

North Yorkshire County Council
Business and Environmental Services

Executive Members

22 October 2021

Wheatcroft Avenue, Scarborough – proposed waiting restrictions.

Report of the Assistant Director – Highways and Transportation

1.0 Purpose of Report

- 1.1 To enable the Corporate Director - Business and Environmental Services (BES) and County Councillor Don Mackenzie– Executive Member for Access to consider objections and comments received following public consultation and statutory advertisement carried out for proposed waiting restrictions.

2.0 Background

- 2.1 Wheatcroft Avenue, Scarborough is a local distributor road accessed from a signalised junction with Filey Road. It ends in a cul-de-sac adjacent to the cliff. The cul-de-sac section of Wheatcroft Avenue serves four properties, one of which is divided into seven apartments. All properties have a constructed access and have ample off street parking provision. Wheatcroft Avenue is 7.2m wide, with verges on either-side approximately 2.0m wide and footways 1.8m minimum width.



Figure 1 - photograph of the cul-de-sac section of Wheatcroft Avenue



Figure 2 - plan showing Wheatcroft Avenue and its proximity to two primary schools and a further/ higher education establishment.

- 2.2 As can be seen on the plan above there are two schools on Holbeck Hill to the south east of its junction with Wheatcroft Avenue, both primary. The Scarborough University Campus, on Filey Road opposite Wheatcroft Avenue, has become Scarborough TEC. There is a free car park at the seaward end of Sea Cliff Road with pedestrian access to Wheatcroft Avenue.
- 2.3 There have been long running local issues around parking in this area with increased numbers of students attending the University wanting to park, and parents of pupils attending the two local primary schools parking to drop off and pick up their children. A series of restrictions prohibiting waiting have been introduced in the last two decades. In 2003 restrictions were introduced on Holbeck Hill and the section of Wheatcroft Avenue between Filey Rd and Holbeck Hill. This led to increased parking on the seaward side of Wheatcroft Avenue and, at the time, resulted in additional parking restrictions being requested by local residents and the local member.
- 2.4 The existing no waiting at any time restriction, which can be seen in figure 1, and which is the subject of this report, was introduced in summer 2005.
- 2.5 Following representations from local residents of Holbeck Hill in the vicinity of the two primary schools and the schools, it was agreed to consult on proposals to increase parking provision on Wheatcroft Avenue in an effort to relieve pressure on the section of Holbeck Hill immediately outside the schools. The subsequent consultation in 2010 proposed to allow for more parking between 9am and 3pm Monday to Friday on the southern side of Wheatcroft Avenue for practically its full length. After representations from Wheatcroft Avenue residents, a decision was taken not to proceed with the proposals.

3.0 Proposals

- 3.1 Improved parking provision has been requested for a section of Wheatcroft Avenue; from its junction with Holbeck Hill to its cul-de-sac end. This section is pictured in Figure 1.
- 3.2 The proposal is to remove a length of existing double yellow lines to allow for a limited number of unrestricted parking spaces. The proposal allows for the maintenance of a turning area for vehicles at the end of the cul-de-sac by retaining the waiting restriction there.

4.0 Consultation

- 4.1 The proposals have been the subject of consultation and public advertisement in accordance with the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Appendix A contains the consultation letter and a drawing showing the extent of the proposals. The Traffic Regulation Order was advertised on 19 November 2020 and any person could make objections and representations until 14 December 2020. Appendix B contains the advertised schedule

