

**AGENDA ITEM:**

**REPORT TO APPEALS &  
COMPLAINTS COMMITTEE**

**DATE: 8<sup>th</sup> AUGUST 2016**

**REPORT OF THE DIRECTOR OF  
ECONOMIC GROWTH &  
DEVELOPMENT**

**PROPOSED TRAFFIC REGULATION ORDER – GOOSE PASTURE, YARM**

**1.0 SUMMARY**

The purpose of this report is to seek Members' views on 12 unresolved representations received, following statutory advertising of a proposal to amend the existing traffic Order on Goose Pasture in Yarm. The single yellow line restrictions are to be replaced with no waiting at anytime restrictions and to also include a new loading prohibition applicable Monday to Friday 8.30 to 9.30am and 2.30 to 4.30pm. These restrictions would also be extended to cover the bend at the fork in the road plus both sides of the southern fork leading to Rookery Woods, with the exception of the frontage of number 49 where the driveway is not fit for purpose.

The advertised traffic Order was progressed at the request of local residents following their ongoing concerns relating to legitimate parking on the existing single yellow lining and in locations where parking is not currently restricted on the incline and the bend, which result in road safety and traffic management issues.

Eleven of the representations received during statutory advertising represent number 49 Goose Pasture and are in regard to the proposed restrictions on both sides of the southern fork leading to Rookery Woods (only) not the proposals to amend the restrictions and to extend them to cover the bend. The twelfth objection is removed to the proposed restrictions for Goose Pasture and is associated with concerns relating to parking on another side road off The Spital – The Pines.

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

**2.0 RECOMMENDATIONS**

It is recommended that:-

- (i) Members give consideration to the objections received during the statutory process, also to the comments in response from the Director of Economic Growth and Development, as detailed in this report.

**3.0 BACKGROUND**

- 3.1 Goose Pasture is a residential cul-de-sac, on an incline down from A67 The Spital, all properties have off street parking provision. Restrictions applicable Monday to Friday between 8am to 9am and 4pm to 5pm are already in place, indicated by a single yellow line and associated plates/signs. See plan from 2004 in **Appendix 1** from the existing traffic Order, the restrictions were originally implemented in 2001. The times of these restrictions

are no longer appropriate to address the parking issues, principally associated with Yarm School students and nursery traffic. As part of the consultation, some residents highlighted the traffic issues they experienced had been ongoing for 15 years.

- 3.2 Enforcement advise they are called to respond to issues at around 9:15am and 3:20pm which are outside of the operational times of the current restrictions. The contraventions thereby cannot be enforced effectively and the issues persist. 39 enforcement tasking requests were received by Enforcement Control Room for response in 2015.
- 3.3 Enforcement requested loading restrictions as part of the proposed amendment traffic Order to remove the requirement for Officer 'observation time' and reduce an Enforcement Officer's time away from the school gates where a presence is more desirable, in the early morning and afternoon.
- 3.4 The northern side of the fork has 22 detached properties situated on both sides, the southern fork has 6 detached properties on one (east) side only. There are footways, measuring approximately 1.8 metres wide, along both sides and the carriageway measures approximately 5 metres wide. Parking along the southern fork tends to be on one side only (the houses side). If parking occurred on the side opposite the houses it could potentially cause obstruction for residents and their visitors accessing and egressing their private, off street driveway.
- 3.5 Residents report parking causes an obstruction to the footway resulting in pedestrians using the road to pass, visibility at the bend and also at the junction with The Spital and to traffic movements generally but particularly on the incline and the bend. Parking issues are reported to be a result of Yarm School traffic, shoppers avoiding parking charges in Yarm and overnight parking by evening leisure visitors to the town as well as visitors during the annual Yarm Fair (October) and anglers accessing the river via Rookery Woods.
- 3.6 Traffic survey data for Goose Pasture before and after parking charges were introduced in Yarm town centre indicated a net increase of 3 vehicles overall and a maximum of 8 vehicles observed in total which is not a significant impact upon the availability of on street parking opportunity for residents, therefore residents have been informed that permit parking is not justified at Goose Pasture. Residents parking is also not implemented to address school parking issues which are not all day, everyday issues and schemes are not progressed for individual streets or single properties but for identifiable zones.
- 3.7 There have also been reports and concerns expressed relating to anti-social behaviour occurring in the woods causing nuisance and distress for some residents in the vicinity. This is not the reason for progressing the traffic Order although it would assist to some extent whereby Enforcement would have authority to move vehicles on from the restrictions if they are reported by residents to be acting suspiciously and would also prevent overnight parking for activities such as camping and alleged badger baiting.
- 3.8 Requests for traffic Orders cannot be dealt with immediately because of limited funding and resources available, they are therefore added to a list of similar requests and scored on a matrix against factors that rate its benefits to traffic management and road safety. Goose Pasture was added to that list awaiting prioritisation although it was not identified as an immediate priority and timescales for investigation could not be estimated. Therefore local residents approached their local Ward Councillors to seek their assistance in funding the traffic Order from their annual Ward budget. Ward Councillors agreed, subject to the proposals receiving an appropriate level of support from affected residents.
- 3.9 49 Goose Pasture has off street parking which the owner has highlighted is not functional because of it's steep incline and angle to the highway, therefore it is not fit for purpose and the residents rely on parking on street for their vehicles and those of their visitors. The area adjacent to the frontage of number 49 (approximately 28 metres) was left unrestricted

