

FALKIRK COUNCIL

Subject: THE FALKIRK COUNCIL (COW WYND, FALKIRK) (PROHIBITION OF WAITING) ORDER 2015
Meeting: PLANNING COMMITTEE
Date: 25 MAY 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North

Local Members: Councillor David Alexander
Councillor Dr Craig R Martin
Councillor Cecil Meiklejohn
Provost Pat Reid

Community Council: Falkirk Central Community Council

Council Officer: Russell Steedman – Network Co-ordinator

1. UPDATE REPORT

- 1.1 Members will recall that a report on this proposed traffic regulation order was originally prepared for the Planning Committee on 27 April 2016 (copy attached as Appendix A).
- 1.2 It was agreed to continue consideration of the proposed traffic regulation order to allow an update report to be tabled incorporating the unattributed objections to the proposed order. The unattributed content of the objections and a typical response from Development Services are attached as Appendix B.

2. RECOMMENDATION

- 2.1 Members are asked to consider the terms of the report including the objections and determine whether the Order should be made.

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Director of Development Services
Date: 16 May 2016

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

FALKIRK COUNCIL

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Date: 27 APRIL 2016
Author: DIRECTOR OF DEVELOPMENT SERVICES

Ward: Falkirk North

**Local Members: Councillor David Alexander
Councillor Dr Craig R Martin
Councillor Cecil Meiklejohn
Provost Pat Reid**

Community Council: Falkirk Central Community Council

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1. INTRODUCTION

1.1 This report seeks a decision on The Falkirk Council (Cow Wynd, Falkirk)(Prohibition of Waiting) Order 2015, the purpose of which is to replace a 31 metre long section of existing single yellow line with double yellow lines from outside HiFi Corner to approximately half-way along The Pantry as shown on drawing referenced TRO/15/025/1. In terms of the Council's Scheme of Delegation, this decision requires to be made by Committee as unresolved objections have been received to the making of the Order. In terms of the relevant legislation, the authority requires to consider all objections made and not withdrawn before making the Order.

1. Members should be aware that it is available to them to call for a hearing on the Order should they find themselves unable to determine whether the Order should be made or not at this stage. Such a hearing would be conducted by an independent person (referred to as "the reporter") appointed by the Council from a list of persons compiled by the Scottish Ministers for that purpose. Members would then need to consider the report and recommendation of the reporter before making a determination.

2. BACKGROUND

2.1 Historically, Development Services has received correspondence from members of the public raising concerns regarding parked vehicles on Cow Wynd. More recently an enquiry was received from a resident of Cow Wynd suggesting that parked vehicles were causing a measure of congestion and obstructing the driveway to their property. The parking appears to be by shoppers who may mis-understand the significance of a single yellow line and mistakenly believe that a grace period for parking exists.

2.2 Observations indicate that the total length of parked vehicles in this location can, on occasion, cause localised congestion.

3. PROPOSAL

- 3.1 The provision of double yellow line waiting restrictions on Cow Wynd would alleviate congestion by providing a localised passing place on Cow Wynd, thus permitting drivers to pull over and permit approaching cars to pass by.
- 3.2 In accordance with the Local Authorities Traffic Orders (Procedure) (Scotland) Regulations 1999 (“1999 Regulations”), notices of intention were posted on-street and in the local press in the prescribed manner at the end of November 2015.

