

# Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Friday, 16th September, 2016.

**Present:** Cllr David Wilburn(Chairman), Cllr Tracey Stott(Vice-Chairman), Cllr Derrick Brown, Cllr Evaline Cunningham, Cllr Philip Dennis, Cllr Elsi Hampton, Cllr Gillian Corr(Sub Cllr Ross Patterson).

**Officers:** Julie Butcher(HR,L&C), Mark Gillson, Gillian Spence, Anthony Wilton(EG&D), Sarah Whaley(DCE).

**Also in attendance:** Objector Mr P Dodd

**Apologies:** Cllr Ross Patterson

## **ACC 6/16**      **Evacuation Procedure**

The Evacuation Procedure was noted.

## **ACC 7/16**      **Declarations of Interest**

Councillor Philip Dennis who was the Ward Councillor for Eaglescliffe declared a personal non prejudicial interest as he had provided help and advice to Officers to help develop the scheme. Councillor Dennis confirmed he had also sign posted residents on how to respond to the proposal. Councillor Dennis was not predetermined and reserved the right to speak and to vote on the item.

## **ACC 8/16**      **Procedure**

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

RESOLVED that the procedure be agreed.

## **ACC 9/16**      **Proposed Residents Permit Parking and Waiting Restrictions Scheme - Station Road Area, Eaglescliffe**

Members were asked to consider and provide their views on a report which detailed 9 unresolved representations received, following statutory advertising of a proposal to introduce permit parking / 2 hours limited waiting on the roads identified as the immediate station area of Eaglescliffe.

To facilitate traffic movements, no waiting at anytime restrictions were included within the advertised traffic Order.

Eaglescliffe station had been refurbished and the car park had been extended, following completion of the works, Northern Rail introduced parking charges at £2 all day.

Temporary waiting restrictions and a free waiver scheme were implemented for the duration of the refurbishment works, which involved a total closure of the car park throughout the works, to address residents' concerns regarding potential obstruction and road safety issues arising from the displaced parking. Alternative off street parking was provided at Quarry Road.

74% of respondents supported the proposed residents parking scheme thereby achieving the threshold level (at 66%) of support for a permanent scheme in the immediate station area to be progressed.

In summary; 4 of the representations were in regard to the proposed no waiting at anytime restrictions on Swinburne Road, 2 representations from the same address were in regard to the proposed no waiting at anytime restrictions on Elmwood Road and only 3 representations were connected to the residents parking aspect.

The report detailed the response of the Director of Economic Growth and Development to the representations. It was not considered appropriate for the Director of Economic Growth and Development to consider the representations directly as he would effectively be reviewing his own decision.

The Principal Engineer provided Members with background information in relation to the proposed scheme, the main points covered were as follows:

It was highlighted that Stockton Borough Council had been approached by Northern Rail due to an increase in use of the Grand Central Station service from Eaglescliffe to London Kings Cross and Sunderland which had seen an increase in passengers from 76,000 per annum during 2008/9 to 196,000 passengers per annum during 2014/15.

Northern Rail proposed a scheme to invest £1,000,000 of funding to increase the size of the car park. The original car park was fairly small, only offering 34 spaces, which, due to the current extension had now increased to 83 spaces. In addition to the increase in number of spaces Northern Rail had also made improvements to the passenger waiting and access facilities.

The Authority had received short notice from Northern Rail as to the commencement of works back in October 2014. Northern Rail completely closed the existing car park at the time for refurbishment/extension which prompted the Council to come up with a short term temporary scheme whereby a Monday to Saturday 9.00am to 5.00pm waiting restrictions on the roads in the immediate station area was introduced. To assist local businesses particularly those on Station Road a Monday to Saturday 9.00am to 5.00pm, 2 hours limited waiting with no return within 2 hours was also introduced and an additional 23 space free of charge car park was made available at Quarry Road on the east side of Yarm Road. This would remain regardless of the outcome of the meeting.

It was noted that Grand Central had recently secured a 10 year contract extension to supply the Kings Cross service and therefore current usage was anticipated to continue for the foreseeable future.

The Principal Engineer explained to the Committee that the legislation that was used to bring in the temporary scheme to effect was only temporary, it was an experimental order which lasted 18 months. Affected residents were given a free of charge, temporary waiver to enable them to park on the day time restrictions. There was no option to bring the temporary waiver scheme in on a permanent basis as confirmed by the Principal Solicitor.

It was recognised that charges were introduced in the extended car park by Northern Rail at £2 per day in May 2015. In recognition of residents' concerns with regard to commuter parking on-street to avoid the charges, the most appropriate scheme to overcome residents' concerns was a residents parking scheme.

