

AGENDA ITEM:

**REPORT TO APPEALS &
COMPLAINTS COMMITTEE.**

DATE: 17 JULY 2015.

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

PROPOSED 24 HOUR WAITING RESTRICTIONS – YARM TOWN CENTRE AREA

1.0 SUMMARY

The purpose of this report is to seek Members' views on an unresolved representation 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. No waiting at anytime restrictions are represented on the ground as double yellow lines.

The advertised traffic regulation Order proposes to extend the no waiting at anytime restrictions, at the request of local residents to address the on-going issues of obstructive parking. The restrictions were originally introduced on Monday 20 January 2014 following an Appeals and Complaints Committee in September 2013, Members of the Committee had recommended that the restrictions are monitored and amendments be considered 6 months following their implementation. It is more efficient to consider all suggestions and requests for amendments at the same time since they would be contained within one statutory consultation and the number of amendments to the traffic regulation Order would be minimised.

The waiting restrictions detailed in this report take account of on-going issues and requests for the restrictions to be amended. The amendments as advertised would extend the no waiting at anytime restrictions on The Old Market, West Street, West End Gardens and in the vicinity of 12 High Church Wynd ('Flood Cottage') to deal with further instances of obstructive parking. The advertised proposals also reduce the extent on the south side of High Church Wynd, near Yarm Youth and Community Centre, to accommodate some further on street parking.

One representation was received during statutory advertising, it principally related to the proposed restrictions on West Street in the vicinity of St. Mary Magdalene Church and also on High Church Wynd in the vicinity of 'Flood Cottage'.

This report presents the response of the Head of Economic Growth and Development to the objection. It is not considered appropriate for the Head of Economic Growth and Development to consider the objection directly as he would effectively be reviewing his own decision.

2.0 RECOMMENDATIONS

It is recommended that:-

- (i) Members give consideration to the objection received from Mr and Mrs Sunley during the statutory process, also to the comments of the Head of Economic Growth and Development as detailed in the report.

3.0 BACKGROUND

- 3.1 In January 2013, Cabinet authorised the Head of Technical Services (now Economic Growth and Development), in consultation with the Cabinet Member for Regeneration and Transport, to proceed through the statutory process for implementation of their agreed changes to parking arrangements in Yarm town centre.
- 3.2 Authorisation to advertise a proposed extent of no waiting at anytime restrictions in the Yarm town centre area as per drawing **TM2/136D in Appendix 1** was subsequently given in March 2013 (decision record TS.T.118.12). Statutory advertising ran from 27 June 2013 until 19 July 2013 during which time the Council formally received 7 representations opposed to the proposed extent. The matter was subsequently referred to Appeals & Complaints Committee, on 10 September 2013 which was considered alongside proposals to implement pay and display charges for parking in Yarm.
- 3.3 Members of the Committee in 2013, recommended that the advertised traffic regulation Order could proceed as advertised (drawing **TM2/136D in Appendix 1**) and that requests for amendments could be considered following a period of monitoring, suggested as 6 months. It is more efficient to consider all suggestions and requests for amendments at the same time which, if appropriate, would then be contained within a single statutory consultation. The waiting restrictions were implemented on the ground on Monday 20 January 2014 and a period of monitoring ensued, requests for amendments were recorded and subsequently resulted in these proposals being progressed to statutory consultation.
- 3.4 There are 39 off street long stay car parking spaces across the Castle Dyke Wynd and The Old Market sites. Members of the 2013 Committee were assured that the Council was negotiating with land owners to provide additional spaces by developing under used land around Yarm High Street for long stay off street parking. 'Yarm Wharf', to the rear of Barclays Bank on the east side of the High Street opened in March 2015 adding a further 38 off street spaces to the long stay capacity.
- 3.5 Furthermore, a revised planning application (ref: 14/2496/REV) for construction of a long stay off street car park with 34 parking bays to the rear of 661 Yarm Road, on the northern side of Yarm Bridge, was reviewed and subsequently approved at Planning Committee on 22 October 2014. Positive discussions are still also on-going with other private land owners to potentially develop small pockets of under used land within walking distance of the town centre as long stay parking.

4.0 PROPOSED MEASURES (see Drawing TM2 / 185C in Appendix 2)

- 4.1 A permanent traffic regulation Order has been advertised to extend the no waiting at anytime restrictions in various streets to the west of Yarm town centre for road safety reasons or to prevent on-going nuisance parking and obstruction to traffic movements. The double yellow lines to indicate formal waiting restrictions are clear for motorists to understand and are thereby the most effective and appropriate marking in dealing with obstructive parking which consequently also reduces the burden on Enforcement Officers. Yellow lining only is required to indicate these restrictions on the ground; no associated new posts/plates are needed.

