

# **North Tyneside Council**

## **Report to Cabinet Member**

### **for Environment and Transport**

#### **Date: ## May 2020**

**Title:** Traffic Regulation Order – Clovelly Gardens, Whitley Bay

<b>Portfolio(s):</b> Environment and Transport		<b>Cabinet Member(s):</b> Cllr C Johnson
<b>Report from Service Area:</b> Environment, Housing and Leisure		
<b>Responsible Officer:</b>	Phil Scott, Head of Environment, Housing and Leisure	(Tel: 0191 643 7295)
<b>Wards affected:</b>	Whitley Bay	

#### **PART 1**

##### **1.1    Executive Summary:**

This report seeks the approval of the Cabinet Member for Environment and Transport to amend parking arrangements in Clovelly Gardens, Whitley Bay, including extending permit parking restrictions to apply to both sides of the street, and set aside two objections received to the proposal.

##### **1.2    Recommendation(s):**

It is recommended that the Cabinet Member for Environment and Transport:

- (1) considers the objections;
- (2) sets aside the objections in the interests of helping to reduce the level of non-residential parking in Clovelly Gardens thereby improving residential amenity; and
- (3) determines that the Traffic Regulation Order should be made, incorporating an amendment to the proposal as described in Section 1.5.1 of this report.

##### **1.3    Forward Plan:**

Considering objections relating to proposed Traffic Regulation Orders is a standing item on the Forward Plan.

## 1.4 Council Plan and Policy Framework

The proposals in this report relate to the following priority in Our North Tyneside, the Council Plan 2020 to 2024:

- Our places will:
  - have an effective transport and physical infrastructure

## 1.5 Information:

### 1.5.1 Background

The proposal to introduce permit parking restrictions on the east side of Clovelly Gardens was developed as a result of requests from a number of residents concerned about the amount of non-residential parking occurring on that side of the street. It was reported that this was reducing the amount of parking available for residents of Clovelly Gardens causing them inconvenience. Officers subsequently carried out site observations which established that the arrangement in Clovelly Gardens with permit parking on one side of the road and unrestricted parking on the other was inconsistent with that in neighbouring streets where restrictions apply to both sides of the street. Observations also confirmed high levels of parking on the unrestricted, east side of Clovelly Gardens.

When requests for permit parking restrictions are received from residents of unrestricted streets, the normal procedure would be for officers to assess each street against the criteria set out in the North Tyneside Council Parking Strategy. This includes evaluating the percentage of kerbside capacity occupied by parked vehicles, the proportion of parked vehicles associated with non-residents and the amount of off-street parking available. However, in the case of Clovelly Gardens, as part of the street is already restricted it was decided following site observations and discussions with ward councillors, that a proposal to introduce restrictions on the remainder of the street should be progressed and residents' views sought.

A proposal to amend the existing arrangement so that the whole of Clovelly Gardens would become part of the WB4 permit parking zone which current applies to adjoining streets was consequently drawn up. The proposal also included some changes to the existing waiting restrictions in Clovelly Gardens to enable the implementation of a zone arrangement.

Residents were informed of the proposal by letter. One resident responded to the letter, raising concerns. An officer corresponded with the resident seeking to address their concerns. The resident subsequently submitted a formal objection to the proposal as described in section 1.5.3. The proposal was supported by ward councillors.

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

Two further objections were initially received in response to the statutory Notice of Intention. One of these was based on the extent of the proposed waiting restrictions at

the junction of Clovelly Gardens and Eastbourne Gardens, and was subsequently withdrawn following an agreement by officers to propose a minor amendment to the scheme in order to maintain access to an adjacent residential property.

It is therefore proposed that the proposal should be amended such that the proposed waiting restrictions are extended by one metre in a southerly direction on each side of the carriageway (as shown in Appendix 3b).

A summary of the two remaining 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 the Cabinet Member for Environment and Transport for consideration in accordance with the Scheme of Delegation for Cabinet Members.

#### 1.5.3 Summary of Objections

**Ms B, a local resident** submitted an objection to the scheme based on her view that the change in restrictions would be detrimental to the parking provision for residents' visitors and that the cost of permits was unreasonable.

An officer wrote to the objector to clarify that the proposed change in restrictions was to prevent non-residential parking in Clovelly Gardens and that the majority of residents appeared to support the proposed scheme. It was also explained that residents could purchase parking vouchers to allow additional visitors to park within the restricted area and that the charges for permits had been introduced to cover costs and make schemes sustainable.

The objector was invited to reconsider their objection in light of this information by responding to officers in writing by 25<sup>th</sup> March 2020. No response was received.

**Ms R, a local resident** submitted an objection to the scheme based on her view that the scheme would create a dangerous situation by removing the existing double yellow lines from Clovelly Gardens.