A scheme was developed which proposed dual use bays (which would be marked out on the road) as detailed within the main report. The bays would be available for residents to park for as long as they wanted which would apply Monday to Saturday from 9.00am to 5.00pm and available for 2 hour limited waiting enabling visitors to stay for up to 2 hours without the need for a visitors permit. The scheme would also provide parking opportunity for customers of nearby businesses, on Station Road in particular.

An initial consultation was undertaken with the suggested scheme which was broken into 3 distinct areas as follows:

1. The immediate station area
2. The wider station area
3. The east side of Yarm Road (these residents were consulted for their opinion about the scheme however there were no proposals for a scheme in that area).

Following the initial consultation less than the 2/3rds of responses required to progress a residents parking scheme were received. The detailed responses were contained within the main report.

Officers explained to the Committee that it appeared from the responses that the temporary waiver scheme had clouded residents views as a quantity (27%) of responses indicated that they would have liked the temporary waiver scheme to be made permanent. There were also issues highlighted relating to the £10 annual charge for the permits, however this was a non negotiable charge which was applied to all residents parking schemes in the Borough. Due to a poor level of support from the wider station area, these were subsequently removed from the scheme.

A second consultation took place where the required level of support was achieved for the proposal whereby a residents parking scheme could be progressed. Although the required level of support had been received, concerns expressed from residents in Clarence Road as well as Yarm Road and Railway Terrace remained. Due to residents wishes and the fact that it was geographically feasible, Clarence Road was then removed from the scheme.

Residents were updated on the results of the consultations and the proposal which was to be taken forward.

The Officers Traffic Group were initially consulted at their meeting which was held on the 17th September 2015 and updated as and when required thereafter, details of which were contained within the main report.

All relevant interested parties were consulted such as Ward Councillors, Parish Councils, relevant Cabinet Member and Officers of the Council, responses of which were contained within the main report.

Statutory consultation took place following approval to formally advertise the scheme in February 2016, where 13 representations were initially received. Correspondence was exchanged with residents who had expressed concerns. A site meeting was also arranged with Officers and residents where it was agreed that the scheme would be amended as detailed within the update plans attached.

Officers suggested that it was possible to significantly reduce the extent of waiting restrictions which had been originally proposed on Swinburne Road and Dunottar Avenue and presented the Committee with presentation slides detailing the suggested changes compared to that of the original proposal, all of which were detailed within the update plans. Officers felt that they had done as much as was practicably possible to address residents concerns with the new proposals.

Following the updated scheme 3 objections had been withdrawn should the new scheme be taken forward.

2 objections had also been received from a single address on Elmwood Road where the waiting restrictions proposed were outside of the area proposed for the residents parking scheme however this particular junction was raised as a concern during the original consultation by 2 separate residents. There was a site visit to consider the extent of restrictions proposed. Officers explained to the Committee that the western end of Elmwood Road was a small cul-de-sac and there was also a back alley link to the rear of some of the properties which would carry some vehicular traffic, however it was considered to be a fairly minor leg, though when looking at Google Maps Myrtle Road and Beechwood Road did act as small distributor roads for the area which carried a fair amount of traffic. Officers did feel they could relax the proposed restrictions to the frontage of No.46 Elmwood Road however it was felt that the restrictions to the side should be retained. There was still enough space for 2 cars to park at the side of No.46 Elmwood Road. The objectors did not withdraw their objections following the proposed relaxation however Officers explained that should the scheme be approved then the proposed modification would still be taken forward.

There were 3 remaining representations directly connected with the residents parking aspect of the proposed Traffic Order which had been put forward for consideration.

An objector, Dr Dodd was in attendance at the meeting and given the opportunity to make representation. His comments could be summarised as follows:

- It was good news about Eaglescliffe Station taking off as a commuter transport hub for Teesside.
- Dr Dodd explained that he lived on Yarm Road and had historically parked on Albert Road. He informed the Committee that he was also a steward for Eaglescliffe Methodist Church on Witham Avenue.
- Dr Dodd expressed that he was not happy with the annual £10 charge for a permit which was to be incurred for the residents parking scheme as this would

mean his household would be paying £30 per annum. He also felt that due to the economic equation residents would respond by paving over their gardens to create their own parking spaces, which would change the look of the area.

- It was highlighted that where a resident may be parking legitimately but had dropped their permit onto the floor of their car they would be liable to a parking enforcement ticket which was not ideal.

