

North Tyneside Council Report to Cabinet 7 April 2014

ITEM 6(b)
Traffic Regulation Order –
Back Marine Avenue,
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 amend the parking restrictions in the lane to the rear of Marine Avenue between Ilfracombe Gardens and Bideford Gardens in Whitley Bay, and set aside one objection received to the proposal.

1.2 Recommendation(s):

It is recommended that Cabinet:

- (1) considers the objection;
- (2) sets aside the objection in the interests of maintaining the right of access for residents of Marine Avenue to their private parking area thereby freeing up on-street parking spaces at this location; and
- (3) 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

It is proposed that the parking arrangements in the lane to the rear of Marine Avenue between Ilfracombe Gardens and Bideford Gardens are amended to facilitate access to the private, off street parking area to the rear of Numbers 50-52 Marine Avenue.

Following representation received from a resident of Marine Avenue, a proposal to replace the permit parking bay on the north side of the rear lane adjacent to number 4 Ilfracombe Gardens with a 'no waiting at any time' restriction was developed. Affected residents were then informed of the proposal by letter. As a result of feedback received from these residents, the original proposal was amended so that the parking bay would be reduced in size from two spaces to one rather than being removed completely.

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

One objection was received in response to the statutory Notice of Intention. A summary of the objection 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 Objection

A local resident submitted an objection to the proposal on the following grounds:

1. The loss of parking provision will cause particular problems for a family member with chronic health issues who relies upon being able to access a parking space in the immediate vicinity of their property.
2. The removal of parking bays in an area where there is already a high demand for parking could lead to conflict between amongst residents.
3. The loss of parking provision will create a risk for female residents at night as they may have to park further away from their homes.

The objector goes on to suggest that the owners of the private parking area should make alterations to this space (including removing the boundary gates) to facilitate access from and to the public highway and also suggests that any costs associated with amending the existing restrictions should be paid by these property owners.

An officer contacted the resident by telephone to discuss the issues raised and to invite them to reconsider their objection. However, the resident confirmed that they did not wish the objection to be withdrawn. It was agreed that a communication would be sent to the objector confirming that their objection would be included in a report to be submitted to Cabinet.

Officers note that proposals will help to preserve the right of access to properties 50-52 Marine Avenue and by facilitating access to a private parking area, will reduce the pressure on the existing on-street parking places at this location.

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 as the proposals will help to preserve the right of access to properties 50-52 Marine Avenue and by facilitating access to a private parking area, will reduce the pressure on the existing on-street parking places at this location.

1.8 Appendices:

Appendix 1 Details of objection 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 2014/15 Parking Control (Parking Management) Local Transport Plan capital budget.

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. North Tyneside (On Street Parking Places) (Consolidation) Order 2011 Variation 2014 – Un-named Road at the rear of Marine Avenue.

In accordance with the Local Government Act 2000 and the regulations made under that Act in relation to responsibility for functions, Cabinet is responsible for determining this matter.

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 no adverse equalities or diversity issues arising from this report. 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

Details of Objection (received 17 January 2014)

The objection letter has not been included in this report at the request of the objector. The resident's grounds for objecting to the proposals are stated in section 1.5.3 of this report.

Council response (sent 10 February 2014)

Dear Resident,

I acknowledge receipt of your objection to the proposal to remove a section of the residents permit parking bay on Back Marine Avenue and replace that length with a "no waiting at any time" restriction. As discussed previously, the proposal which has been amended following consultation with residents is designed to prevent vehicles parked in the bay from blocking access to the private parking area opposite. Although your concerns regarding the potential effect on residential amenity are noted, the proposed scheme would preserve the right of access to the flats on Marine Avenue and free up on street parking places in the area. Your comments in respect of the private parking area at the rear of the flats are noted but as you will appreciate, North Tyneside Council would be unable to enforce such amendments.

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. As discussed during our recent telephone conversation, I will ensure that your objection remains anonymous.

Yours sincerely,

Nick Saunders
Senior Traffic Engineer - Parking Control

NORTH TYNESIDE COUNCIL

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

**North Tyneside (On Street Parking Places) (Consolidation) Order 2011
Variation 2014 - un-named road at the rear of Marine Avenue**

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 no waiting at any time restriction is amended on the following length of road:-

Amend Schedule 2 – No Waiting at Any Time

1. Amend Item 545 (iii) to read – the north west side, from a point 13 metres north east of its junction with Ilfracombe Gardens to that junction.

