

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Friday, 20th July, 2012.

Present: Cllr David Wilburn(Chairman), Cllr Norma Wilburn(Vice-Chairman), Cllr Ian Dalgarno, Cllr Robert Gibson, Cllr Maurice Perry, Cllr Andrew Sherris

Officers: Julie Butcher, Michael Henderson,(LD); Mark Gillson, Kevin Ellison (DNS)

Also in attendance: Cllr Paul Kirton, Shakeel Noor (for Trinity Gardens); Mr D. Griffiths, Mr D. Gill, Mr and Mrs Farr, Mr G.W. Lewis, Mr T. F. Shevels, Mr H. Alderton (Eaglescliffe and Egglecliffe Parish Council)

Apologies:

ACC **Declarations of Interest**

5/12

There were no declarations of interest.

ACC **Minutes of Meeting held on 16 April 2012**

6/12

The minutes of the meeting held on 16 April were approved and signed by the Chairman.

ACC **Procedure**

7/12

The Committee considered and agreed a proposed procedure for the meeting, which the Chairman explained ahead of each of the following items.

RESOLVED that the procedure be agreed

ACC **Trinity Gardens Area, Stockton-on-Tees (Residents Permit Parking Scheme) Order 2012**

8/12

Members were provided with a report relating to proposals to implement a Residents' Permit Parking Scheme for the Trinity Gardens Area of Stockton, to protect residents from commuter parking. The report provided background to the proposed scheme and details of an outstanding objection.

It was explained that the Council had received complaints from residents in the area regarding commuter parking.

Parking surveys had confirmed that there was a commuter parking problem, particularly on Parliament Street and Bickersteth Close. Whilst other roads were not found to be heavily parked during week days those roads could be affected by a residents' parking scheme in terms of displaced vehicles.

A public consultation was conducted and 77% of residents who responded were in support of the proposals to implement a Residents' Permit Parking Scheme in

the area. However, a number of concerns were raised regarding the times of operation of the scheme (8am – 6pm Monday to Saturday). Also residents in Westcott Street were in opposition to the proposals. Subsequently, the proposed scheme was approved to proceed 9am – 5pm Monday to Friday without the inclusion of Westcott Street.

The proposed measures would include the introduction of 24 hour waiting restrictions on Bowesfield Lane, adjacent Ellicott Walk to its junction with Cecil Street.

There were no formal objections from any of the residents affected, however, one outstanding objection remained, from a shop owner in the area.

Member noted that the proposals reflected the concerns of the residents and were supported by Ward Councillors.

The objector to the proposals was present and made representations to the Committee.

The objector considered that once the Residents' Permit Parking Scheme was implemented then there would be a 'domino effect' and commuter parking would migrate to other areas. The objector also explained that placing the 24 hour waiting restrictions on Bowesfield Lane would prevent parking opportunity adjacent to Ellicott Walk. He indicated that an earlier version of the scheme had not included Ellicott Walk. The objector considered that these proposals would have a detrimental effect on his business and other businesses in the area.

Officers referred to a traffic survey undertaken in 2006 that indicated that there was sufficient parking to the west of Bowesfield Lane, during the day. Any migration from the scheme would be monitored but other similar schemes had not resulted in the migration feared by the objector. It was hoped that commuters would use long stay car parking, particularly on Parliament Street, which was close to the Town Centre. The officer confirmed that Ellicott Walk had always been part of the scheme.

The objector felt that the surveys had been 'minority' surveys and had not taken account of all those who would be affected. Officers explained that 298 properties, within the proposed zone, had been contacted, including the local school and church.

Officers indicated that placing alternative restrictions on Bowesfield Lane to the 24 hours restriction would not be practical as it would place unreasonable expectations on the Council's parking enforcement officers.

The objector explained that his main objection to the scheme was the impact it would have on parking on Ellicott Walk. Officers pointed out that there was a public car park close to this area. The objector suggested that signage, on Parliament Street, to car parks was inadequate.

The objector and Council Officers were given the opportunity to make a final statement, then all those present, other than the Committee and officers from Law and Democracy left the meeting room. The Committee considered its

decision taking account of the written information provided to it and the verbal representations it received at the meeting.