5.0 DISCUSSION

Enforcement

- 5.1 To ease the resource intensive enforcement burden, no waiting at anytime restrictions were implemented to provide clarity to motorists regarding areas where parking would be obstructive and to enable those parking in contravention to be issued with fixed penalty

charge notices. Since implementation, on 20 January 2014, up to 25 September 2014, Enforcement were called on 94 occasions, resulting in 46 fixed penalty charge notices issued for contravention of the restrictions on the western side of the town centre, as detailed in the following table.

5.2 **Table 1** – Enforcement data from 20 January 2014 to 25 September 2014.

Street Name	Penalty Charge Notices Issued	Enforcement 'call-outs'
The Old Market	0	22
Low Church Wynd	1	0
Bentley Wynd	17	9
West Street	9	51
Bridge Street	19	12
West End Gardens	0	0
High Church Wynd	0	0
Total	46	94

5.3 These figures indicate that the number of penalty charge notices issued for a 9 month period equate to around 5 per month or, around 60 per calendar year. This is approximately 6 times less than the number of actions in 2009 -2010 (at 730 penalty charge notices) which suggests that the yellow lining does provide greater clarity and is better understood by motorists. As a result of the greater understanding, the enforcement burden also appeared to have reduced as the number of call outs to respond during the 9 month period was around 10 per month, or 125 per year, suggesting the number of calls for enforcement action had reduced significantly, from 400 (in the period 2009 and 2010).

5.4 Notably, the outstanding area for attention in Table 1 is West Street representing 54% of calls received by Enforcement Dispatch, 20% of penalty charge notices were issued in this location which is perhaps indicative that parking on the grassed islands and in the vicinity of the Fellowship Hall is the residual problem since the west side is already covered with waiting restrictions. The Old Market represented 23% of calls but with no penalty charge notices being issued which is indicative that the residual problem is obstruction where waiting restrictions are not present.

Requests for amendments

5.5 Since implementation of the waiting restrictions in January 2014, suggested amendments have been received including; 3 requests for the lining to be extended on The Old Market, 1 request for the lining to be reduced plus 1 for the lining to be extended on High Church Wynd and as raised at Appeals and Complaints Committee in September 2013 there was an outstanding request for waiting restrictions on West End Gardens.

5.6 **High Church Wynd** - The implemented (2014) waiting restrictions were intended to reinforce the general practice of parking on the south side of High Church Wynd and to replace the advisory white 'Keep Clear' / 'H' markings with formal waiting restrictions. Residents with no private parking facilities are keen to maximise parking opportunity (**item 1 in Appendix 3**). It seemed practicable to relax the extent of the restrictions to allow an additional 2 vehicles to park on the south side and this was incorporated into the amendments.

5.7 New waiting restrictions on the south side were requested, separately and also via the local Ward Councillor at the time, by the residents of 'Ivy Dene', to the rear of 79 High Street (**item 2a and 2b in Appendix 3**). Vehicular access to 'Ivy Dene' is by means of an entrance between numbers 13 and 17 High Church Wynd which is regularly obstructed by parking on the south side. The request is therefore to add in new restrictions on the south side, adjacent to property number 12 'Flood Cottage' and the associated garage. The

request was incorporated into the draft proposals. It is anticipated that overall existing capacity would be maintained on High Church Wynd as a result of relaxing the extent at one location and implementing new restrictions in another, as outlined.