within the proposals for this reason, to enable on street parking to continue. If the area directly opposite this location was left unrestricted, parking on both sides could cause obstruction to traffic movements particularly for large vehicles.

- 3.10 In March 2016, the Director of Economic Growth and Development, in consultation with the Cabinet Member for Regeneration and Transport, authorised a recommendation to proceed through the statutory process for the outlined changes to the current waiting restrictions.
- 3.11 The Council may exercise discretion and issue waivers in exceptional circumstances, where it is deemed that a vehicle is required to park on as a temporary situation near to or adjacent to a specified property where waiting restrictions apply. This is typically for trade or utility service vehicles to assist in carrying out their duties. A waiver for parking on single or double yellow lines is only issued where the vehicle is absolutely necessary for the completion of the task at hand and is not a general dispensation to park illegally. There is a charge of £10 per day, up to a maximum charge of £100.

#### **4.0 PROPOSED MEASURES (see Drawing TM2 / 208B in Appendix 2)**

- 4.1 A permanent traffic regulation Order has been advertised for the existing waiting restrictions to be replaced with no waiting at anytime restrictions inclusive of a loading prohibition applicable Monday to Friday 8.30 to 9.30am and 2.30 to 4.30pm on Goose Pasture. The restrictions would also be extended to cover the bend at the fork and both sides of the southern fork leading to Rookery Woods, with the exception of the frontage of number 49 Goose Pasture. The restrictions would apply to residents and their visitors.

No waiting at anytime restrictions are represented on the ground as double yellow lines and the loading prohibition is represented as single kerb blips with associated plates/signs. Blue badge holders are exempt from the double yellow line restrictions for up to 3 hours as detailed in section 2 of "The Blue Badge scheme: rights and responsibilities in England". For general motorists there is a standard exemption on double yellow lines to allow boarding/alighting and loading/unloading activity on the double yellow lines. Loading restrictions do prevent parking by blue badge holders and loading/unloading activity.

#### **5.0 CONSULTATION**

- 5.1 A consultation letter drop took place with 27 households on Goose Pasture. 25 households responded (93%), all, including number 49, were in support of the proposal to change the single yellow line to double yellow and also that the lining is extended to protect the bend at the fork. Note number 55 Goose Pasture was not on the Gazeteer system used to formulate the mail merge and hence was not included in the consultation, however, the objectors from number 49 have subsequently pointed out that number 55 is owned by number 53, the objectors state there are 4 separate owners across the 5 properties in this area. The majority (3 out of 4 home owners, 75%) of respondents from the southern fork of Goose Pasture, supported the proposal to cover both sides of the road with restrictions to address potential displaced parking (arising from the proposed extended waiting restrictions and the loading restrictions) causing future issues and nuisance in that area. The traffic Order process is lengthy and costly (costs in this case are detailed in section 6) so to include restrictions to address potential future parking issues; for example parking on the southern fork opposite driveways, is a standard approach if, as in this case, it is practicable. It is understandable that residents would want to 'future proof' a scheme given they have stated they have been experiencing issues for 15 years.
- 5.2 The Officers' Traffic Group were consulted at their meeting on 3 December 2015 and updated at subsequent meetings since then. This is where consultation with the Police and the Council's Enforcement Service is undertaken at the feasibility stage, it is a long-standing forum for discussing relevant transport related issues within the Borough attended by