The Committee agreed that the scheme appeared to have received strong support by residents and local ward members. It was noted that the original scheme had been amended to take account of the views of residents. There were a number of public car parks close to the area and officers would keep an eye on the extent of any migration to other streets, caused by the scheme. The Committee agreed that, given the above, and all the information it had received, the objection should not be upheld. Members noted the objector's comments relating to signage to car parks and agreed that officers should be asked to consider its adequacy.

RESOLVED that the Head of Technical Services be recommended not to uphold the objection but be asked to consider signage to public car parks from Parliament Street.

ACC 9/12 Butterfield Drive/Greenfield Drive/Birchfield Drive, Eaglescliffe - Proposed Environmental Traffic Calming Scheme

Members were provided with a report relating to outstanding objections received following the advertising of a proposed Environmental Traffic Calming Scheme in Butterfield Drive, Greenfield Drive and Birchfield Drive, Eaglescliffe.

Officers from Technical Services were present to present the report.

It was explained that since 1993 the Council's Design Guide and Specification ensured that all new residential roads in the Borough were calmed to ensure an average speed of 20mph. In response to ever increasing numbers of requests to provide traffic calming on roads built prior to 1993, the Council developed the Community Engineer Initiative. Members noted that the Community Engineer worked alongside Parish/Town Councils and formally constituted residents' groups to develop environmental traffic calming schemes for their area, in reaction to residents' concerns with respect to vehicle speeds and the potential accidents.

The scheme in the Butterfield Drive area was instigated by Egglecliffe and Eaglescliffe Parish Council following concerns expressed by residents in the area with regard to the speed of some drivers using some roads in the Orchard Estate.

The Parish Council opted to develop a scheme featuring road humps. The Officers' Traffic Group requested that the scheme also include school time waiting restrictions in the vicinity of Junction Farm Primary School.

An initial consultation exercise was carried out and indicated that approximately 63% of residents who responded supported the scheme. Some respondents indicated that the scheme would result in more traffic on Birchfield Drive. It was therefore considered that the scheme should be amended to include calming features on Birchfield Drive and the residents of Birchfield Drive were

re-consulted with regard to this element. The results indicated that, when both consultation exercises were considered together, a 68% support for the scheme was achieved.

The scheme was progressed through the usual consultation process and the Western Area Transport Strategy Stakeholders requested that the statutory consultations associated with the scheme be undertaken with a view to possibly allocating funding in 2012/13.

The Notice of Works for the scheme was published and following the publication of the statutory notices 9 letters of objection were received. Members were provided with a copy of the letters of objection together with a table detailing objectors' concerns and officers' responses.

The Committee noted that the local Ward Councillors supported the proposals.

A number of objectors were present to make representations to the Committee.

An objector asked officers to confirm when the officer decision in consultation with a Cabinet Member was signed off. Officers indicated that it was 3 November 2010.

It was queried if any data had been collected to support the view that the roads subject to the scheme were of concern. Officers explained that the Environmental Traffic schemes attempted to address local residents' fears, so the existence of specific data relating to accidents/incidents was not the primary reason for proposing such a scheme. It was reiterated that the proposed scheme came from an original request by the Parish Council.

The Chairman agreed to the circulation of a letter dated 6 July 2009 from the Community Engineer, not included in the original agenda pack, and provided by an objector.

Members were directed to references to a consultation letter sent to 476 homes within the area. The letter stated that 236 responses had been received, of which, 145 indicated support for the scheme with 83 against giving an approval rating of 63%. Objectors pointed out that less than half of homes contacted responded and queried the rationale behind the stated approval rate. It was argued that a different approach to the figures could suggest only a 30% approval rate.

In addition it was suggested that the consultation had raised false concerns about danger to residents.

Objectors queried why speed humps had been proposed when other options were available such as signs/20mph speed limit.

It was noted that the Parish Council had been presented with options, however, speed humps had been its preferred option.

A representative from the Parish Council was present and he indicated that the Parish Council wanted something in place that was known to be effective and it was considered that signs would not work. The roads concerned were long

and straight and the humps, though not large, would reduce speeds. The representative went on and said that the percentage of objections to the scheme was low.

Objectors queried the extent of the consultation.