- 5.8 **The Old Market** – The extent of implemented restrictions was developed using swept path analysis to determine the absolute minimum extent of restrictions required in order to maintain an unobstructed route for large vehicles. The restrictions were expected to protect the route for large vehicles from obstruction, (because Boyes store delivery vehicles access the store from the rear via The Old Market), whilst retaining maximum on-street parking opportunity. However, there have been concerns expressed that this is not the case and that the Boyes store delivery vehicle route is regularly obstructed by vehicles parking on the south side in the vicinity of numbers 26-28 and has on occasion resulted in cause to call the Police for assistance. This has been raised by residents of The Old Market and also by Neighbourhood Enforcement advising that parking in this proximity is obstructive to general traffic flow and the footway (when drivers park wholly on the footway to attempt to avoid obstructing the carriageway).
- 5.9 There has also been a request for the restrictions to be extended to cover the driveway access of number 32, the restrictions currently stop west of the access at the boundary which results in vehicles parking inconsiderately and obstructing access to the rear of the properties numbers 31-32. There have been no requests for the restrictions to be reduced at all.
- 5.10 **West End Gardens** – Yarm Town Council and a local resident spoke at Appeals and Complains Committee in September 2013 asking for the restrictions to be extended on the west side of West End Gardens at the Bridge Street junction to address obstruction to access, visibility and obstruction of the footway. The extension was supported by Committee Members in 2013 but since it would have delayed implementation of the traffic regulation Order it was agreed that the requested extension could be included as part of the monitoring process. Complaints relating to commuter parking away from the junction have been received regarding obstructing turning areas, the footway and private driveways. Enforcement have also received requests from residents for cones to be put out to protect a route from obstruction for furniture deliveries and funeral vehicles.
- 5.11 Consideration was given to covering the entire length of West End Gardens with waiting restrictions, this approach received support from local Ward Councillors at the time and Enforcement in order to resolve the issues that have been occurring. An informal educational approach has been attempted by Enforcement Officers but has not been effective as waiting restrictions on both sides would be. However, following a consultation exercise with local residents this option (supported by 45% of households that responded) did not receive an appropriate level of support (typically two thirds, 66%) and therefore only restrictions on the west side of the junction have been progressed as per discussions at Appeals and Complaints Committee in 2013.
- 5.12 **West Street** – complaints regarding vehicles parked on the grassed islands in the vicinity of St. Mary Magdalene Church have been reported by residents and observed by Officers. Parking is causing ‘rutting’ damage to the grassed areas. Planters have been installed by Yarm Town Council to physically prevent parking on the east side of the largest island although the problems persist, both grassed islands are adopted highway and in theory the existing restrictions cover from the centre of the carriageway at West Street to the back of the adopted highway. However, as the existing Order was to be amended, as outlined above, it seemed sensible to include amending the description within the schedule of the Order all around both of the islands to protect them, without any doubt, from parking. An exemption for the main wedding cars and vehicles associated with a funeral cortege was included within the Order when attending services at St. Mary Magdalene Church.

- 5.13 To assist hearses/long vehicles leaving the access road turning onto the main carriageway, which is reportedly (**item 3 in Appendix 3**) difficult when cars park opposite, it was proposed to extend the restrictions on the east side up to the boundary of number 28/30 West Street.

6.0 CONSULTATION

- 6.1 The Officers' Traffic Group were consulted at their meeting on 27 November 2014, ref 150/14. The group supported the proposals as outlined. The group were updated at their meetings on 8 January 2015 and 12 February 2015.
- 6.2 The local Ward Councillors and Yarm Town Council were consulted on the proposals in November 2014. Yarm Town Council supported the proposals particularly the amendments on West Street, in the vicinity of St. Magdalene Church.
- 6.3 In February 2015, the Head of Economic Growth and Development, in consultation with the Cabinet Member for Regeneration and Transport, agreed to the advertising of the proposals as outlined, via decision record TS.T.122.14.

Statutory Consultation

- 6.4 The statutory consultation was conducted as required by the "Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1989" as amended. In practice, this involved publishing a public notice in the free weekly newspaper – the "Herald & Post", on 12 March 2015, site notices were posted on the affected lengths of highway. Copies of the site notice, plan and draft traffic regulation Order were also available on the Council's website with details of how to formally make a representation. The statutory consultation period ended on 2 April 2015.
- 6.5 During the statutory consultation, 1 representation from a local resident was received, correspondence has been exchanged although the objector has indicated they wish to uphold their objection and the matter remains unresolved for Committee Members consideration. Copies of the correspondence exchange are given as **item 4 in Appendix 3**. The main points of the objection are also summarised below with a response from the Head of Economic Growth and Development.

Objection details

- 6.6 **Mr & Mrs R. Sunley, 'Crofton House', 17 West Street, Yarm, Stockton on Tees, TS15 9BU.**

Mr and Mrs Sunley object to the additional waiting restrictions when no additional provision for free off street parking has been made, they query how the proposals will affect those attending funerals and also disabled patrons attending the Fellowship Hall on West Street and carers parking at 'Flood Cottage' on High Church Wynd.

