

## **AGENDA ITEM**

### **REPORT TO APPEALS & COMPLAINTS COMMITTEE**

**19 JANUARY 2010**

### **REPORT OF CORPORATE DIRECTOR OF DEVELOPMENT & NEIGHBOURHOOD SERVICES**

## **WEST STOCKTON RESIDENTS PARKING SCHEME**

### **1.0 SUMMARY**

The purpose of this report is to seek Members' views on unresolved objections received following the statutory advertising of a proposal to implement a Residents Permit Parking Scheme in the area west of Stockton town centre to protect residents from commuter parking.

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

### **2.0 RECOMMENDATIONS**

It is recommended that:-

- (i) Members give consideration to the objections raised by local residents / a local business and also to the comments of the Acting Head of Technical Services.
- (ii) The local Ward Councillors and the objectors be informed of the Committee's recommendations.

### **3.0 DETAIL**

- 3.1 A temporary Resident Permit Parking Scheme was in operation in the area west of Stockton town centre between 1998 and 2003. This was to prevent commuter parking for the town centre occurring during the construction of the Wellington Square car parks. At the time permits were free of charge as the scheme was funded by the Town Centre Development (City Challenge) budget.
- 3.2 On completion of the Wellington Square development it was proposed to make the scheme permanent, with a £10 per year administration charge. Some residents (mainly from the Petch Street, Dixon Street and Bute Street areas) raised objections to both the principle of a charge and the inability to park on both sides of the road. Subsequently the scheme was withdrawn.
- 3.3 After the scheme was withdrawn many residents suffered parking problems due to commuter parking. It was following complaints being passed to the Council for consideration that a new scheme was proposed and a public consultation exercise was undertaken. The scheme took account of previous objections and therefore the streets mentioned above were not included

in the new zone boundaries. The Council's Parking Plan approved in November 2004 as part of the application for Decriminalised Parking Enforcement powers outlined the assessment criteria for requests for Residents Parking Schemes – the framework included a recommendation that at least two thirds of the residents in the proposed zone support the scheme. Given that over 70% of local residents who responded were in favour of the scheme, it was therefore approved and progressed to statutory consultation. (See Scheme of Delegation Report TS/T/33/08 in **Addendum A**).

3.4 A Notice for the proposed scheme was advertised in the Evening Gazette and on site on 16 October 2009 with the objection period expiring on 6 November 2009. Following the publication of the Statutory Notices, the Director of Law and Democracy formally received six letters of objection, though one objector has subsequently withdrawn. Copies of the outstanding objections and a location plan are attached as **Addendum B**.

#### 4.0 DETAILS OF THE OBJECTIONS/RESPONSES

Objector	Concerns	Response
<p>A) Mr Clive A Swainston 38 Durham Street</p>	<ol style="list-style-type: none"> <li>1. No problem parking in the road.</li> <li>2. Scheme is designed to increase Council revenue.</li> </ol>	<ol style="list-style-type: none"> <li>1. It is recognised that not all roads in the proposed zone currently suffer from commuter/shopper parking problems. However, any road not included in the scheme is likely to experience problems as such parking will migrate into that area, having been displaced from roads closer to the town centre. This may result in parking problems during the day time for residents excluded from the scheme.</li> <li>2. Wellington Street is a private car park, not a Council car park, so displacing commuters into that car park would not raise income for the Council. Income generated from residents parking schemes helps to cover administration costs. There are only a limited number of fixed penalty notices issued in such areas. It is certainly not a profit making initiative for the Council as income does not fully cover the cost of enforcement of residents parking zones.</li> </ol>
<p>B) Mrs E Flintoff 6 Corporation Street</p>	<ol style="list-style-type: none"> <li>1. Would not be able to park in front of her property, would be forced to park in a rear alley.</li> </ol>	<ol style="list-style-type: none"> <li>1. Due to the limited carriageway width, parking bays can only be provided on one side of the road, with daytime restrictions opposite. This is common throughout the scheme, often meaning that residents cannot park outside of their property. Bays are proposed on the west side of the majority of the length of Corporation Street and on the east side in the vicinity of no. 6. Whilst these bays are available for use by all residents in the zone, it is unlikely that residents of other streets will either need or want to park in Corporation Street. It is necessary to provide daytime (Monday – Saturday) restrictions on the opposite side to reduce likelihood of obstructive parking. It is not anticipated that Mrs Flintoff would need to park in a rear alley. It is not possible to extend the bays on the east side of the road south as Durham Street is opposite. 6 out of 7 respondees in Corporation Street supported the scheme during its consultation exercise.</li> </ol>

