drawn	Proposals	Sheet Size
Oct 2013		A3