5.0 Consultation response

- 5.1 There were a total of 16 consultation letters delivered to residents with 10 responses received from the residents of Wheatcroft Avenue. Of those responding, six responses were opposed to the proposals. One made other related comments. Three others who agreed to the proposals requested that any parking be limited to school arrival and leaving times, to prevent whole day and overnight parking. It should also be noted that, following the close of the consultation, residents have continued to correspond directly with local area highways office highlighting parking practices and problems and relatively new concerns specifically regarding motor caravan parking.
- 5.2 Cllr Callum Walsh, the local County Councillor for the Weaponness and Ramshill Division, expressed that he welcomed the comments and concerns received from the consultation and that he supported the as advertised proposals providing much needed additional parking for parents of pupils at the two schools without affecting the access to properties.
- 5.3 A consultation letter was sent to the Yorkshire Coast Disability Forum, as a statutory consultee and no response was received.
- 5.4 A summary of the consultation comments received, together with officer comments, is attached as Appendix C.
- 5.5 Given the strength of feelings expressed by residents concerning unrestricted 24 hour parking and the prospect of motor caravans parking for lengthy periods and the wish of the local member that a solution be found to address the concerns, officers recommend that the proposals are re-advertised, with parking permitted in the same locations as previously proposed, but only between the hours of 8am -10am and 2pm - 5pm, every day.
- 5.6 Cllr Walsh was advised that officers, having reviewed the consultation findings and the reasoning for the initial request for a relaxation of the existing restrictions, recommend to re-advertising proposals as described in 5.5. Cllr Walsh approves of this way forward.

6.0 Equalities

- 6.1 Consideration has been given to the potential for any equality impacts arising from the recommendation. It is the view of officers that the recommendation does not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010 and a copy of the Equalities Impact Assessment screening form is attached as Appendix D.

7.0 Climate Change

- 7.1 Consideration has been given to the potential for any climate impacts arising from the recommendation. It is the view of officers that the recommendation has a neutral impact on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030 and a copy of the Climate change impact assessment screening form is attached as Appendix E.

8.0 Finance

- 8.1 The cost of advertising the Traffic Regulation Order and installing the appropriate lining and signage is estimated to be £5,000 which will be funded by Cllr Walsh's Locality Budget.

9.0 Legal

- 9.1 North Yorkshire County Council proposes to make an Order under Sections 1 of the Road Traffic Regulation Act 1984, specifically with reference to the provisions of sections 2(1) to (3), 4(2), 32(1), 35(1) and 45 to 49 and Part IV of Schedule 9 to the 1984 Act and under the Traffic Management Act 2004, the effect of which will be to introduce waiting restrictions on the various named roads in Scarborough.
- 9.2 Section 122(1) of the Road Traffic Regulation Act 1984 provides that it shall be the duty of every local authority upon whom functions are conferred by or under the 1984 Act so to exercise those functions as to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- 9.3 The County Council considers that it is expedient to make this TRO on grounds of Section 1(1)(a,c and f) of the 1984 Act - *for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, for facilitating the passage on the road or any other road of any class of traffic (including pedestrians) and for preserving or improving the amenities of the area through which the road runs*; having taken into account its duty under Section 122(1) of the 1984 Act.
- 9.4 Where an Order has been made (sealed), if any person wishes to question the validity of the Order or any of its provisions on the grounds that it or they are not within the powers conferred by the Road Traffic Regulation Act 1984, or that any requirement of the 1984 Act or of any instrument made under the 1984 Act has not been complied with, they may apply to the High Court within 6 weeks from the date on which the Order is made.
- 9.5 A new process for the consideration of objections to traffic regulation orders was approved by the Executive on 29 April 2014 and County Council on 21 May 2014. The consideration of objections to Traffic Regulation Orders (TROs) is now a matter for the Executive and the role of the Area Constituency Committee is changed to a

consultative role on wide area impact TROs. The consideration of objections has been delegated by the Executive to the Corporate Director of Business and Environmental Services (BES) in consultation with BES Executive Members. The new decision making process relates to the provision and regulation of parking places both off and on the highway where an objection is received from any person or body entitled under the relevant statute. A wide area impact TRO is classed as a proposal satisfying all of the three criteria set out below:

- The proposal affects more than one street or road and,
- The proposal affects more than one community and,
- The proposal is located within the ward of more than one County Councillor.