representatives from Cleveland Police in addition to Council Officers and public transport agents.

- 5.3 Local Ward Councillors and Yarm Town Council were consulted on the proposals. Responses received were included in the final approved report. It should be noted that Ward Councillors agreed to fund progression of the traffic Order.
- 5.4 In March 2016, the Director 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 EGDS.T.154.15

### **Statutory Consultation**

- 5.5 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 “Herald & Post”, 9 site notices were physically posted on the affected highway. Copies of the site notice, plan and draft traffic Order were available on the Council’s website for the duration. The statutory consultation period ended on 19 May 2016 and all Notices were removed from site on 9 June 2016.
- 5.6 During the statutory consultation, 12 representations were received, correspondence has been exchanged although the objectors, as detailed in this report, have indicated they wish to uphold their objections and the matter remains unresolved for Committee Members’ consideration. Copies of the correspondence exchanged are given as **Appendix 3**. The main points of the objections are summarised below with a response from the Director of Economic Growth and Development.

### **Objection Summary (also see Appendix 3)**

- 5.7 **Dr. Jyoti Krishna, 49 Goose Pasture, Yarm, TS15 9EP.**

The restrictions from number 47 to 55 will prevent me and my visitors from parking in front of, or near, my house.

I have a short steep drive at an acute angle to the road, which cannot be used for parking especially in the winter and in icy conditions so my car and my visitors’ cars have to be parked on the road outside my house.

This traffic Order shows only the road in front of my property has been left clear which is not an acceptable alternative. My reasons are:

The only available free space remaining will be in front of my house so anyone driving into Goose Pasture looking for somewhere to park will end up parking in front of my house preventing me and my visitors from parking there. There is no other available space nearby as The Spital also has parking restrictions.

When residents of Goose Pasture have an excess of visitors or there are tradesmen working on their houses and their drives are full, the only place left for them to park will be in front of my house. At present, since there are no restrictions, my visitors are able to park further down the road from number 51 onwards.

Some of my neighbours already park in front of my house, leaving their drives vacant, just to prevent others from parking there. I have no assurance that this behaviour will stop once the restrictions are implemented.

I understand the restrictions are being demanded by some residents to deal with anti-social behaviour occurring in the woods. The woods can still be approached from The Spital without entering Goose Pasture so parking restrictions are not a solution to this.

Request resident only parking in front of my property or allow unrestricted parking on one side of the road from number 47 to 55.

I have lived in my house for the last 20 years with no restrictions in this part of Goose Pasture and it has not been a problem. If these parking restrictions are implemented future families that come to live here, are also likely to be impacted by not being able to park on the road outside their own homes. Property values may also suffer.

## 5.8 **Response from the Director of Economic Growth and Development**

There was a majority support from respondents to the residents consultation to cover both sides of the southern fork with restrictions. See consultation section for full details. As part of the consultation, the Council was advised that the issues had been ongoing concerns for residents for 15 years.

The proposal taken forward was to include comments received from the consultation including leaving the area adjacent to number 49 unrestricted.

Anti-social behaviour and environmental nuisance in, or near, the Woods has been reported to be causing distress and trouble for some residents in this vicinity. The restrictions would prohibit overnight parking and assist Enforcement in moving on vehicles, parked on the lining who residents report may be acting suspiciously and prevent overnight parking, but this is not the background purpose for their implementation.

