

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Friday, 17th July, 2015.

Present: Cllr David Wilburn(Chairman), Cllr Tracey Stott(Vice-Chairman), Cllr Derrick Brown, Cllr Evaline Cunningham, Cllr Philip Dennis, Cllr Elsi Hampton,

Officers: Julie Butcher, Michael Henderson (LD); Mark Gillson, Gillian Spence (DNS)

Also in attendance: Jackie Earl (local resident - item 5)

Apologies: Cllr Ross Patterson

**ACC
1/15** **Evacuation Procedure**

The Evacuation procedure was noted.

**ACC
2/15** **Declarations of Interest**

Councillor Tracey Stott indicated to the Committee that, in respect of item 5, entitled 'proposed 24 hour waiting restrictions - Yarm Road Area', she was a personal friend of an individual who had requested restrictions on High Church Wynd. Cllr Stott took no part in consideration or voting on that item.

**ACC
3/15** **Procedure**

Members agreed the procedure to be used for both items.

**ACC
4/15** **PROPOSED 24 HOUR WAITING RESTRICTIONS – YARM TOWN CENTRE AREA**

Members were provided with a report relating to an unresolved objection received, following statutory advertising of a proposal to amend the no waiting at anytime restrictions on various roads, to the west of Yarm town centre. It was explained that no waiting at anytime restrictions were represented on the ground as double yellow lines.

A officer from Economic Growth and Development Services was in attendance and presented the report.

Members were provided with some background and it was explained that, on 20 January 2014, double yellow lines were introduced on various roads in Yarm town centre. Details of these were provided to members. These restrictions largely replaced keep clear H markings to provide greater clarity to motorists regarding where parking was obstructive and also to assist enforcement. Members noted that some residual issues and requests had been reported by residents and businesses. Those reports were recorded as part of the period of monitoring following implementation of the restrictions and progressed through to development of the proposals as advertised, indicated in the report to members.

Details of the requests were provided and principally related to:

- a request for the restrictions to be reduced on the south side of High Church

Wynd near the community centre to accommodate parking.

- restrictions to be extended in the vicinity of Flood Cottage 12 High Church Wynd to assist vehicular access to Ivy Dene which was between 13 and 17 High Church Wynd made difficult if parking occurred there, as shown in appendix 4.

- a request on behalf of the church for the restrictions to be extended on West Street up to the boundary of 28/30 West Street to assist hearses leaving the access road after a service at St Mary Magdalene Church and turning onto the main carriageway as seen in Appendix 5 of the report to members. The grassed areas in this vicinity were also rutted from parking and although they were adopted highway, which meant, in theory, the existing double yellow lines already covered them the lining on site did not. Since the Order was being amended it seemed appropriate to follow the statutory process and amend the written description in the schedule and the plan to cover the perimeter of both islands to make it clear parking on the islands was prohibited.

A request had been received from the management company responsible for Scholars Court asking for double yellow lines to assist residents lines of sight when leaving the access onto West Street because parking on the cobbled area was causing an obstruction.

Members were informed that the Old Market was not the subject of the objection but, for completeness, it was explained that this originated from Boyes Store who received deliveries via The Old Market and the route was regularly obstructed. Also residents and Neighbourhood Enforcement had been in contact to advise parking on both sides caused traffic management issues and obstruction of the footway.

Finally, at Appeals & Complaints Committee in September 2013, Yarm Town Council and local residents requested restrictions at West End Gardens junction with Bridge Street which had been included with the advertised proposals, as agreed at that Committee meeting.

The Committee was informed that the proposals had been advertised formally between 12 March and 2 April when 1 objection had been received. Copies of all correspondence exchanged was provided.

The objection principally related to:

- the proposed restrictions on West Street, querying how they would affect those attending funerals and disabled patrons attending the Fellowship Hall.
- the impact of the restrictions on High Church Wynd upon elderly and ill residents at Flood Cottage.
- the objector advised that the existing markings were abused, making access to the church difficult and stated that they would be blocked in, in the event of a funeral.
- the objector queried how access to their garage would be maintained and

- suggested realigning the access road would enable a hearse to turn onto West Street, they disputed the grassed area being classed as historic green.

Members noted officers response to the objections:

- the lay-by near the Fellowship Hall was unaffected by the proposals but the restrictions would assist residents leaving the access from Scholars Court.
- the main wedding and funeral vehicles were formally exempted from the Order for the additional restrictions on West Street and would most likely be driven by someone not attending the service and so could move on if required.
- boarding and alighting of passengers was permitted on the proposed restrictions as was loading and unloading of goods and blue badge holders were exempt for up to 3 hours providing they did not cause obstruction or road safety issues, so elderly and/or ill residents could be picked up or dropped off at their door which they could not do at the moment as there were no restrictions on the ground and the area was used for parking.
- double yellow lining would not usually continue across a side road, the appropriate marking in such cases was a white keep clear, which could also be enforced.
- the grassed islands were adopted highway but also were registered as common land in the 1970s, realigning the access would invariably involve loss of 'green' area since it would require appropriate consents for the disposal of registered common.