9.6 These proposals do not meet the criteria required to be classed to have an area wide impact.

10.0 Recommendations

- 10.1 On the basis of the consultation responses, it is recommended that in consultation with County Councillor Don Mackenzie – Executive Member for Access:
- i. the proposals are re-advertised, with parking permitted in the same locations as previously proposed, but only between the hours of 8am -10am and 2pm - 5pm, every day.
 - ii. The commenters/objectors are notified of the decision to re-advertise
 - iii. A further report is brought once the re-consultation has concluded

BARRIE MASON
Assistant Director - Highways & Transportation

Author of Report: Matthew Baldwin, Project Engineer, Area 3 - Whitby

Background Documents: None

Formal Consultation – November 2020, Wheatcroft Avenue



Contact : Matthew Baldwin

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17th November 2020

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Dear Sir/Madam,

CONSULTATION RE. – Proposed amendments to revise the 'No waiting at any time' restriction on Wheatcroft Avenue, Scarborough.

I am writing to advise that we are proposing changes to the existing 'no waiting at any time' restrictions, double yellow lines on Wheatcroft Avenue between its junction with Holbeck Hill and its cul de sac end. The proposal is to reduce the amount of double yellow lines to allow for a limited number of parking spaces. This should create a more suitable location for parents to drop and pick up than immediately outside the two schools, increasing pupil and pedestrian safety.

The Council is required to consult those directly affected by the proposal and the purpose of this letter is to provide you with details of the scheme and allow you the opportunity to express your views.

Attached is a plan showing the proposed location of the scheme and a simple questionnaire for you to signify your views regarding the proposals. Please return questionnaires by 14th December 2020.

It is also the duty of the Council to legally advertise this proposal, which will be done in parallel with the consultation exercise. The legal process includes site notices and adverts in the local press detailing the specifics of the Traffic Regulation Order amendment.

If there are no objections to the proposals, it is anticipated that the scheme would be implemented within six months from the end of the consultation period. However, if objections are raised which are not resolved or withdrawn, it will be necessary to report them to a meeting of the County Council's Business and Environmental Services (BES) Executive Members overseeing the responsibilities of Corporate Director, BES, Karl Battersby, to decide whether the objections should be upheld or overruled.

The date and venue of any meeting together with conditions regarding public access will be advised, if applicable. I trust this is satisfactory and look forward to receiving your comments.