Objector	Concerns	Response
<p>C) Mr R F Weighell 6 Milbank Court</p>	<ol style="list-style-type: none"> <li>1. No problem parking in the road.</li> <li>2. Wife has mobility issues, cannot park outside of his property.</li> </ol>	<ol style="list-style-type: none"> <li>1. See A1 above.</li> <li>2. See B1 above.</li> </ol> <p>Mr Weighell is entitled to park on the daytime restrictions in front of his property for loading and unloading purposes provided he does not cause obstruction, that is provided there are no vehicles parked in the bay opposite.</p> <p>The fact that parking is proposed on the opposite side of the road to no. 6 should reduce environmental intrusion to which he refers.</p> <p>Mr Weighell has been offered 2 no. advisory disabled bays on Milbank Court in an attempt to ease his concerns.</p> <p>9 of 10 respondents in Milbank Court supported the scheme during its consultation exercise.</p>
<p>D) Miss Amy Jordan 54 Mill Street West</p>	<ol style="list-style-type: none"> <li>1. No problem parking in the road.</li> <li>2. Scheme is designed to increase Council revenue.</li> <li>3. Derby Street and Hutchinson Street have private parking.</li> </ol>	<ol style="list-style-type: none"> <li>1. See A1 above.</li> <li>2. See B1 above.</li> <li>3. Derby Street and Hutchinson Street are included within the scheme, so residents there will be eligible to apply for permits.</li> </ol>

Objector	Concerns	Response
<p>E) Mr W Crutchley, Chairman, Stockton Masonic Hall</p>	<ol style="list-style-type: none"> <li>1. Proposed scheme will limit on-street parking opportunity for visitors to the hall, affecting its viability.</li> <li>2. Request information on Stopping Up Orders and further legal challenges.</li> </ol>	<ol style="list-style-type: none"> <li>1. The concerns expressed relate to perceived loss of on-street parking on the link road to the east of the Masonic Hall, known as Victoria Street, which is adopted highway and marked with double yellow lines, but is at the present time unenforceable as no associated traffic regulation Order exists.</li> </ol> <p>It is noted that the Masonic Hall has its own private car park, which it currently permits staff at the neighbouring Mill Lane Primary School to use, thereby significantly reducing availability to users of the Masonic Hall. The link road (which is constructed to current highway standards) provides access to the Masonic Hall car park, a turning head is provided to enable drivers visiting the Hall to turn around. Nevertheless, daytime restrictions are proposed to offer some evening parking opportunity (8.00am – 6.00pm, Monday – Saturday is standard). Given its town centre location, it is considered that Wellington Square car park offers additional daytime parking opportunity within reasonable walking distance. Limited free short stay parking is provided on Wellington Street. Council officers have met Mr Crutchley on site to discuss his concerns, and agreed in principle to make an amendment to the Order once it is made to include two mandatory disabled bays at the northern end of Victoria Street. The Council have agreed to look at the parking arrangement in the Masonic Hall car park to try and maximise capacity, and to investigate surfacing options.</p> <p>Mr Crutchley has been provided with information relating to ‘stopping up’/purchasing the highway.</p> <p>A person may challenge the making of a Road Traffic Regulation Order on the grounds that it is not within the powers provided under the Road Traffic Regulation Act or that any procedural requirements have not been complied with. This requires an application to the High Court within 6 weeks of the date on which the Order was made. An alternative challenge is available by way of Judicial Review of the Council’s decision to make the Order again on the grounds that the Council did not have the powers to make the Order, that it failed to comply with the regulations, Act or other procedures or that the Council acted ultra-vires in any other way. A Judicial Review must be made as soon as reasonably practicable but nevertheless within 3 months of the decision. The Court may consider whether the applicant should have used the procedure under the Traffic Regulation Act (above) in determining whether to accept a Judicial Review. The Council’s Principal Solicitor is not aware of any challenges being made to Stockton Council with respect to Traffic Regulation Orders.</p>