Officers explained that houses on the frontage of the roads, and so directly affected, would have been written to, however, in addition, the statutory advertising was widely accessible.

Objectors pointed out the revised scheme, that included Birchfield Drive, had only been consulted on with residents of Birchfield Drive and not the other residents on the estate. Objectors considered that this should have happened as the whole estate had to use Birchfield Drive to access a car park when using adjacent local shops.

An objector explained that he didn't consider that the humps were necessary and a 20mph limit would suffice. The money would be better spent repairing holes. He had lived on the estate for 44 years and had never seen an accident. Another objector explained that he had calculated that he had driven on and off the estate about 21,000 times and had never seen an accident.

Officers explained that the proposals were supported by the Police but a 20mph limit was very unlikely to get their backing, plus the Parish Council had indicated that it did not consider a speed limit and associated signage to be adequate and speed humps were required to reduce speeds.

Objectors again queried the data on which the proposals were being based and whether any data had been collated from Greenfield Drive.

Officers reiterated that there were limited resources and, for this type of scheme, reliance was put on concerns raised by residents, as it was felt that they were best placed to assess the dangers. The schemes tried to address situations where residents were fearful that a death or serious accident may occur, if appropriate intervention did not take place.

The Parish Council representative, again, explained the reasoning behind the Parish Council's request. He told the Committee that this area had been considered a priority in view of the long straight roads, which encouraged excessive speed, the proximity of the school and the number of complaints the Parish Council had received. The Western Area Partnership also considered that it was a priority area.

Objectors queried the number of people who had complained and the form this took e.g. verbal, written etc. One objector indicated that he felt at least one speed hump was dangerous and could cause an accident, on account of its location on Greenfield Drive.

Officers provided details of the planned removal of a hump on Greenfield Drive.

An Objector made reference to government guidance which had been published for consultation, which suggested that authorities should give consideration to options as part of their speed management strategy, including the use of 20

mph limits and vehicle activated signs. It was suggested that the Council take full account of this guidance before approving the proposals.

It was noted that the guidance was still at a consultation stage.

Reference was then made to Junction Farm School and 'irresponsible' parking by parents. It was noted that planned, nearby housing developments may add to these problems.

It was explained that school time waiting restrictions had been proposed for this area to assist with road safety and prevent inconsiderate parking around junctions.

It was suggested that part of the playing field could be used for parking, however, it was explained that playing fields were protected from development and approval would be needed from the Secretary of State. Such approval was rare.

Objectors were given the opportunity to make final statements and referred to the points already made, and, in particular

- There was not sufficient data to back up the need for the scheme in this form.
- Consultation with residents had not been sufficient.
- 70% of households consulted had not indicated support for the scheme.
- Introduction of a 20mph limit should be considered, which was supported by new draft guidelines

Officers reiterated the points they had previously made, including:-

- This was an Environmental scheme that had been developed with the local Parish Council and recognised the complaints/fears of residents.
- Consultation had indicated support.

Objectors and officers, other than officers from Law and Democracy, then left the meeting room. The Committee considered its decision taking account of the written information provided to it and the verbal representations it received at the meeting.

The Committee noted that the scheme had been initiated by the Parish Council and followed complaints from residents. A representative of the Parish Council had been present and had confirmed this. The scheme also had the support of local ward Councillors. The scheme attempted to deal with the fears of the local community that a serious incident would occur due to the high speeds. The Parish Council considered that the nature of the roads on the estate, long and straight, encouraged excessive speeds. The Parish Council had indicated that imposing a 20 mph limit would not deal with the problem effectively and, therefore, had requested a scheme that included speed humps. The Committee noted that a 20mph speed restriction was unlikely to get the backing of the Police.

The Committee noted the objectors concerns surrounding responses to consultation but members felt that the exercise had indicated the support of the community. Members also noted concerns expressed that the amendment to

the scheme, to include Birchfield Drive, had only been consulted on with residents of that street and had not included those residents contacted as part of the first consultation.

The Committee had noted that consultation only had to be undertaken with those directly affected by the changes and it was therefore satisfied that this had been undertaken correctly.

RESOLVED that the Head of Technical Services be recommended not to uphold the objections.