The principal reason for progressing the proposals is to deal with existing road safety and traffic management issues on the incline and the bend/fork and to address issues potentially being displaced further along Goose Pasture. Residents in this area are concerned that parking will occur along the southern fork because there are only houses on one side so there is currently little on street parking demand by those residents and non residents may not see parking there as an issue if it is not directly adjacent to a private property. Goose Pasture is adopted highway and there are no rights to park, even outside of your own property, furthermore the Council cannot reserve a space on adopted public highway for a specific property. Residents parking is not practicable, as detailed in paragraph 3.6.

The area adjacent to number 49 would remain unrestricted and may therefore be available for parking. You and your visitors may choose to park across your driveway access which other residents and non residents would not be able to do as it would be obstructive and could be enforced as such. It is also permissible to park where restrictions are not laid elsewhere on Goose Pasture and also on a single yellow line if the time specific waiting restriction does not apply, such as on The Spital. The lining on The Spital applies Monday to Friday between 8am to 9am and 4pm to 5pm and therefore parking on a weekday between 9am and 4pm on those lines is acceptable.

If residents require parking for trades people working on their property, as they are likely to want parking close to the property they are working on, it is possible for them to apply to the Council for dispensation to waive the parking restrictions for that vehicle. There is usually a charge associated with a waiver and advanced notice to the Council would be required as detailed in paragraph 3.11 to this report. Furthermore, all other properties also have driveways that can accommodate some vehicles which is likely to be preferable when working on a specific property.

The restrictions, if implemented, would be present on site for potential house purchasers to see, or if they are currently in the process of viewing the proposals would be returned upon associated legal land searches.

5.9 The following objections are all associated with 49 Goose Pasture but were submitted as individual objections (as **Appendix 3**). The following summary highlights new matters not already covered in the previous objection and response.

5.10 **Nikhil Krishna**

The parking restrictions would deter innocent people who would otherwise be briefly parking their cars and going about their day.

5.11 **Response from the Director of Economic Growth and Development**

The proposals were developed at resident's requests and included all comments received from the consultation last year. The reason for progressing the proposals is to deal with existing road safety and traffic management issues and address potential issues being displaced further along Goose Pasture.

5.12 **Robina Jolly A.C.A, 51 Valley Drive, Yarm, TS15 9JQ**

I regularly visit my friend at No. 49 and we often have get togethers there and need space for more than a few cars – it is after all a residential street.

In addition, there is often a neighbours car parked outside No. 49, were this to continue, there may not be space for additional cars to park there. It is not clear where one would park if the existing single yellow line was to be made a double yellow line, together with restrictions on house nos. 47-55.

Please clarify the statement of reasons for this traffic order which states “the Council propose to make the above named Order for facilitating the passage on the road or any other road of any class of traffic (including pedestrians)”.

I have been a resident of Yarm for 30 years and again never known traffic restrictions of this kind on a residential street.

5.13 **Response from the Director of Economic Growth and Development**

Yellow lines will not be laid adjacent to number 49. If there are many visitors all arriving by car they could not all be accommodated wholly within the frontage of number 49, particularly given the driveway is unusable, some visitors must already be in the practice of parking elsewhere.

To clarify, the reasons for making the proposed traffic Order, these are limited to a choice listed in the “Road Traffic Regulation Act 1984” under which this proposed Order is drafted. The reason stated is a general ‘best fit’ in this situation, see policy content section to this report.

Single yellow line restrictions are usually sufficient to deal with parking with most parking problems in residential areas. However, residents in Goose Pasture wanted the existing single yellow line amending to a double to address parking on the single yellow, extending to cover the bend and also to address future issues arising and Enforcement requested the loading prohibition is included to assist them in efficient patrolling and action.

5.14 **Mohini Kelkar**

The proposed restrictions at Goose Pasture will pose serious parking problems for friends and family visiting the residents of Goose Pasture.

5.15 **Response from the Director of Economic Growth and Development**

Goose Pasture is adopted highway and there are no rights to park.

You may park where restrictions are not proposed to be laid on Goose Pasture and also on the single yellow line on The Spital providing it is at the times when the waiting restriction

does not apply. The current situation is causing problems for residents and resulted in the proposals being formulated.