4. CONSULTATION

- 4.1 Nine objections were received during the objection period and were not withdrawn following explanatory correspondence. A further 4 emails objecting to the Order were received during the objection period, however these emails did not state the grounds on which the objections were being raised. Under the 1999 Regulations, objectors must state the grounds on which their objection is made to allow proper consideration of any issues raised. In view of this, the 4 emails mentioned above are not considered to be valid objections and do not form part of the considerations of this report.
- 4.2 The objections received were from owners and employees of businesses located on Cow Wynd. The basis for the majority of these objections related to concerns regarding an anticipated decrease in customers visiting their premises. Five of the objectors suggested that the double yellow lines would prevent customers loading and unloading or dropping off and picking up passengers. Two objectors advised that they believed drivers misunderstand the meaning of double yellow lines suggesting that this would discourage drivers from loading and unloading. Two objectors advised that they were concerned that the proposals would put their jobs at risk and one objector suggested the proposals would be detrimental to “footfall” on Cow Wynd. Two objectors advised they thought the proposals would prevent deliveries being able to take place.
- 4.3 Development Services responded to the 9 objectors on 11 January 2016 explaining the background to and detailing the effect of the proposed Order.
- 4.4 It was explained that the proposed Order would extend existing double yellow lines that currently terminate outside HiFi Corner to a point approximately half-way down The Pantry frontage and that these lines would replace an existing single yellow line. It was also explained that the existing single yellow line prohibits waiting from Monday to Saturday between 8.45am and 5.30pm.