The restrictions did not affect parking opportunity at 17 West Street but would improve a route to the property for a delivery vehicle for example and would address the unsightly rutting damage to the green areas to the front. Residents and businesses were in contact with Network Safety regarding the ongoing issues but, because the restrictions had been advertised as part of a single Order, the objection had resulted in all of the proposed restrictions being put on hold.

Members were informed that proposals to introduce residents' parking facilities were being developed, the draft proposals were currently with Yarm Ward Councillors and the town council for comments and would be followed by a public consultation exercise with affected residents.

In summary, the advertised additional restrictions had been progressed in response to local business and residents' concerns. Officers recommend that the objection was over ruled and the restrictions were implemented to assist with on-going reported concerns.

A local resident, present at the meeting, suggested that new restrictions be added on the south side of High Church Wynd, up to number 12, as, currently, parking in this area was causing difficulties for vehicles accessing the Wynd and her property, 'Ivy Dene'. The resident described a recent incident when an ambulance, called in an emergency, had been unable to access her house, due to obstructive parking.

Members discussed the information they had been provided with and the issues involved. They also asked officers a number of questions. The Committee used google street view and google maps to assist with its consideration of the matter.

Officers, representing the Head of Economic Growth and Development and the local resident present, left the meeting whilst the Committee considered the matter.

Taking account of all the information it had received the Committee agreed that the reasons set out in the objections did not outweigh the reasons for making the proposed Order and, therefore, it was agreed to recommend that the objection should not be upheld.

Members were concerned about the incidents of obstruction occurring in High Church Wynd, that had been described by a local resident. Particular concern was expressed about the reported obstruction of an emergency vehicle. The Committee asked officers to look at the situation and consider what enforcement, or other action, might be taken to alleviate the problem. The presenting officer advised that this would be most appropriate for the Officers' Traffic Group to consider. It was explained that residents would be consulted on a proposed residents' parking scheme when such issues might come to light and could be incorporated in the scheme taken forward in due course.

Members were also very keen that residents, affected by the Order, understood what they were permitted and prevented from doing in terms of parking, picking up, dropping off etc.

RESOLVED that:

1. the Head of Economic Growth and Development be recommended not to uphold the objection.
2. officers investigate issues relating to possible obstructions at High Church Wynd, detailed above, with a view to identifying a solution.
3. officers be requested to communicate the effects of the Order to local residents.

**ACC
5/15**

LAWSON STREET, STOCKTON – EXPERIMENTAL 2 HOUR LIMITED WAITING

Members considered a report relating to an outstanding objection received following advertising of an Experimental Order to introduce two hour limited waiting on Lawson Street, Stockton.

An officer from Economic Growth and Development Services was in attendance and presented the report.

It was explained that, following publication of the statutory notices, one letter of objection had been received from staff at Baines Jewitt Accountants of 41-45

Yarm Lane. A similar objection with respect to proposals to introduce a 2 hour maximum stay on an off-street car park located off Buchanan Street was presented to the Appeals and Complaints Committee on 29 April 2014. The Committee recommended in favour of the proposals and also that consideration be given to relocating the point road closure on Lawrence Street further south and extending the Trinity Gardens Residents Parking Zone be investigated, in order to potentially allow Baines Jewitt, 41-45 Yarm Lane, to purchase business permits. The recommendation was subsequently approved by the Head of Service in consultation with the Cabinet Member for Regeneration and Transport, the 2 hour maximum stay on the off street car park came into effect on 1st December 2014.

It was explained that a preliminary investigation into the feasibility of extending the Trinity Gardens Resident Permit Parking Zone to include the north end of Lawrence Street had been completed. The costs involved in relocating the point road closure on Lawrence Street to enable business permit bays to be provided would be approximately £5,500 plus £2,000 for the Traffic Regulation Order. A further £2,000 would be required to amend the existing Trinity Gardens RPZ Traffic Regulation Order. The business bays would not be designated for use by one business alone, all businesses in the zone would be eligible to purchase permits and use any of the business bays provided. The high costs involved, the impact on local residents and the limited number of business bays that could be provided (approximately 4 bays at the northern end of Lawrence Street) was considered to outweigh any benefits that would be achieved for one business.

Details of the outstanding objection to the Experimental limited waiting restrictions on Lawson Street were provided to the Committee. The issues that made up the objection related, in the main, to what the objectors considered to be negative impacts on the staff and customers of Baines Jewitt. Officers provided detailed responses to the objections raised, for consideration by the Committee.

Members discussed each objection in turn and asked a number of questions for clarification. The Committee used google street view and google maps to assist with its consideration of the matter

Officers, representing the Head of Economic Growth and Development, left the meeting room whilst the Committee considered the matter.

During consideration members noted that there may be alternative parking options that the objectors could consider, potentially within the curtilage of their business premises.

Taking account of all the information it had received the Committee agreed that the reasons set out in the objections did not outweigh the reasons for making the proposed Order and, therefore, it was agreed to recommend that the objection should not be upheld.

RESOLVED that the Head of Economic Growth and Development be recommended not to uphold the objection.