The objectors state there is no good reason to extend the yellow lines in front of 'Flood Cottage', the elderly and ill pensioners have been verbally abused by the owner of a large 4 by 4 vehicle who sometimes has difficulty in manoeuvring her excessively large car and her abusive attacks on the property owners should not be allowed to justify a request for a yellow line. The disabled people living there need services to support them. The objector advises that a Mrs Simpson has also objected to the proposed restrictions.

We (the objectors) at 17 West Street would be blocked in, in the event of a funeral or wedding instead of proper provision being provided for the traffic parking. Furthermore, how would access be maintained to our garage and Northumbrian Water, as currently many cars park on the 'Keep Clears'.

We do not see how yellow lines around the "green" are going to assist in stopping obstructive parking, but will only increase it. The existing 'Keep Clear' signs are not being either policed or followed by the parkers making access to the Church and the properties adjacent very difficult, if not impossible.

There should be no problem to hearses etc if the road is realigned to enable them to turn, instead of the right angled bend currently. I do not agree that a suitable realigned road to cater for long wheel base hearses would have any effect on the "green" it would just have more area on one side of the road than the other. I have photos when this was not a green at all, but just an open space, so you cannot be protecting a historic "green".

With regard to the proposed changes in front of 15/15A, the residents are very concerned about the new idea as the land is their property beyond the setts to do as they wish.

Response from the Head of Economic Growth and Development

- 6.7 There is a standard exemption within the proposed Order for genuine loading and unloading activity, or stopping a vehicle to enable a passenger to board or alight on the double yellow lines. The lay-by adjacent to the Fellowship Hall is unaffected by the proposals, the restrictions prohibit parking on the cobbles at the edge of the footway which in any case should not be used for parking. Disabled motorists are also able to park on double yellow lines for up to 3 hours and may therefore legally park on the proposed restrictions providing of course that they do not cause an obstruction, or road safety issue. This would assist carers of disabled residents in parking near to a property, to pick up or drop off the resident at their door. In addition, an exemption for the main wedding cars and vehicles associated with a funeral cortege when attending services at St. Mary Magdalene Church was included within the advertised draft Order pertaining to the lines around the grassed islands.

Overall parking capacity would be maintained on High Church Wynd as a result of relaxing the extent of the double yellow lines for 2 vehicles, at the Youth and Community Centre which balances with the new proposed extent of restrictions which will remove 2 vehicles. The new restrictions adjacent to 'Flood Cottage' were requested by local residents who experience genuine difficulties with vehicular access (see vehicle path analysis in **Appendix 4** which illustrates entering or leaving the access are both difficult when parking on the south side occurs, particular difficulty is the exit manoeuvre). No other objections to these restrictions have been received. For Members clarification on this matter the statutory objection period expired on 2 April 2015, written objections should have all been sent to the Council's Corporate Director of Law and Democracy. Since the objection from Mr and Mrs Sunley was sent directly to Car Parking Services a check of the mail logging system used by Economic Growth and Development was conducted and confirmed that no other objection from a Mrs Simpson was received during the statutory objection period. Legal Services have also confirmed they have nothing on file as being an objection (or anything else) from Mrs Simpson.

Complaints regarding vehicles parked on the grassed islands in the vicinity of St. Mary Magdalene Church have been reported by residents and Yarm Town Council to be causing 'rutting' damage to the grassed areas. Planters were installed by the Town Council to physically prevent this although the problems persist. The extended restrictions all around both of the islands will protect them from parking. The grassed islands are adopted highway but are also common green which means the suggestion to realign the access road junction is simply not possible since it would invariably involve loss of the green area.

The parcel of land near St. Mary Magdalene Church was registered as 'Common Land' in the 1970s and as such works would typically require consent from the Secretary of State. It is also stated as being adopted highway which thereby designates powers of authority to the Council to process a traffic regulation Order and implement waiting restrictions. Formal waiting restrictions represented on the ground by yellow lines have reduced obstructive parking at locations surrounding Yarm town centre because they provide greater clarity to motorists, parking in contravention would be with fixed penalty charge notices being issued.

Since the grassed areas are adopted highway, in theory the existing restrictions already cover from the centre of the carriageway at West Street to the back of the adopted highway not just the one side as currently marked on site. However, as the existing Order was being amended to add in new areas; The Old Market and West End Gardens etc, the description within the schedule and the associated plan of the Order to describe and illustrate all around the islands was added to protect them from parking and the subsequent 'rutting' damage.