Amend North Tyneside (On Street Parking Places) (Consolidation) Order 2011
Schedule 6 Part I – Permit Holders Parking Places (All Hours/All Days WB4)

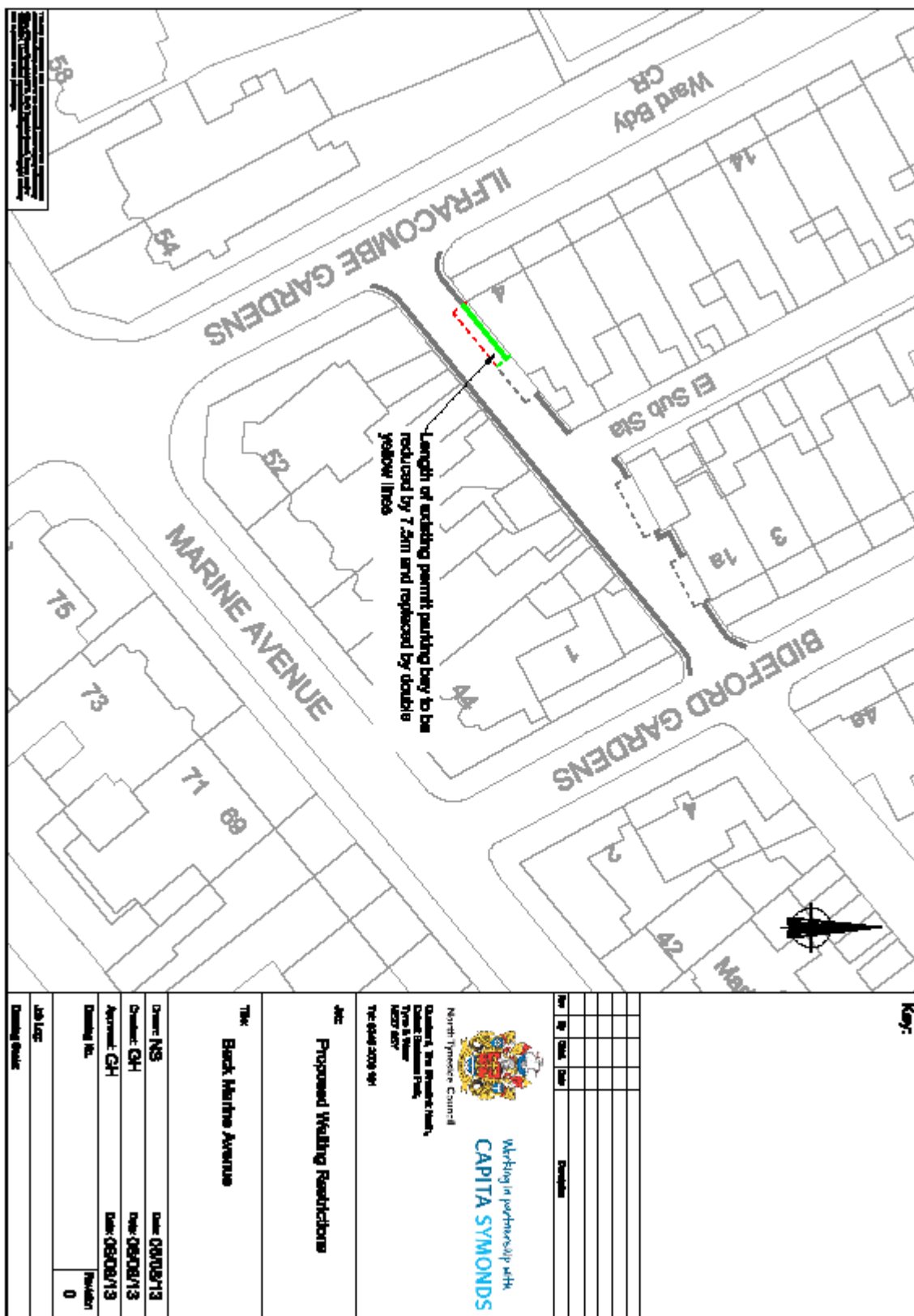
The un-named road at the rear of Marine Avenue, Whitley Bay, the north west side from a point 13 metres north east of its junction with Ilfracombe Gardens to a point 18 metres north east of that junction.

To improve safe access/egress to an off road parking facility.

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



Key:

No	By	Scale	Notes



North Tyneside Council
 Quality, The Greater Team,
 Customer Services Team,
 Type 3 Street
 NE27 8JY
 Tel: 0424 2029 401

Working in partnership with
CAPITA SYMONDS

Proposed Walking Restrictions

Title: Black Marine Avenue

Drawn: NS	Date: 09/08/13
Checked: CH	Date: 09/08/13
Approved: CH	Date: 09/08/13
Drawing No.	Revision
	0
Job Log:	
Drawing Status:	