**5.16 Anand Krishna, 49 Goose Pasture, Yarm, TS15 9EP.**

I grew up in number 49. I am currently studying at university, I return home during every holiday. Myself and my brother both drive, and our cars can be present in front of number 49. If double yellow lines were included in front of no 49, there would be regular occasions when individuals would have to park on them due to the absence of other parking. People such as cleaners and gardeners come and work in the house regularly.

**5.17 Response from the Director of Economic Growth and Development**

Yellow lines will not be laid adjacent to number 49, this is following discussions with your mother who has had regular contact with the Council and has explained the issue surrounding the driveway. The area adjacent to number 49 would be unrestricted and may therefore be available for you to park. If there are many visitors all arriving by car as you suggest they could not all be accommodated wholly within the frontage of number 49, particularly given the driveway is unusable, some visitors must already be in the practice of parking elsewhere. Your mother and her visitors may choose to park across the driveway access which other residents and non residents would not be able to do as it would be obstructive and could be enforced as such.

Parking on the double yellow lines would potentially incur a Penalty Charge Notice being issued to the offending vehicle. Blue badge holders are exempt from the double yellow line restrictions for up to 3 hours as detailed in section 2 of "The Blue Badge scheme: rights and responsibilities in England". For general motorists there is a standard exemption to allow boarding/alighting and loading/unloading activity on the double yellow lines outside of the times when the loading prohibition would be in operation.

**5.18 Ananda Logishetty**

I am a friend of a resident at number 49. I would like to raise an objection regarding not having any lines in front of her house.

**5.19 Response from the Director of Economic Growth and Development**

The majority of residents in the street have requested that the advertised restrictions are implemented and all properties of Goose Pasture do have provision of a private driveway. It is unclear if you object because the area adjacent to number 49 will not be covered by the proposed restrictions, this was following discussions with the resident since the driveway at that property is not fit for purpose.

**5.20 Dr Manoj Krishna**

I lived at 49 Goose Pasture from 1996 to 2008.

Apparently the 'majority' of residents want the double yellow line imposing. Can you allow the majority to over-ride the genuine concerns of a minority?

**5.21 Response from the Director of Economic Growth and Development**

Consultation and the numbers involved are detailed in paragraph 5.1 - consultation. The frontage of number 49 was left unrestricted following the consultation whereby the comments received were incorporated where practicable.

**5.22 Girish Vaze**

It would be very inconvenient for visitors to park in the other places effectively inconveniencing other residents where these restrictions aren't planned. This is unfair to the visitors, the occupier of 49 Goose Pasture and to other residents.

**5.23 Response from the Director of Economic Growth and Development**

Goose Pasture is adopted highway and there are no rights to park. The majority of residents in the street have requested that the advertised restrictions are implemented after being informed through the consultation that the restrictions would apply to them and their visitors if implemented.

**5.24 Punam Vaze, 29 St Martins Way Kirklevington, TS15 9NR.**

As objection in paragraph 5.22.

**5.25 Response from the Director of Economic Growth and Development**

As response in paragraph 5.23.

**5.26 Christine Beckwith**

Friend lives at 49 Goose Pasture.

**5.27 Response from the Director of Economic Growth and Development**

Nothing further to add to other responses.

**5.28 Donna Caldicott**

I clean once a week at number 49 and I need to park my car outside her house to get my equipment out.

**5.29 Response from the Director of Economic Growth and Development**

No restrictions are proposed outside of number 49. However, if space was not available there you could park across the driveway of number 49 with the residents' permission. Furthermore, it is acceptable to load/unload equipment from your vehicle into the property by parking on the double yellow lines, therefore you could park on the lining, as long as it is outside the times when the loading restriction applies for this purpose.

Once loading activity has finished you would then need to park up elsewhere, this can be on any part of the highway where restrictions have not been laid as long as it would not cause an obstruction, there are some areas on Goose Pasture which will remain unrestricted and you may legally park on a weekday between 9am and 4pm on the single yellow line on The Spital.