The proposals to extend the restrictions up to the boundary of 28/30 West Street are to assist hearses leaving the access road and turning onto the main carriageway, which the Parish Church reported to be difficult when cars park opposite (see vehicle path analysis in **Appendix 5** and the exit manoeuvre is very difficult in both directions). The exemption for the main wedding cars and vehicles associated with a funeral cortege was included within the draft Order to enable those vehicles only to park on the yellow lines when attending services at St. Mary Magdalene Church. This would allow the main cars to park in close proximity but does not apply to all of the vehicles attending the service. Clearly those vehicles have a genuine need to park close by and presumably they would park sensibly although issues of obstruction to Mr and Mrs Sunley's garage can be enforced. Furthermore, those vehicles also tend to have a driver who is not attending the actual service and therefore remains with the vehicle so could move on if required.

Double yellow lining generally would not continue across a side road junction/access, the appropriate marking in such cases is a white 'Keep Clear' which can also be enforced by patrolling enforcement Officers.

The additional restrictions adjacent to 15 and 15A, followed a request from the Church for consideration to be given to including additional restrictions, on the cobbled setts leading to the Church gates to address instances of obstruction, particularly for wedding and funeral cortege vehicles. The restrictions would have covered the adopted highway only not the private land beyond the cobbled setts (drawing of those proposals is included as **Appendix 6**). Following an unfavourable consultation exercise with those directly affected, this aspect is not being progressed to implementation.

7.0 FINANCIAL IMPLICATIONS

The cost of the first statutory notice was £673.93. A second notice would also be required if the proposals progress to the traffic regulation Order being made and implemented, the total for the statutory advertising element would be £1,347.86.

Amendments to extend the lining would be required, detailed estimates have not been prepared but are anticipated to be in the region of £700 these costs would be met from the 2015/16 Local Transport Plan. Signs/posts are no longer required for this type of waiting restriction.

8.0 POLICY CONTENT

The Council propose to make the Order for; facilitating the passage on the road or any other road of any class of traffic (including pedestrians). The proposals are in accordance with the Council's Parking Plan.

9.0 CONCLUSION

No waiting at anytime restrictions were introduced on Monday 20 January 2014, the restrictions appear to have been generally effective in reducing the enforcement burden although there are outstanding locations where additional restrictions would assist. Some suggested amendments have been received during the initial period of implementation. Appeals and Complaints Committee, in September 2013, recommended that a period of monitoring the restrictions would be undertaken and if practicable suggested amendments would be incorporated.

The advertised proposals incorporate the requests received, as evidenced in Appendix 3 and do not affect parking opportunity specifically at 17 West Street, the restrictions would address parking problems on the route to their property should Mr and Mrs Sunley arrange for a delivery for example, furthermore the restrictions will address the unsightly 'rutting' damage to the green areas as a result of parking. Members are reminded that the lining around the grassed islands could be implemented without progressing the advertised Order given the existing restrictions cover the entire adopted highway. No other objections have been received to the advertised restrictions, including those proposed adjacent to 'Flood Cottage'. Residents and businesses of The Old Market and residents of West End Gardens continue to experience obstruction and traffic issues as a result that this advertised Order has been delayed since all proposed restrictions have been included within a single statutory consultation. The Head of Economic Growth and Development is therefore keen to progress the Order expediently.

The amendments advertised will address the concerns expressed and assist enforcement, it is thereby recommended that the proposals are progressed as advertised and that the objection is over ruled.

Corporate Director of Development and Neighbourhood Services

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Environmental Implications

Yellow lines implemented would be reduced in width from the standard and applied in a paler yellow (primrose) colour more compatible with a Conservation Area status.

Community Safety Implications

Regulation of residual obstructive parking will improve road safety for drivers and pedestrians.

Background Papers

Report to Appeals & Complaints Committee, September 2013.
Cabinet Member Report TS.T.118.12 Proposal to introduce waiting restrictions in Yarm.
Officers' Traffic Group meeting 27 November 2014 min 150/14 refers.
Officers' Traffic Group meeting 8 January 2015 min 05/15 refers.
Officers' Traffic Group meeting 12 February 2015 min 23/15 refers.
Planning application ref: 14/2496/REV.
Traffic survey M4/42.

Education Related Item?

No.

Ward(s) and Ward Councillors:

Yarm Ward : Councillors; E Hampton, B. Houchen and J Whitehill.
Previous consultation undertaken prior to the 2015 General and Local Elections with Councillors B Houchen, A Sherris and M Chatburn.
