

Appeals & Complaints Committee

A meeting of Appeals & Complaints Committee was held on Thursday, 19th March, 2009.

Present: Cllr Robert Gibson (Chairman), Cllr Aidan Cockerill (vice Cllr Andrew Sherris), Cllr Ian Dalgarno, Cllr Alan Lewis, Cllr Mrs Mary Womphrey

Officers: S Milner, L Scott (DNS); S Johnson, J Butcher, R Phillips (LD)

Also in attendance: No other persons in attendance

Apologies: Cllr Andrew Sherris, Cllr Mohammed Javed, Cllr Andrew Larkin

ACC 11/08 **Declarations of Interest**

There were no declarations of interest.

ACC 12/08 **Appeals and Complaints Procedure**

All those present were informed of the procedure for the meetings of the Appeals and Complaints Committee.

RESOLVED that the procedure be noted.

ACC 13/08 **Vyner Terrace/West Back Yarm Road, Stockton - Amendment To Waiting Restrictions**

Consideration was given to a report that sought Members' views on an unresolved objection received following statutory advertising of a proposal to implement no waiting at anytime and no loading at anytime restrictions on Vyner Terrace and also along the rear access lane (West Back Yarm Road), Stockton.

It was explained that in August 2008 approval was given to process a permanent Traffic Regulation Order prohibiting all parking on the approach to the new emergency access collapsible bollards on Vyner Terrace and also on the rear access lane referred to as West Back Yarm Road.

The proposal was in response to obstructions caused by parked vehicles along certain parts of Vyner Terrace and West Back Yarm Road. Such vehicles a) prevented access to rear car parks used by properties on Yarm Road, and b) obstructed a proposed emergency services access route to the north of the Parkfield redevelopment via Densham Drive.

The Parkfield redevelopment was underway in August 2008 and attention was paid to car parking, means of access and landscaping. It was decided that primary vehicular access to the new development would be from the south, via Spring Street. Collapsible bollards would only permit access from the north, via Vyner Terrace to emergency services vehicles. Existing waiting restrictions (Monday – Saturday, 7.00am – 6:00pm) on Vyner Terrace were insufficient as they were not applicable to both sides of the highway or at all times on all days.

It was explained that properties on the west side of Yarm Road did not all have off street parking and there were “no waiting at anytime” restrictions and “daytime loading” restrictions (7.00am to 9.30am and 4.00pm to 6.00pm) prohibiting parking on the street in addition to a bus shelter and the traffic signals at the Oxbridge Lane junction. Some of the properties, including several commercial premises, had car parks accessed via West Back Yarm Lane which were frequently used by visitors or employees. It was noted that West Back Yarm Road was relatively narrow being approximately five metres wide except at its southern end where there was a 79.50 metre long parking lay-by constructed on the west side.

Prohibiting parking on the majority of West Back Yarm Road would therefore allow vehicles to pass one another without hindrance or delay in addition to allowing traffic entering and leaving the various car-parks to do so with clear sight lines and without potential obstruction caused by parked vehicles.

Members of the Committee were informed that the advertised proposal set out an intention to revoke the existing waiting restrictions on Vyner Terrace (Monday – Saturday, 7.00am – 6:00pm) and introduce 24 hour waiting and 24 hour loading restrictions to cover the full length and both sides of Vyner Terrace in addition to the full length of West Back Yarm Road between Vyner Terrace and Spring Street (except for the existing 79.50 metre long parking lay-by).

A Statutory Notice was placed in a prominent position on site and published in the local press on the 5th December 2008. The objection period expired on 31st December 2008 - one formal objection was received by the Director of Law and Democracy. An exchange of correspondence between the Council and the objector failed to resolve the relevant issues and as such a request was made to refer the matter to the Appeals and Complaints Committee.

The objector was Mr A Fidler, Company Secretary to Tees Valley Cabs Ltd, 8 Yarm Lane, Stockton on Tees. Within the letter of objection dated the 30th December 2009 Mr A Fidler explained that Tees Valley Cabs Ltd owned a maintenance garage accessible from West Back Yarm Road. This facility serviced and otherwise maintained a fleet of approximately 60 vehicles at all times. Mr A Fidler contended that it was necessary for up to three vehicles to wait on the east side of West Back Yarm Road whilst awaiting access to the garage. Accordingly Tees Valley Cabs Ltd requested either a) provision for three parking bays on the east side of West Back Yarm Road, or b) an exclusion of an appropriate length of West Back Yarm Road from the proposed Order.

The Committee was informed that access to the Parkfield redevelopment from the north via Densham Drive would be restricted by collapsible bollards. The relevant Council officer demonstrated in a written report that parked cars may hinder emergency service vehicles access to Densham Drive and concluded it was essential that the approach to the bollards was kept clear at all times. It was also agreed that the proposal to restrict parking along the majority of West Back Yarm Road was based upon valid reasons and proportionate.

Furthermore it was made clear that Tees Valley Cabs Ltd may make use of existing parking available to the front of the garage premises which was not subject to parking restrictions and could accommodate three vehicles awaiting

maintenance. Such parking capacity was in addition to space available within the garage itself.

The Committee was informed that it was not feasible to accommodate the request for on street parking since the aim of the proposal was to prevent all parking in the vicinity.

The Committee considered all of the information that had been presented and agreed not to uphold the appeal. The Committee agreed that the order was necessary in order to ensure that emergency vehicles had unobstructed access at all times and also that vehicles could access the private off street parking facilities along the rear lane, West Back Yarm Road.

RESOLVED that the need for the order outweighs the objection and therefore the objection should not be upheld and the Head of Technical Services be advised accordingly.