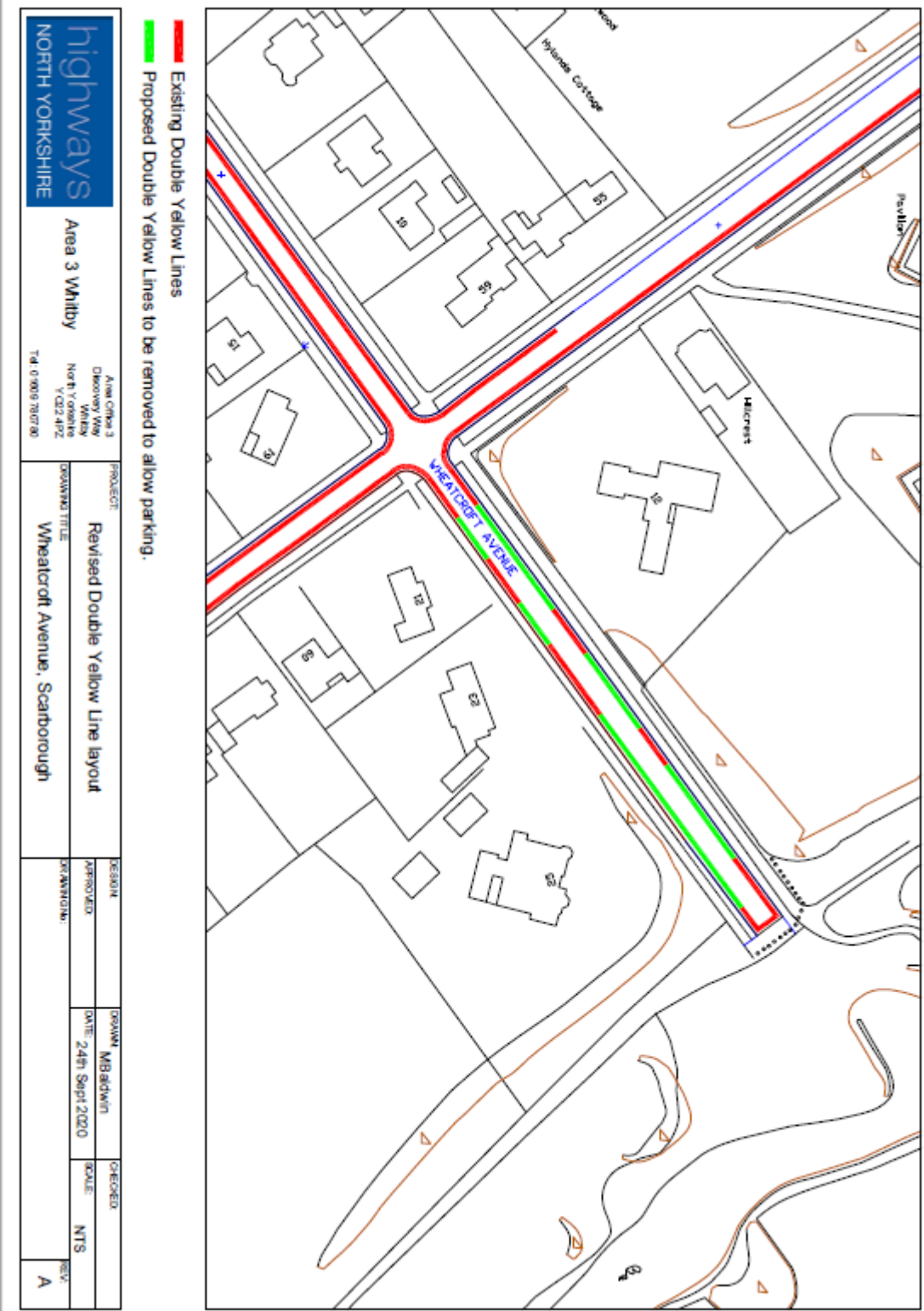
Yours Faithfully

H Watson

Helen Watson
Improvement Manager

Business and Environmental Services ■

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TRO Schedule.

Street	Side	From	To	Restriction	Hours	Zone
Wheatcroft Avenue	North west	Its junction with Holbeck Hill	To a point 15 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 43 metres north east of its junction with Holbeck Hill	To a point 55 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 75 metres north east of its junction with Holbeck Hill	To a point 85 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	North west	To a point 110 metres north east of its junction with Holbeck Hill	To its north eastern Cul de Sac end	No waiting	At any time	
Wheatcroft Avenue	South east	Its junction with Holbeck Hill	To a point 15 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 26 metres north east of its junction with Holbeck Hill	To a point 38 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 49 metres north east of its junction with Holbeck Hill	To a point 68 metres north east of its junction with Holbeck Hill	No waiting	At any time	
Wheatcroft Avenue	South east	To a point 120 metres north east of its junction with Holbeck Hill	To its north eastern Cul de Sac end	No waiting	At any time	