## **5.0 POSSIBLE REVISIONS TO SCHEME**

- 5.1 Following objections received during the statutory consultation all five outstanding objectors were contacted giving more background to the scheme proposals and consultation exercise undertaken, giving the option of withdrawing their objection or attending the Appeals and Complaints Committee. No responses were received indicating that objectors wished to withdraw.
- 5.2 A review of the area to the west of Corporation Street was subsequently undertaken. One possible option would be to remove Durham Street, Stamp Street, Burgess Street, part of Bishopton Lane and part of Mill Street West, as shown on the plan in **Appendix C**, from the proposed residents parking zone. Of the 25 responses received from this area during the initial consultation, 14 (56%) were in favour of the scheme, below the desired two thirds criterion. This included 5 addresses on Bishopton Lane, who tend to park at the front of the properties, outside of the proposed zone. This may help to overcome some of the concerns of Mr Swainston and Miss Jordon, and to a lesser extent perhaps Mrs Flintoff. Letters dated 22 December 2009 were therefore sent to 71 properties in this zone highlighting the advantages and disadvantages of being excluded from the zone. Residents in the zone would also obviously be entitled to park appropriately in these streets, as well as commuters/shoppers. Responses were requested by 8 January 2010, to date 18 responses have been received, 8 indicating a preference for remaining in the zone, 9 indicating they would wish to opt out. One response did not have a name and address supplied and has therefore been discounted. One of the formal objectors within the zone has responded to date. A verbal update will be given at the Committee meeting.

## **6.0 FINANCIAL IMPLICATIONS**

The estimated cost of the signing, lining and minor civils works, is £12,000, the cost of the remaining statutory advertisement is estimated at £5,700, giving a total cost of £17,700 to be funded from the 2009/10 Residents Parking Schemes budget within the 2009/10 Local Transport Plan Capital Programme.

## **7.0 POLICY CONTENT**

The Council's Parking Policy was approved by Cabinet in November 2004 as part of the business case application for the take up of Decriminalised Parking Enforcement powers. The proposals to control commuter parking in residential areas are consistent with the Local Transport Plan and The Sustainable Communities Strategy.

## 8.0 CONSULTATION

As noted above, the Officers' Traffic Group, Ward Councillors, Acting Head of Service and Cabinet Member for Regeneration and Transport were also consulted. Statutory consultations involving advertising on site and in the local press were undertaken; this resulted in five outstanding objections being received. All objectors will be invited to the Appeals Committee.

## 9.0 CONCLUSIONS

The desire for a residents parking scheme in the proposed area has been identified via a consultation exercise, the required two thirds of residents in the proposed zone in support of the scheme was achieved.

However, in light of objections received and a response rate of less than 50% response in favour of the scheme from the most recent consultation exercise, it is proposed to remove various streets from the zone, and proceed with the scheme detailed on **Drawing No. TM14/55D** in **Appendix C**. The revised scheme will protect residents in affected remaining streets from commuter parking. It is considered that significant efforts have been made to overcome the outstanding objectors' concerns. The less onerous proposed scheme will not require another statutory consultation exercise inviting objections. The reduced area of the zone would address three of the five outstanding objections (refs A and D).

### **Corporate Director of Development and Neighbourhood Services**

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### Environmental Implications

The measures proposed should ensure a safe and attractive environment for local residents.

### Community Safety Implications

Addresses parking issues and neighbour dispute concerns amongst the local community.

### Background Papers

Scheme of Delegation Reports TS.T.29.07 and TS.T.33.08  
Letters of objection

### Education Related Item?

No

### Ward(s) and Ward Councillors:

Stockton Town Centre : Councillors D Coleman and P Kirton