- 4.5 The objectors were advised that Falkirk Council had received complaints that parking on the single yellow line was generating congestion as a result of motorists misinterpreting that a single yellow line allows parking for a ‘short’ length of time. It was confirmed that the restriction on parking is the same for a single yellow line, during the period it is in effect, as a double yellow line. There is no grace period on parking in terms of the relevant legislation. Objectors were advised that the Order proposes to introduce double yellow lines which are thought to be better understood by motorists as meaning no parking which, if observed, should allow vehicles to pull in and allow on-coming vehicles to pass.
- 4.6 It was acknowledged that the shops on Cow Wynd require vehicles to stop for loading and unloading. The objectors were advised that the proposed Order did not change the

loading ability since the loading effect of a single yellow line and a double yellow line are the same. As a result, by removing the vehicles that are parked on the single yellow line and are not loading/unloading there should be better access for shoppers and businesses to stop their vehicles to load and unload at this location.

4.7 Finally, it was explained that there appeared to be some confusion about the terminology “prohibition of waiting”. The objectors were advised that prohibition of waiting is the legal term associated with what motorists would commonly call prohibition of parking. Prohibition of waiting does not prohibit loading or unloading of goods/material/people etc.

4.8 The objectors were asked to withdraw their objections, if minded to do so, to allow the Order to progress.

4.9 None of the objections have been withdrawn.

5. CONCLUSION

5.1 The proposed order is considered beneficial in terms of reducing congestion on Cow Wynd.

6. RECOMMENDATION

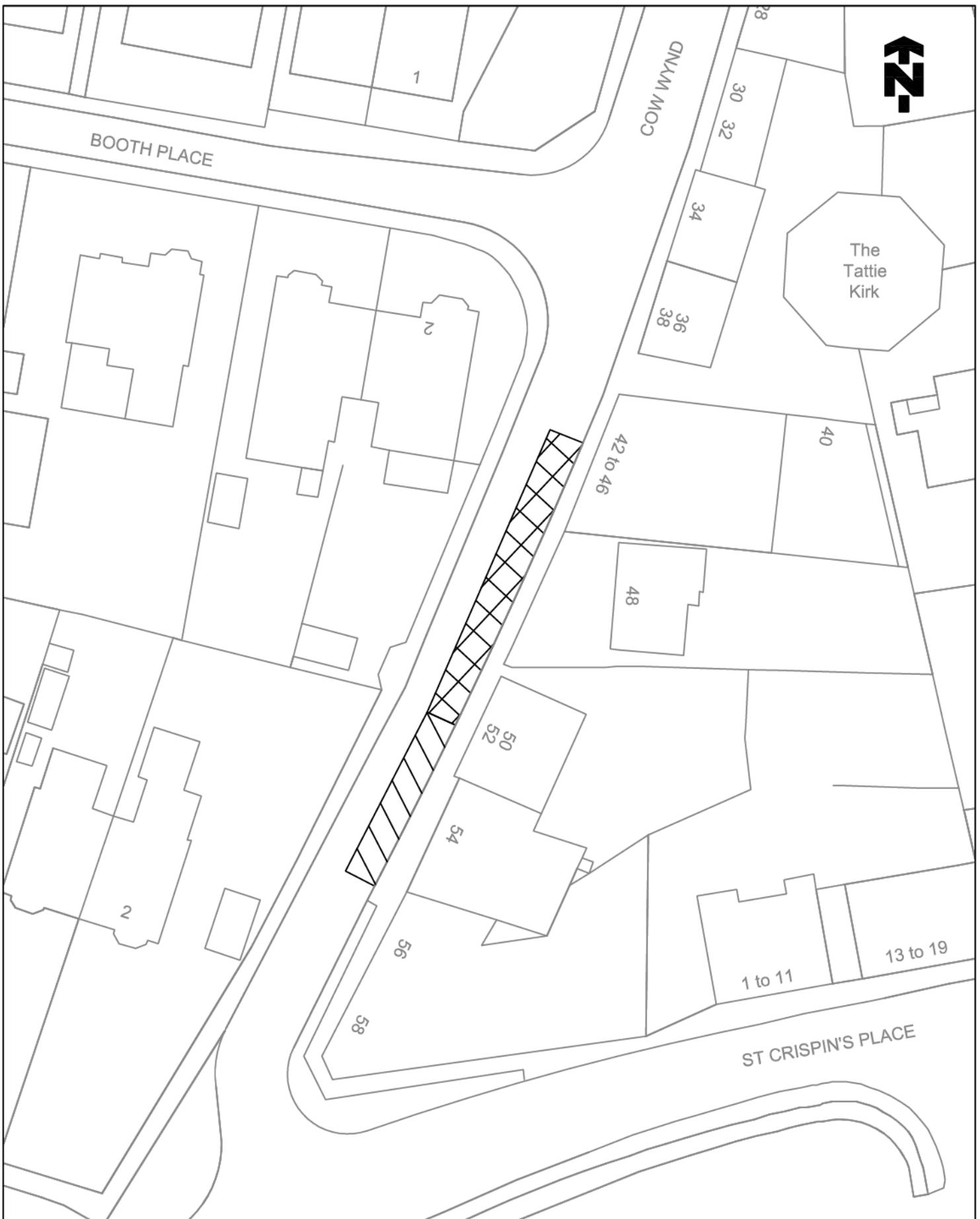
6.1 **Members are asked to consider the terms of the report including the objection and determine whether the Order should be made.**