Summary of consultation comments received and officer comments

	Themes raised	Number of responses mentioning	Officer comment
1	Concerns that vehicles would be parked across private accesses making it difficult for residents to access their properties and that the parking would make access for emergency vehicles difficult.	5	<p>The 7.1m road width is sufficient to allow parking on both sides of the road and still have enough width for single file traffic, allowing access by Emergency vehicles should it be needed.</p> <p>Retaining the existing parking restrictions across property drives will deter obstruction and provide passing places.</p> <p>No waiting at any time road markings will be retained between the last property and the end of the cul-de-sac creating a turning area.</p> <p>The carriageway is wide enough (7.1m) to allow additional on street parking spaces, immediately adjacent local residential properties have sufficient off street parking and perhaps are concerned about additional parked vehicles affecting their amenity which is not a legitimate highway concern.</p>
2	Concerns that there is no constructed turning area at the cul-de-sac end for vehicles to use and that sometimes drivers use driveways (verge crossings) to aid their turn.	4	<p>No waiting at any time restrictions and line markings will be retained at the end of the cul-de-sac and for 20 metres on the northern side and 10 metres on the southern side to give enough room for vehicles to manoeuvre and also space for an additional vehicles to wait.</p> <p>The highway extends from the back of the footway, including any verge on both sides giving approximately 3.6 metres</p>

			<p>either side. This is legitimate use of the highway, although it is acknowledged this can be irritating for residents, it appears unlikely that vehicles would enter a resident's property in order to turn.</p>
3	<p>Concerns that if parking is re-introduced that any spaces should be time restricted to stop all day parking, and the potential for overnight parking by motor homes. Several suggested that morning and afternoon parking windows for parents are all that is required.</p>	10	<p>Wheatcroft Avenue is sufficiently wide to allow some much needed and requested parking. Lack of parking in this area has exacerbated issues of inconsiderate and unlawful parking around the local schools. The local schools on Holbeck Hill have tried to control this with education campaigns and parents have raised the issues as a concern to children's safety.</p> <p>It should be noted that the end of the cul-de-sac also provides access to the coastal pathways regularly used by locals and visitors alike.</p> <p>Most of the comments expressed concern that the proposal was to allow parking 24 hours a day.</p> <p>Officers accept the comments and note that if the proposals we re-advertised, time windows should be created to allow parking suited to the needs of the schools. A morning and afternoon parking window could be created by use of single yellow lines which could prohibit waiting overnight and the middle of the day.</p> <p>Therefore, officers recommend that the proposals are re-advertised, permitting parking 7 days a week but between the hours of 8:00am – 10:00am and 2:00pm - 5:00pm. Officers recommend that restrictions are proposed consistently, 7 days a week and all year round, in order that the signs explaining the restrictions will be simpler and therefore easier to understand. This is preferable to overly-complicated signs.</p>

4	Concerns that Wheatcroft Avenue (Filey Rd to Holbeck Hill) and Holbeck Hill are already busy roads and hence the junction is busy and that the addition parking on Wheatcroft Avenue on the eastern side of Holbeck Hill will increase the pressure at this already busy junction.	4	<p>Allowing some parking at the cul-de-sac end of Wheatcroft Avenue will not overly stress the junction.</p> <p>There is unlikely to be a significant increase in the number of vehicle movements at school times.</p> <p>In the last five years there has been no recordable injury collision incidents.</p> <p>The local member asked for this review to take place to increase the amount of local on street parking.</p>
5	The point was raised that the road layout of Holbeck Hill adjacent to the schools has a turning facility and that there is space available for additional parking there, if the 'no waiting' and other restrictions are reviewed on Holbeck Hill.	3	Any increase in parking outside the schools on Holbeck Hill has been examined previously and it was concluded that encouraging further vehicle movements closer to the schools is undesirable. Creating additional parking spaces on Wheatcroft Avenue, further away from the schools is more preferable.
6	There is a car park on Sea Cliff Rd and it is free to park, perhaps implying there is no need for additional parking on Wheatcroft Avenue	1	<p>There have been a number of attempts to organise a 'park and stride' operating from the car park to the schools however the organisers had been told it is too far for the primary aged pupils to walk.</p> <p>The local member has asked for this review to take place to increase the amount of local on street parking on Wheatcroft Avenue.</p>
7	Concerns were raised that creating new parking spaces on Wheatcroft Avenue would not stop the parking outside the schools on Holbeck Hill.	1	This scheme does not seek to resolve all the existing long running issues on Holbeck Hill.