An officer wrote to the objector to clarify that the waiting restrictions would have to be removed in order to implement a permit parking zone in accordance with current regulations. They also highlighted that by restricting the full street and reducing the amount of non-residential parking, there would be less scope for vehicles to park inappropriately.

The objector was invited to reconsider their objection in light of this information by responding to officers in writing by 24<sup>th</sup> March 2020. No response was received.

## **1.6 Decision options:**

The following decision options are available for consideration by the Cabinet Member for Environment and Transport:

### 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 proposal will help to reduce the level of non-residential parking in Clovelly Gardens thereby improving residential amenity.

## **1.8 Appendices:**

Appendix 1 Details of the objection and associated correspondence

Appendix 2 Traffic Regulation Order advertised on site

Appendix 3A Copy of Proposed Plan – original proposal

Appendix 3B Copy of Proposed Plan – proposed amendment

## **1.9 Contact officers:**

Andrew Flynn, Integrated Transport Manager, 0191 643 6083

Nick Saunders, Senior Traffic Engineer, Capita, 0191 643 6598

Cathy Davison, Principal Accountant Investment (Capital) and Revenue, 0191 643 5727

## **1.10 Background information:**

North Tyneside Parking Strategy

<https://my.northtyneside.gov.uk/category/737/parking-strategy>

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

Funding is available from the 2020/21 (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. Before making a Traffic Regulation Order the Authority must consider all objections made and not withdrawn, and can decide whether to make the Order unchanged, to make the Order with modifications or not to proceed with the Order.

In accordance with the Authority's scheme of Delegation to Cabinet Members, if any objections cannot be resolved, then the Cabinet Member for Environment and Transport is asked to consider those objections made and not withdrawn and to determine the Traffic Regulation Order.

The Legal Notice of Intent was published in the local press and may be cited as the North Tyneside Council (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2019 and (On Street Parking Places) (Consolidation) Order 2019 Variation Order 2020.

## **2.3 Consultation/community engagement**

### **2.3.1 Internal consultation**

Ward members' views on the proposal were sought as described in section 1.5.1.

### **2.3.2 Community engagement**

Local residents' views on the proposal were sought as described in section 1.5.1. The proposal was advertised 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.

## **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 ☒
- Head of Service ☒
- Mayor/Cabinet Member ☐
- Chief Finance Officer ☒
- Monitoring Officer ☒
- Head of Corporate Strategy and Customer Service ☒

**Details of Objection – Ms. B (Dated 6<sup>th</sup> February 2020)**

Please see forwarded emails below between myself and an officer about the parking proposals for Clovelly Gardens.

He has advised me to write to you about my worries and objection to the proposed parking restrictions.

Please read both of my emails as well as the officer's response.

Thankyou.

I look forward to your comments.

**Ms B's response to officer's consultation letter – (Dated 10/01/2020)**

I am writing in response to the hand delivered letter setting out the proposed changes to our current parking scheme.

I have lived in Clovelly Gardens twenty two years and whilst I have on many occasions in the past been outraged that there was nowhere for me to park when returning home in the evening because of non residents parking, it has also been a valuable free space for my relatives to park.

We have always been advised in the past, only one visitors permit which meant that when more than one family member visited at the same time, there was always space on the other side of the street.

The fear I have now with the new proposal is that both my husband and I have elderly relatives that cannot walk very far and my mother has a blue badge.

Where will they park?

I also have three sons that work away and can all be back at the same time. Where will they be able to park? One of my sons working schedules requires that he has to have a hire car sent to him from his place of work, for the following days travel, which is usually dropped off on our street when he is not at home. He has in the past been charged by the hire company who have received tickets for parking on the 'wrong' side of the street

They now know they have to park on the other side of the street to prevent that happening.

Where will they be able to park this car safely for the short time it will be there?

Having this free space is very important for lots of reasons besides those mentioned above.

I know that you say that more permits can be 'purchased' in the same way as we do now.

But really! I already have to pay for three permits including the visitor one which would make this quite unreasonable. Up until a couple of years ago the 'home owner' was given a 'free' permit. Then it went to a 'paid' two year permit and now the 'home owner' permit has been reduced again to a paid 'yearly' now, as well as paying for extra family and visitor permits.

It is really beginning to look like an exercise for more 'Revenue' rather than looking after the 'Residents'

I would welcome a resident only 'free' parking on that side of the road which would then require a none chargeable permit that could be used by residents and their visitors only.

This would then enable parking under the same scheme as it is now but the only change would be that it is a 'resident' only parking.

When you consider that this side of the street does not allow for a 'full sized' parking space, having to park half on and off the pavement, I think it would be very unreasonable to have to pay for a permit under those conditions.