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Director of Development Services
Date: 11 April 2016

Contact Officer: Russell Steedman, Network Co-ordinator Tel: Ext 4830

LIST OF BACKGROUND PAPERS

1. The Falkirk Council (Cow Wynd, Falkirk)(Prohibition of Waiting) Order 2015
2. Letters of objection and correspondence



LEGEND



No waiting at any time



No waiting Monday to Saturday inclusive, 8:45am to 5:30pm

TITLE OF ORDER

**THE FALKIRK COUNCIL (COW WYND, FALKIRK)
(PROHIBITION OF WAITING) ORDER 2015**



Falkirk Council
Development Services (Roads)
Engineering Design
Abbotsford House, David's Loan
Falkirk FK2 7YZ
Tel: 01324 504950 Fax: 01324 504850
Director: Rhona Geisler

SCALE

1:500@A4

DRAWN

DEHG

DATE

24/09/15

CHECKED

DS

DATE

24/09/15

APPROVED

RS

DATE

24/09/15

DRAWING NO.

TRO/15/025/1

APPENDIX B

**OBJECTIONS (UNATTRIBUTED) AND A TYPICAL
DEVELOPMENT SERVICES RESPONSE**

**OBJECTIONS (UNATTRIBUTED) AND A TYPICAL DEVELOPMENT
SERVICES RESPONSE**

<p>Objection 1</p>	<p>I have a business in the Cow Wynd, Falkirk which requires delivery of heavy boxes on a regular basis to my front shop. (No back entrance).</p> <p>I am formally objecting to the proposal to stop all waiting time in the Cow Wynd, Falkirk as this would have a serious impact on my business. I work an appointment system which is client based, along with a drop in service for advice, and the 10 minute waiting time is crucial to the survival of my business. I just opened my shop at beginning of July this year and this proposal is shocking news for me. I will not be able to continue in business if I can't get deliveries to the door.</p> <p>There is a loading bay just down the street, but that is not very big and if full, DPD, will not hang about if unable to stop as they run a tight schedule for all deliveries.</p> <p>Please look at your plans again as this terrible news means I will have to look at the situation of my business with a view to closing. Small businesses in Falkirk are already in a bad way, I can't see the benefit of this proposal to small businesses in the area.</p>
<p>Objection 2</p>	<p>As a small business based on the Cow Wynd I believe the proposal to prohibit waiting will have a detrimental effect on our business.</p> <p>We rely on the fact that customers can stop briefly to pick up and drop off. Parking facilities are limited with a small free parking area across the road which is full from early hours with local residents and town centre workers on a daily basis.</p> <p>The only alternative is the William Street car park approximately 400 yards away and cost prohibitive at £3 to park even for a short stay as described above.</p>
<p>Objection 3</p>	<p>As a Cow Wynd shop owner, I am writing to register my objection to the a/m proposal for street alterations/traffic restrictions on the Cow Wynd (NO.TRO/15/025)</p> <p>I feel that the proposed alterations will have an adverse effect to the footfall on the Cow Wynd and will therefore be detrimental to the income of traders on the street</p> <p>I will be contacting the Falkirk BiD team to see if we can get their backing in this affair</p>
<p>Objection 4</p>	<p>I am writing to you to object to the proposed traffic alterations in the Cow Wynd because of the impact this will have on our business. We have recently invested tens of thousands of pounds in the past few months in refurbishing the shop premises. Similar traffic restriction changes next to our Glasgow shop</p>

<p>Objection 4 (Continued)</p>	<p>led to a decline in business and the eventual closure of the Glasgow shop a few years ago, with a similar experience with one of our Edinburgh locations.</p> <p>Our customers need to collect very large, very heavy and awkward packages when shopping with us. Many of our products are sold in store only and not distance sold.</p> <p>Proposed changes to the access such as these may lead to them shopping elsewhere because of the perception of no accessibility.</p> <p>We were going to employ another local person full time but have now had to delay this and only start his employment part time as the owners are worried at the implications of the parking restrictions due to their experiences with similar changes in Glasgow and one of our Edinburgh shop location both of which eventually closed because of the long term drop in business leading to job losses.</p> <p>We have been a mainstay of the local shopping scene in Falkirk for decades and would like that to stay that way which is why the recent investment has taken place.</p> <p>We watched other independent family run shops in Falkirk fall by the wayside and close their doors decimating the High Street.</p>
<p>Objection 5</p>	<p>I am writing to you now to object to the proposed changes potentially being put in place regarding vehicle access in the street. I fear for my job as I have seen similar proposals near our other branches in Glasgow and Edinburgh lead to shop closures and watched friends and colleagues lose their jobs as it impacted their business at their respective stores. The perception of the changes can have more impact on business than the actual changes when driving away business.</p>
<p>Objection 6</p>	<p>We are writing to strongly object to this new idea of street alterations of the Cow Wynd.</p> <p>We have been working in the Cow Wynd for over 10 years, we are an established business with a large clientele, a number of them are very elderly and use walking aids and need door to door access via car or taxi.</p> <p>We do not wish to lose these long retaining clients by losing the access to the front door. Our clients are accustomed to this accessibility. We also have a large number of weddings in summer months and if the weather is bad they need to be picked up at the door as they cannot be out in the elements. The shop is also heated by Calor Gas the deliveries must be as close to the shop as possible as those canisters are extremely heavy and can't be delivered from streets away also in that respect our stock deliveries will also be disrupted if they are unable to get access to the Street, it is imperative for our business to have our stock delivered to do our job. We also rely on passing trade to keep our business busy if there is no one along our street we have the potential to lose new custom from people who see our shop from driving by.</p>