APPENDIX C

8	Provided general information regarding the restriction on Wheatcroft Avenue including comments on why the restriction was initially introduced, the school crossing patrol and historical accident history.	1	Noted. In the last five years there has been no recordable injury collision incidents.

Initial equality impact assessment screening form			
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.			
Directorate	Business and Environmental Services		
Service area	Highways and Transportation		
Proposal being screened	The revision of the Road Traffic Regulation Order to allow more parking.		
Officer(s) carrying out screening	Matthew Baldwin		
What are you proposing to do?	The revision of the Road Traffic Regulation Order to allow more parking.		
Why are you proposing this? What are the desired outcomes?	to allow further on street parking where the road is wide enough to accommodate it		
Does the proposal involve a significant commitment or removal of resources? Please give details.	No		
Impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics As part of this assessment, please consider the following questions: <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? 			
If for any characteristic it is considered that there is likely to be an adverse impact or you have ticked 'Do not know / no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.			
Protected characteristic	Potential for adverse impact		Do not know / No info available
	Yes	No	
Age		X	
Disability		X	
Sex		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristics			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known	No		

inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.				
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No			
Decision (Please tick one option)	EIA not relevant or proportionate:	Yes	Continue to full EIA?;	No
Reason for decision	It is considered that there are no significant negative impacts on people with protected characteristics. None of those consulted, including the Yorkshire Coast Disability Forum, identified equality concerns.			
Signed (Assistant Director or Equivalent)	<i>Barrie Mason</i>			
Date	<i>12/10/2021</i>			

Climate change impact assessment

The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision-making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Amendment to Borough of Scarborough (Prohibition of Waiting and Loading and Provision of Parking) Consolidation Order 2011, Wheatcroft Avenue, Scarborough
Brief description of the proposal	Amend current no waiting restrictions to allow additional parking.
Directorate	BES
Service area	Highways & Transportation
Lead officer	Matthew Baldwin
Names and roles of other people involved in carrying out the impact assessment	
Date impact assessment started	16 th August 2021

<p>Options appraisal</p> <p>Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.</p> <p>No</p>
<p>What impact will this proposal have on council budgets? Will it be cost-neutral, have increased cost or reduce costs?</p> <p>Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.</p> <p>The cost of advertising the Traffic Regulation Order, installing the appropriate lining and signage is estimated at approximately £5,000 which will be funded from Cllr Walsh's Locality Budget.</p>

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where)	No impact (Place a X in the box below where)	Negative impact (Place a X in the box below where)	Explain why will it have this effect and over what timescale?	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.					Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 		
Minimise greenhouse gas	Emissions from travel			X	Allow some additional parking on both sides of the road		

APPENDIX E

How will this proposal impact on the environment?		Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	Explain why will it have this effect and over what timescale? Where possible/relevant please include: <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	Explain how you plan to mitigate any negative impacts.	Explain how you plan to improve any positive outcomes as far as possible.
emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.	Emissions from construction						
	Emissions from running of buildings						
	Other						
Minimise waste : Reduce, reuse, recycle and compost e.g. reducing the use of single-use plastic			X				
Reduce water consumption			X				
Minimise pollution (including air, land, water, light and noise)				X	Allow some additional parking on both sides of the road		

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer-term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of the effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>X</p>				
<p>Enhance conservation and wildlife</p>		<p>X</p>				
<p>Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape</p>		<p>X</p>				
<p>Other (please state below)</p>						

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision-maker.

Neutral Impact - The negative impacts are minor and not significant particularly when balanced with the need to make improvements for road users at this location.

Sign off section

This climate change impact assessment was completed by:

Name	Matthew Baldwin
Job title	Project Engineer
Service area	Highways & Transportation
Directorate	BES
Signature	
Completion date	16 th August 2021

Authorised by relevant Assistant Director (signature): Barrie Mason

Date: 12/10/2021