I therefore oppose the proposal as it stands now and ask you to consider closely the points made above.

As this proposal stands it will create more problems for residents and their visitors parking, not ease them.

Looking forward to your response with anticipation.

Officer response – (Dated 31/01/2020)

Dear Ms B,

Thank you very much for your correspondence. Apologies for my delay in responding to your below email.

I have discussed your comments with your local ward councillors. Although we appreciate your concerns, we have decided to progress to a statutory consultation due to request from residents as to prevent non-residents from utilising Clovelly Gardens as a place to park vehicles. It will also bring Clovelly Gardens in line with the restrictions located in surrounding streets.

Notices will be erected on lamp columns today and if you still oppose the proposal, you will be able to formally object to the scheme by following instructions on the notices.

Ms B response – (Dated 31/01/2020)

Whilst I expected this response, I am disappointed that my views as a resident of 22yrs has just been disregarded to accommodate new residents views that may not fully understand the results of this change.

If this is to go ahead, I really need to ask again where will my family members park when this is implemented?

I have 3 sons who work away. They all visit at the same time like Christmas etc

What do we do about a hire car being left for one of my sons from his place of work, (for only a few hours at most) once or twice per month if he is not at home at the time they deliver?

Will FREE extra Visitors permits be issued to accommodate that side of the road?

If this were the case, then problem solved, but most likely the 'revenue' side of things will take precedence and as I already pay for 3 permits this will increase my costs to an unreasonable amount for permission for me and my family to park beside my own home.

I do fully agree with stopping non residents from taking up our right to park beside our own homes, but charging us even more than we already pay for that right, is very unfair. A few years back. a home owner used to be issued a free permit. Bringing this back would at least help if further permits are to be charged for.



I really don't know how to solve the problems I have stated above and am really worried that this will cause immense problems for some of us when our families visit together, or when a hire car is dropped off.

I would appreciate your views on how to solve the problems above (because I am at a loss to find one) for when this will undoubtedly and unfortunately go ahead despite objections.

### **Officer Response (Dated 11<sup>th</sup> March 2020)**

I am emailing following your formal objection to the proposal to change the parking arrangements in Clovelly Gardens (as shown on the attached plan). I would like to thank you for the comments you have raised in your objection and to clarify the reasons why we are proposing to change the current restrictions.

The proposal to introduce permit parking restrictions on both sides of Clovelly Gardens has been developed as a result of concerns amongst residents relating to the amount of non-residential parking occurring in the street. The proposed arrangement ultimately gives more priority to residents and their visitors and brings the parking scheme at Clovelly Gardens in line with those operating in neighbouring streets. The existing bay markings on one side of the carriageway would be removed and instead the whole street would become a permit parking zone. The proposal is supported by local ward councillors and the majority of residents in the street.

With regard to hire cars, these could park within the zone by using a visitor permit. In addition, please note that blue badge holders are able to park within permit parking zones for up to 3 hours without displaying a permit (the blue badge would be sufficient). Permit parking schemes are intended to accommodate the usual, day to day requirements of residents and their visitors but it is acknowledged that there may be occasions when residents wish to receive multiple visitors at the same time. In order to accommodate this, residents living within permit parking schemes are able to purchase parking vouchers for visitors to use to supplement the annual visitor permit. More information about parking vouchers can be found at the following link to North Tyneside Council's website: <https://my.northtyneside.gov.uk/category/710/parking-vouchers>

With regard to the introduction of charges for parking permits in the borough, this occurred in July 2018 (following an extensive review of the permit parking system by North Tyneside Council's Overview and Scrutiny Committee) in order to make the system self-financing and to secure its long-term future. Whilst your comments regarding this charge are noted, the Council feels it is not unreasonable to charge where the local authority is incurring costs in implementing and operating a scheme that increases the likelihood of residents being able to find a convenient parking place and enhances the amenity of the area.

I hope that the above information has addressed some of your concerns about the proposed scheme and If you would like to withdraw your objection in light of this I would be grateful if you could let me know in writing by 25<sup>th</sup> March 2020. If I do not hear from you before then, I will assume that you still object to the proposed scheme and your objection will be included in a report to be presented to the Cabinet Member for Environment and Transport for consideration in the near future. You will be notified of the Cabinet Member's decision with regard to this scheme in due course.

If you have any further questions please do not hesitate to contact me.

### **Details of Objection – Ms R (Dated 10<sup>th</sup> February 2020)**

Dear Sir/Madam,

With reference to the above I wish to object to the proposal as it stands.

My concern is the removal of the double yellow lines on each corner of the back lane between number 4 and 6 Clovelly Gardens leading to Ventnor Gardens. There doesn't seem to be any provision made to deter people from parking on the junction (such as pavement bollards) and as such causing unnecessary congestion for traffic, pedestrians and emergency vehicles alike.