<p>Objection 6 (Continued)</p>	<p>We are in danger of losing business due to this and in the extreme case could have loss of earnings or job losses.</p>
<p>Objection 7</p>	<p>I am writing regards the above as I am an employee who trades in Cow Wynd. I am concerned about the proposed planned changes for parking within the Cow Wynd as our business requires our customers having to pick up their purchases which are frequently large heavy boxes. We have encountered similar situations before in our Glasgow and Edinburgh branches which ultimately led to their closures due to the effect on business.</p> <p>I fear this could lead to a similar route for our store which could ultimately lead to redundancies and job losses.</p>
<p>Objection 8</p>	<p>I must object in the strongest possible terms, to the proposal outlined above.</p> <p>We have only moved in here one year ago and have invested heavily in the renovation of the building. These are much bigger premises and we now have 8 employees/associates and I am recruiting 2 more in the New Year.</p> <p>Our clients are regularly being dropped off and picked up from outside for obvious reasons.</p> <p>If the proposal goes ahead as outlined, this will have a major impact on our ability to service these clients. The main reason I moved from my previous location in Vicar Street was that the customers were complaining that they had nowhere to safely drop off/pick up from. Having surveyed their opinion on the shop, the primary factor that arose was ease of access.</p> <p>I have discussed this proposal with my customers as soon as it came to light, and every one of them has expressed concern about drop off/pick up/parking.</p> <p>We aim to provide the best service we can for the people of the Forth Valley.</p> <p>We have been in Falkirk since 2004 and have a caring reputation. If our numbers of customers drop as a result of this proposal, I shall have to downsize our workforce and it puts great pressure on our cash-flow. We are here for a minimum of 5 years and have 4 more years to run. One of the major attractions to Cow Wynd was its ease of access for customers. With double yellows, people have the impression (rightly or wrongly) that they cannot stop on them at all.</p> <p>This will impact on not only our existing customers, but also the ability to attract new customers from our competitors that do have easy access.</p> <p>Our customers rely on us; my staff rely on our ability to provide a financially secure facility to work in; I rely on both to ensure we don't go under as a business in a very competitive market. Stopping people from stopping outside will detrimentally affect all of that. I therefore, must register my strongest objection.</p>

<p>Objection 9</p>	<p>For nearly three years I have been successfully running a specialized shop in Cow Wynd.</p> <p>It has been a great experience and joy but overall it gives me and my family a source of stable income.</p> <p>Putting double yellow lines along the street will make my business sore and will turn back customers who won't be able to park there and usually needs 5-7 minutes.</p> <p>Please consider the High Street that is dying and more parking restrictions won't help to find the resolution.</p> <p>Christmas is coming and this special time should be for us traders a relaxed one, when we can get much needed rest and charge the batteries to be ready for new challenges. The news about the !!!YELLOW LINES!! isn't making it happen.</p>
<p>Typical Development Services Response</p>	<p>The effect of the proposed TRO would be to extend the existing double yellow lines that currently terminate outside HiFi Corner in a southerly direction for a distance of 31 metres or thereby to a point approximately half-way down The Pantry frontage. This replaces an existing single yellow line with a double yellow line.</p> <p>The existing single yellow line prohibits waiting from Monday to Saturday between 8.45am and 5.30pm. Falkirk Council has received complaints that parking on this section of single yellow line is generating congestion as a result of motorists misinterpreting that a single yellow line allows parking for a 'short' length of time.</p> <p>The restriction on parking is the same for a single yellow line, during the period it is in effect, and a double yellow line. There is no grace period on parking. The TRO proposes to introduce double yellow lines which are thought to be better understood by motorists as meaning no parking which, if observed, should allow vehicles to pull in and allow on-coming vehicles to pass.</p> <p>It was recognised that the shops on Cow Wynd require vehicles to stop for loading and unloading. The proposed TRO does not change the loading ability since the loading effect of a single yellow line and a double yellow line are the same. As a result, by removing the vehicles that are parked on the single yellow line and are not loading/unloading there should be better access for shoppers and businesses to stop their vehicles to load and unload at this location.</p> <p>There seems to be some confusion about the terminology "prohibition of waiting". Prohibition of waiting is the legal term associated with what motorists would commonly call prohibition of parking. Prohibition of waiting does not prohibit loading or unloading of goods/material/people etc.</p> <p>In order for local authorities to implement Traffic Regulation Orders they must follow statutory procedures laid down in the Local Authorities' Traffic Orders (Procedure)(Scotland) Regulations 1999, as amended. Before making a TRO the local authority must consider all objections made and not withdrawn.</p>

Typical Development Services Response (Continued)	<p>In view of the above, I would respectfully ask you to withdraw your objection, if you are minded to do so, by returning the attached pro-forma.</p> <p>I would advise you that should you decide not to withdraw your objection, a report will be submitted to the Council's Planning Committee requesting this matter be determined. The report will summarise your reasons for objecting and you would be advised of the outcome of the committee's decision.</p>
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