- It was accepted that there had been a democratic consultation of which the majority of consultees were in favour of a scheme within the area, following this the objector made 2 suggestions which he asked the Committee to consider as follows:

- 1) In order to stop people parking all day and force commuters to use the station car park it was suggested that the authority look at a similar scheme to that which the objector had had experience of in London, whereby patrons would get a 1 hour slot where double yellow lines became ineffective. The benefit of the 1 hour slot was that were you to park during the 1 hour slot and you did not have your permit you would therefore be infringing the rules. The 2 hour waiting proposal relied on someone to check when a patron arrived and left. The other benefit was that whilst the double yellow lines were inactive then anyone could park there.

- 2) Dr Dodd felt that the painting of roads in order to give restrictions should be refrained from and asked Members to reconsider the length of the double yellow lines. The dimensions of some of the double yellows were up to 20 metres which was felt to be extreme in an area where a 20mph speed limit was intended to be implemented. It was felt 10 metres should have been the maximum for the double yellow lines. There were also a number of back alleys where even if only 1 car was parked it would cause an obstruction.

Members were given the opportunity to ask questions/make comments on the application and these could be summarised as follows:

- Members sought clarity from Dr Dodd as to where he was suggesting the 1 hour slots would be located. It was confirmed that this was to be the whole of the proposed area where there was restricted parking to prevent commuters, however Station Road could be a separate rule to help maintain existing business.

- Clarity was sought as to how many residents showed support for the revised scheme.

- Questions were raised as to whether there had been any relaxation to the restrictions on Victoria Road since the original proposal.

- Members discussed further the suggestion of the one hour slot which was put forward by Dr Dodd, however it was felt that the proposed scheme put forward by Officers offered residents and visitors more flexibility and was less complex. It was also consistent with other schemes to address commuter parking issues elsewhere in the Borough.

- Officers were asked what arrangements would be in place during times such

as funerals at the nearby churches as they may run over the proposed 2 hour visitor restrictions.

- Members also asked whether the objections raised by the dentist in respect of his customers had been addressed.

- Questions were raised as to what the level of enforcement would be if the proposed scheme was to go ahead as it was felt by some Members that there wasn't the resource to police the scheme correctly.

- Ward Member Cllr Dennis explained that during the temporary scheme in Eaglescliffe a light touch approach had been implemented by Enforcement, however where there had been a particular problem enforcement had responded effectively as and when they were required to do so. It was felt that the approach had worked well and it was hoped that this approach would continue should the new proposal be approved.

Officers were given the opportunity to address the Committee in relation to issues/concerns raised. Their points could be summarised as follows:

- Officers confirmed that following the second consultation 74% of respondents who were in the immediate station area were in favour of the scheme. It was highlighted that one aspect which was dropped following the second consultation was Clarence Road. There was only 57% of respondents from Clarence Road in support of the scheme. As this was the south end of the scheme Officers took the decision to propose to remove Clarence Road from the final scheme that was to be taken forward.

- In relation to the suggestion made by Dr Dodd regarding the one hour parking slot, Officers explained that the suggested dual use bays provided flexibility for visitors to the area, and where businesses were concerned it would not be practicable to be handing out waivers to their customers. The one hour slot where double yellow lines were inactive suggested by Dr Dodd would still rely on permits to be handed out, however one of Dr Dodds initial concerns was related to the impractical use of permits and the costs associated to administer them. Officers felt the proposed scheme provided more flexibility without the introduction of permits for visitors wishing to park for up to 2 hours or between 5pm and 9am.

In relation to the extent of the proposed restrictions, following further discussions and consultation, restrictions had been reduced particularly at the Swinburne Road and Dunottar Avenue junction in the vicinity of the church which Officers felt had been cut back to a minimum requirement to allow a safe comfortable passage to and from the church car park and to allow some visibility for drivers exiting.

Where issues had been raised relating to the back alley off Albert Road to the rear of Dr Dodd property, if anyone chose to park there currently an obstruction to the access up and down the back alley would be caused. Officers felt therefore that it was wise to provide restrictions in the form of double yellow lines following discussions with Enforcement colleagues. Obstruction was considered to be a bit of a grey area and not always understood by motorists as much as a double yellow line. If a motorist chose to park there and caused an

obstruction, initially a removal notice would be issued, however there would be no fine. If a motorist repeatedly caused an obstruction the vehicle could be seized. The double yellow lines were much simpler with regards to enforcement.

Where Dr Dodd had corresponded with Officers he had requested the hours of operation of the proposed scheme be relaxed. It was explained that the scheme only ran Monday to Saturday between the hours of 9.00am and 5.00pm allowing any one to use the bays during the evening and on a Sunday or Bank Holiday.