**5.30** The following objection is unrelated to the issues previously raised.

**5.31 Mr M.C. Leach, 1 The Pines, Yarm, TS15 9EW.**

More vehicles are taking note of the restrictions already in place on Goose Pasture and The Spital so are now parking further along The Spital. This results in road safety issues for vehicles leaving The Pines, particularly at school times. More vehicles are also parking in The Pines causing obstruction of driveways and there have been instances whereby vehicles turning in have had to reverse back out onto The Spital to allow a vehicle to exit.



Request residents parking signs at the entrance to The Pines to be considered in conjunction with markings at the junction of The Spital / The Pines to improve safety.

### 5.31 **Response from the Director of Economic Growth and Development**

#### **Residents parking request**

The Council also receives too many requests for residents permit parking to be dealt with immediately and requests are initially assessed against criteria in order to allocate funds to the areas which will benefit most from them. The criteria states residents parking schemes will not be prepared for individual streets, but for areas with clear boundaries in which parking by commuters is identified, through traffic surveys, as having a significant impact upon the availability of on street parking for local residents. Goose Pasture and The Pines do not meet the assessment criteria because the problems are associated with obstruction and inconsiderate parking rather than residents actually being unable to park relatively near to their property, since all properties on Goose Pasture and The Pines do have private, off street facilities.

Residents parking schemes are also not appropriate for areas adjacent to schools to deal with school time traffic issues given the very limited times when those issues occur, which tend to be during term time on week days. Existing schemes across the Borough operate for most of the day to address long stay commuter parking and make spaces available for permit holders to enable residents to park near their property.

#### **Obstructive parking**

It would be practicable to install a white 'H' marking across driveways, with residents' agreement. The marking advises motorists that it is a part of the carriageway which should be kept clear of parked vehicles and could be laid fairly promptly. This marking has been successful in discouraging inconsiderate and obstructive parking at other locations in the Borough. It is not backed by a traffic Order, however, parking on it can be enforced. Residents would all be consulted directly.

Double yellow lines around the junction with The Spital would be subject to a traffic Order, the request would need to be added to the list awaiting priority. Unfortunately, it is too late to add The Pines into the Goose Pasture Order because that Statutory consultation has already been carried out. However, a white 'H' marking could be laid fairly promptly to cover the junction plus 10 metres back into The Pines as an alternative to yellow lining.

## **6.0 FINANCIAL IMPLICATIONS**

The cost of the first statutory notice was £329.40. A second notice would be required if the proposals progress to the traffic Order being made, the total for the statutory advertising element would be £658.80.

Amendments to the signing are estimated at £1,371.15, amendments to the lining would be required, detailed estimates have not been prepared but are anticipated to be in the region of £300 these costs would be met from the Yarm Ward Community Participation budget 2016/17.

## **7.0 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 reasons for making the proposed traffic Order are from a choice listed in the "Road Traffic Regulation Act 1984" under which this proposed Order is drafted. Therefore, since the principal reason for progressing the proposals is to deal with existing road safety and traffic management issues and to address potential issues being displaced further along Goose Pasture, this reason is a general 'best fit' in this situation.

## 8.0 CONCLUSION

The amendments advertised will enable appropriate enforcement and address residents' concerns arising from parking practices which currently occur legitimately on the existing waiting restrictions.

It is recommended that the proposals are progressed as advertised and that the objections are over ruled.

### **Corporate Director of Economic Growth and Development**

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### Environmental Implications

Addresses residents' concerns, as outlined.

### Community Safety Implications

Addresses residents' concerns, as outlined.

### Background Papers

Cabinet Member Report EGDS.T.154.15

Officers' Traffic Group meeting 3 December 2015, min 243/15 refers.

A67, High Street / The Spital, Yarm, Stockton-on-Tees (Prohibition of Waiting) Order 1999.

A67, High Street / The Spital, Yarm, Stockton-on-Tees (Prohibition of Waiting) Order 1999  
Amendment (No.1) Order 2001.

The Borough of Stockton-on-Tees (A67, High Street / The Spital / Worsall Road, Yarm, Stockton-on-Tees) (Prohibition of Waiting) Order 2004.

Road Traffic Regulation Act 1984.

### Education Related Item?

No.

### Ward(s) and Ward Councillors:

Yarm Ward Councillors; E. Hampton, B. Houchen and J. Whitehill.

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