As double yellow lines are to remain on the junction with Eastbourne Gardens can I suggest that they also remain on the junctions with the back lanes. If double yellow lines are not acceptable, then some other form of no parking signage in order to keep the junction clear.

If you look at exit of the lane onto Ventnor Gardens, where junction and pavement parking appear to have become the norm, you may appreciate the danger it creates for pedestrians and drivers trying to exit the lane. It's an accident waiting to happen and these proposals are creating the same, unacceptable situation.

### **Officer Response (Dated 11<sup>th</sup> March 2020)**

I am emailing following your formal objection to the proposal to change the parking arrangements in Clovelly Gardens (as shown on the attached plan). I would like to thank you for the comments you have highlighted in your objection. I would like to clarify the extents of the proposal and the reasons why we are proposing to change these restrictions.

The proposal to change the arrangement of parking restrictions at Clovelly Gardens has been developed to prevent non-residents from parking on the currently unrestricted side of the carriageway. This ultimately gives priority to residents and brings the parking scheme at Clovelly Gardens in line with the parking restrictions in neighbouring streets. In order to implement a permit parking zone, the double yellow lines within it must be removed as no contradictory restrictions can be included within a permit zone. Although this approach may seem to promote obstructive parking, the additional restrictions will remove the pressure of non-residential parking and therefore lessen any requirement for vehicles to park in inappropriate locations. In addition, it is expected that residents themselves are less likely to parking inappropriately than visitors to the area. However, we would monitor the impact of the proposed scheme following its implementation to ensure vehicles are not parking in an obstructive manner and consider additional remedial measures if necessary.

If you would like to withdraw your objection in light of the information provided above I would be grateful if you could let me know in writing by 24<sup>th</sup> March 2020. If I do not hear from you before then, I will assume that you still object to the proposed scheme and your objection will be included in a report to be presented to the Cabinet Member for Environment and Transport for consideration in the near future. You will be notified of the Cabinet Member's decision with regard to this scheme in due course.

If you have any further questions please do not hesitate to contact me.

**NORTH TYNESIDE COUNCIL**  
**(Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2019 and (On Street Parking Places) (Consolidation) Order 2019 Variation Orders 2020**

North Tyneside Council gives notice that it proposes to make Variation Orders under Sections 1, 2, 45, 46 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 and all other enabling powers. The effect of the Orders, if made, will be to vary:

- A. The North Tyneside (Prohibition and Restriction of Waiting and Loading) (Consolidation) Order 2019 so that:
- a) no waiting at any time restrictions (double yellow lines) be introduced on:
    - i) Clovelly Gardens, Whitley Bay, both sides, from its junction with Eastbourne Gardens to a point 3 metres south of that junction.
  - b) The no waiting at any time restrictions (double yellow lines) on the following lengths of road be revoked:
    - i) Clovelly Gardens, Whitley Bay, east side, from a point 6 metres south of its junction with Eastbourne Gardens to that junction.
    - ii) Clovelly Gardens, Whitley Bay, west side, from a point 6 metres south of its junction with Eastbourne Gardens to its junction with Eastbourne Gardens.
    - iii) Clovelly Gardens, Whitley Bay, west side, from a point 5 metres south of its junction with the un-named road at the rear of Eastbourne Gardens (south) to a point 5 metres north of that junction.
- B. the North Tyneside (On Street Parking Places) (Consolidation) Order 2019 so that:
- a) the permit holder parking places on the following lengths of Clovelly Gardens, Whitley Bay be revoked:
    - i) west side, from a point 5 metres south of its junction with Eastbourne Gardens to a point 5 metres north of the unnamed road at the rear of Eastbourne Gardens (south).
    - ii) west side, from a point 5 metres south of the unnamed road at the rear of Eastbourne Gardens to a point 18 metres north of the unnamed road at the rear of Marine Avenue (north).
  - b) permit holder parking places, to be operational at all times, be introduced on Clovelly Gardens, Whitley Bay from its junction with Eastbourne Gardens to its junction with the unnamed road to the rear of Clovelly Gardens (east side).

Details of the proposals may be examined at the address below between 8.30am and 4.00pm on Mondays to Fridays or online [www.northtyneside.gov.uk](http://www.northtyneside.gov.uk) (Statutory Notices). If you wish to object to the proposals, you should send the grounds for your objection in writing to the undersigned or via email to [democraticsupport@northtyneside.gov.uk](mailto:democraticsupport@northtyneside.gov.uk) by 21 February 2020. Any objections received will be placed in the working file and can be viewed by the public if requested.

31 January 2020  
Head of Law & Governance  
Quadrant, Silverlink North, Cobalt Business Park, NE27 0BY





