

## **Appeals & Complaints Committee**

A meeting of Appeals & Complaints Committee was held on Wednesday, 9th September, 2009.

**Present:** Cllr Robert Gibson (Chairman), Cllr John Fletcher, Cllr Mohammed Javed, Cllr Mrs Jean O'Donnell and Cllr Bill Woodhead (vice Cllr Sherris).

**Officers:** M Gillson, A. Brown (DNS); J Butcher, M.Henderson (LD).

**Also in attendance:** Mr and Mrs Porter.

**Apologies:** Cllr Andrew Sherris, Cllr Ian Dalgarno, Cllr Mrs Jean Kirby.

### **ACC 5/09      Declarations of Interest**

No declarations of interest were declared.

### **ACC 6/09      Committee Procedure**

All those present were informed of the procedure for the meetings of the Appeals and Complaints Committee.

RESOLVED that the procedure be noted

### **ACC 7/09      Kirknewton Close, Hardwick Proposed 24 Hour Waiting Restrictions**

Consideration was given to a report that sought Members' views regarding an outstanding objection received following statutory advertising of a proposal to implement 24 hour waiting restrictions on Kirknewton Close, Hardwick in order to maintain unobstructed access to garages.

It was explained that the objector had been invited to the meeting but had not responded and had not presented himself at the meeting. Mr and Mrs Porter who were local residents, and supported the proposals, were in attendance.

It was not considered appropriate for the Head of Technical Services to consider the objection as he would effectively be reviewing his own decision.

An officer from Development and Neighbourhood Services introduced the report and explained the reasons for the proposal. Following approval, in November 2007, to implement a residents' parking scheme in Hardwick, a complaint was received from a resident of Killerby Close regarding problems experienced with garages being blocked by parked vehicles on Kirknewton Close, to the rear of Killerby Close and Kininvie Walk. Following receipt of the complaint a consultation exercise involving affected properties indicated a desire to remedy the situation, the recommended course of action being to implement 24 hour waiting restrictions immediately adjacent to and opposite the garage doors. This was a compromise solution, to maintain some parking opportunity whilst also ensuring access to the garages. The proposals had the support of the Police, Council Enforcement Officers and local Ward Councillor Mrs Nesbitt.

The scheme was subsequently progressed through the relevant consultation

procedure including local Ward Councillors, public consultation and the Officers Traffic Group. Approval to progress to statutory advertising was given in January 2009.

As a result, a Notice for the proposed restrictions was advertised and following the publication of the statutory Notices, the Director of Law & Democracy received one letter of objection from Mr Barry Atkins, 200 Darlington Lane, Stockton, TS19 8AA. A copy of the letter was provided and was considered by members. The letter indicated that Mr Atkins was objecting on behalf of the parents of Harrowgate Primary School. The Committee noted that no other objection letters had been received.

Members noted that the main grounds for objection was that the proposed restrictions would further reduce on-street parking opportunity for parents of children attending Harrowgate Primary School. Much of the objectors' letter related to the effectiveness of the Hardwick residents parking scheme, which came into effect during March this year. Mr Atkins had been informed that the Committee was not tasked with reviewing the effectiveness of that scheme.

In conclusion the officer explained that the control of commuter parking in residential areas was consistent with the Local Transport Plan and Agenda 21. It was also in accordance with the Community Plan in securing a safe and attractive environment for current and future generations. He considered that the proposed waiting restrictions on Kirknewton Close would prevent inconsiderate/obstructive parking whilst retaining some on-street parking opportunity for residents.

Members and supporters present were given the opportunity of asking questions.

Mr and Mrs Porter were then given the opportunity of addressing the Committee. Mr and Mrs Porter referred to some of the issues raised by the objector and described some of the problems they had been experiencing:-

- contrary to what the objector indicated they had not witnessed any increased parking on Durham Road.
- they considered that there was adequate parking close to the school
- inconsiderate parking often meant residents could not get their cars out of their garages.
- Shopping could not be conveniently taken from residents cars to their houses.
- problems were being caused with regard to the leaving and collection of refuse bins.

Mr and Mrs Porter explained that the proposed restrictions would help enormously.

Members were given the opportunity of asking any further questions.

At this point Mr and Mrs Porter, plus officers from Development and

Neighbourhood Services left the meeting room.

Members considered the information they had been provided with including officers views, the objectors letter and comments from Mr and Mrs Porter.

The Committee noted the objections and agreed that these were outweighed by the rights of residents to access their garages and cars. In addition the Committee felt that there were other areas of parking available to parents e.g at the school itself. Members felt that there was no evidence of parents being forced to park on Durham Road. Members also felt that the objectors main concerns related to the residents parking scheme on Hardwick. They noted that he had not substantiated his claim that he was objecting on behalf of the parents of Harrowgate Primary School and his had been the only objection letter received.

RESOLVED that the objection shall not be upheld and the Head of Technical Services be advised that the objection does not outweigh the need for the order.