- Where Members had raised questions relating to Victoria Road, it was originally proposed to put parking bays on the north side of Victoria Road adjacent to the war memorial and also no waiting at anytime restrictions on the remainder north side and the south side, however the proposed restrictions were relaxed on Victoria Road in the final scheme to cover the junctions only in accordance with advice given in the Highway Code, leaving the majority of each side of Victoria Road unrestricted. It was recognised that Dr Dodd did not have in curtilage parking accessed off Yarm Road therefore his property was eligible to obtain a residents permit.

- Officers confirmed to the Committee that it was fairly common practice during such events as a wedding or a funeral and which prior notice had been given that residents parking schemes were not enforced on that particular day.

- Members were informed that the Highways team consulted with Enforcement colleagues on a regular basis and the scheme had been discussed at the Officers' Traffic Group meeting where Enforcement had indicated their support for the scheme and that they would provide an appropriate level of enforcement.

- Members responded to outstanding objections from Mr. Wilson of Yarm Road who had 4 main concerns as detailed within the main report. Mr Wilson had no in curtilage parking off Yarm Road and did rely on parking to the rear overnight. Officers confirmed that residents were consulted on the proposed final scheme following the second consultation via a letter which went to all areas in February 2016. With regards to 2 roads which were part of the temporary scheme, Victoria Road and Clarence Road, it had already been indicated that residents of Clarence Road did not want to be included in the final version of the scheme. Victoria Road was also freed up therefore providing parking for all. Due to Mr. Wilson having no in curtilage parking he would be eligible to apply for residents permits. It was also felt that the majority of residents would pay the £10 annual permit charge. In relation to concerns raised relating to the yellow lines, Officers had revised the scheme and minimised the extent of yellow lines. Officers had also taken the opportunity to replace some white lines / keep clear markings with no waiting at anytime restrictions on Witham Avenue. The advice from the Department for Transport was that yellow lines were much more easily understood by motorists.

- Where objections had been received from the dental surgery on Station Road and from their Head Office as detailed within the main report, Officers explained that in relation to staff parking, there was free long term parking available at Quarry Road, which was approximately a 380 metre walk from the surgery. The walk was on a lit 30mph road, crossing two side roads with uncontrolled crossing points and then crossing Yarm Road at the Station Road signals with the benefit of push button, red / green man facilities. A Road Safety Officer had

commented to say that this was a safe walking route. In addition a 20mph speed limit was also to be introduced in the area alongside the scheme. Due to the residents parking scheme operating between 9.00am and 5.00pm, staff could move their cars at 3.00pm to a bay closer to the surgery without penalty. It was felt that the scheme would provide more flexibility for staff and patients. If patients were mobility impaired then blue badge holders could park anywhere within the scheme for as long as they would like and they could also park on yellow line restrictions as long as they were not creating a road safety hazard or obstruction. Anyone else could park for up to 2 hours in any of the bays. Following the Officers comments back to the dental surgery and their Head Officer, the Head Office withdrew their objection, however the dental surgery's remained.

There were also parking opportunities without restriction on Witham Road, Pinewood Road and Beechwood Road. In addition the station car park had approximately 20% of its spaces free however there was a cost of £2 per day.

The Officers and Objector then left the meeting room.

The Committee, in the presence of Officers from Legal and Democratic Services, considered its decision taking into account all of the written information provided and the verbal representation it received at the meeting.

Members acknowledged that a scheme was required in the area as there had been parking issues for a very long time, which had only got worse with the increased use of the station. There was also the possibility that a service ran by Virgin may use the Eaglescliffe station in the future, which again would impact on parking in the area.

Members did query whether any monies were due to come to Stockton Borough Council to help with the cost of the scheme as the current situation was partly due to the increased use of the station. Officers explained that there was no contribution to this particular scheme, however there had been a large investment into the improvement of the station. Officers did however agree to approach Northern Rail to investigate if they were able to contribute to the scheme.

In relation to the car park in Quarry Road, Members asked that signage be provided to signpost motorists there.

Members were of the opinion that Officers had listened carefully and accommodated the views of local residents very well and that the proposed scheme was the best scheme that could be offered in the area.

It was agreed that as the scheme be progressed and should anomalies materialise then it was within the remit of the Council to re-examine any particular issues.

**RESOLVED that:**

1) The Head of Economic Growth and Development be recommended not to uphold the objections.



2) The proposed modifications to the advertised traffic Order, outlined in the report, are noted and agreed.