

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Wednesday, 20th July, 2011.

Present: Cllr David Wilburn (Chairman), Cllr Ian Dalgarno, Cllr Robert Gibson, Cllr Alan Lewis, Cllr Maurice Perry, Cllr Andrew Sherris, Cllr Norma Wilburn.

Officers: Mark Gillson (DNS); Julie Butcher; Fiona McKie (LD).

Also in attendance: Mike Leason (Objector - Yarm Methodist Church); Shakil Noor (Objector - Westbourne Street).

Apologies: None

ACC 1/11 **Declarations of Interest**

None

ACC 2/11 **Minutes of the meetings held on 3rd March and 14th March (for signature - previously circulated at Council 29 June 2011)**

The minutes were signed by the Chairman as a correct record.

ACC 3/11 **Procedure**

The Committee considered the committee procedure.

RESOLVED that the procedure be agreed.

ACC 4/11 **C171 Yarm Road, Parkfield - Proposed 24 Hour Waiting Restrictions**

A Council officer from Technical Services presented a report that detailed objections following statutory advertising of proposed 24 hour waiting restrictions on C171 Yarm Road, Parkfield.

The Officer presented his report and outlined the background to the original Safety Scheme implemented in 2003/04 which included build-outs and pedestrian refuges along Yarm Road, due to the accident record for that road. The Safety Scheme had been successful in reducing the Injury Accident Record, however the Head of Technical Services was approached by the Residents Association regarding concerns about obstructive parking in the vicinity of the build-outs, severely affecting visibility from side roads and compromising pedestrian safety and visibility on the existing pedestrian crossings. A site visit by engineers confirmed that obstructive parking did take place and photographs were circulated to those present as an example of the concerns. The Officer confirmed that all three churches along Yarm Road were approached as part of the consultation and as a result of that the Order includes proposed exemptions for funeral and wedding vehicles immediately to the front of each church where requested.

The Scheme was subject to the statutory consultation including press notices and on site notices and ten objections were received. The Officer indicated that the objection from the Church included the loss of on-street parking

facilities which could not be accommodated by relaxing the proposed restrictions in this vicinity for safety reasons. The Church was situated between two side roads therefore if you deducted ten metres either side of the side roads, which according to the Highway Code, could not be used for parking in any event would leave approximately 15 metres for parking for approximately 2 to 3 cars. Parking in this area would continue to effect visibility for pedestrians and cars, particularly coming from the north. There had been confusion amongst the church members and visitors regarding the ability to park on the existing white lines at the road humps on the side roads and it had been clarified to them that parking was available on those road humps.

The only change that would be noticed by residents of Westbourne Street was the proposed revocation of the existing loading restrictions between the hours of 7.00 am – 9.30 am and between 4.00 pm – 6.00 pm. These were historical restrictions which remained in force although were not obvious from the road markings and in practical terms were no longer effective.

The Officer confirmed that it was not felt necessary to consult directly with residents as the proposed Scheme was based on safety grounds and effectively confirmed the Highway Code that no parking should occur within 10 metres of a side road junction. The scheme had the support of the Residents Association and Ward Councillors.

The Officer stated that the parking that was currently occurring along Yarm Road was unacceptable in safety terms, residents and visitors were free to park on the side roads, including the road humps, and there was a Scheme being considered by Ward Councillor and Officers to remove the existing bollards on some of the build outs along the side roads which would alleviate some of the parking concerns. This Scheme was currently with Ward Councillors for consideration. Blue Badge Holders were able to park on double yellow lines for up to 3 hours, unless obstructing traffic. The Statutory Consultation took place with a 21 day period being standard with on-site notices and press adverts.

With regard to the objections from the residents of Westbourne Street, the Officer advised the Committee that officers from network safety had attended a Meeting with residents about a potential parking scheme in the vicinity of Westbourne Street to consider some relaxations of the existing waiting restrictions, which would overcome some of their concerns about the lack of parking which constituted their objections to the proposed Order, but that this was a separate issue to their considerations today.

The Officer confirmed to the Committee that the round robin objection letter was actually received from properties 1, 3, 7, 8, 9, 11, 39 and 50 Westbourne Street, which were incorrectly identified within the Committee Report. The Blind Peoples Voice were approached at the request of the Residents Association to discuss their parking needs and the proposed bay on Westbourne Street does not pose any significant road safety issues and leaves sufficient width along the highway for two way traffic flow. The Officer believed there was some confusion about the effect of the proposed Order on Westbourne Street and confirmed that the only effect was to revoke the historical loading restrictions and nothing further.

A resident of Westbourne Street was in attendance and confirmed that his

concerns related only to Westbourne Street and in particular the parking bay on the corner of 27 Yarm Road at the junction with Westbourne Street. He felt that parking on the corner was not suitable. He recognised that the waiting restrictions and parking issues along double yellow lines was a separate issue, but was concerned that they had not heard anything further since their Meeting with Officers on the 25 January 2011 about relaxing the current parking restrictions. The resident questioned whether the parking bay was more than 10 metres from the junction of Yarm Road, which the Officer confirmed it was. The residents felt that the notice of the proposed order was insufficient and raised a number of other issues which he acknowledged were not for consideration by the Committee on the 20 July 2011.

A representative of Yarm Road Methodist Church was present and spoke to the Committee. He thanked the Officer for meeting the church representatives on site to discuss their concerns. He confirmed that the church would like the Committee to consider retaining parking to the front of the church on Yarm Road, which would result in only 2 to 3 cars being parking. The church had only a small car park, which it was not suitable to extend as this would lose the garden space currently available for use for their community purposes. The use of the church was currently being increased for community purposes. It was a very large building and had recently obtained planning consent for additional activities and increased community use. Parking within the facility was welcomed and they had obtained agreement with a number of businesses nearby to use their car parks when not in use, this is particularly on weekends and evening. To introduce the proposed waiting restrictions to the front of the church would restrict the parking availability for church visitors. He asked whether the proposals could be relaxed on a Sunday, when the majority of visitors used the church. The church representative did acknowledge that there were some safety concerns with parking obstructing visibility, especially for pedestrians, along Yarm Road. The representative also raised the potential compromise of removing the existing bollards on the build outs along the side streets of Woodland Street and Grove Street to allow parking on the build outs for approximately 4 to 5 cars. He acknowledged that this was a separate matter which was currently being pursued with Ward Councillors.

The Officer confirmed that it would not be possible to relax the restrictions on a Sunday as the safety issues existed 7 days a week.

Members of the Committee, the objectors and officer were given opportunities to ask questions following which the objectors and the officer from Technical Services withdrew from the Meeting.

The Members of the Committee debated the representations they had heard and the written objections contained in the agenda papers. Members were mindful of the availability of parking along Yarm Road and within the side streets and did not accept that the loss of parking spaces outside Yarm Methodist Church would be significantly detrimental to warrant overturning the need for the order on safety grounds. Members were mindful that the need for the order was for improved safety for road users and that the obstructive parking did constitute a problem which the proposed order would reduce. Members considered that the residents of Westbourne Street would notice very little impact from the proposed order and their concerns could be considered by officers and ward councillors as part of the by ongoing discussions which were

not within the remit of the Committee at this time.

Members unanimously agreed that the objections did not outweigh the need for the order to improve the safety and amenity of the area through which the road runs.

RESOLVED that it be recommended that the objections be not upheld.