

**SOUTH ESSEX PARKING PARTNERSHIP
(TRAFFIC REGULATION ORDERS) SUB COMMITTEE**

TUESDAY 1ST NOVEMBER 2022 – 10.30AM

AGENDA ITEM 13

Subject	THE ESSEX COUNTY COUNCIL (CHELMSFORD CITY) (PROHIBITION OF WAITING, LOADING AND STOPPING) AND (ON-STREET PARKING PLACES) (CIVIL ENFORCEMENT AREA) (AMENDMENT NO.29) ORDER 202*
	Relating to Hearsall Avenue, Chelmsford
Report by	South Essex Parking Partnership Manager

Enquiries Contact
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Purpose
 To report the receipt of representations made on part of The Essex County Council (Chelmsford City) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) (Amendment No.29) Order 202*

Options
 The Joint Committee has the following options available:

1. to agree that the proposed Order be made as advertised.
2. to agree that the proposed Order be made subject to modifications which result in less restrictive provisions or reduced scope; or
3. to agree that the proposed Order should not be made.


Recommendation(s)

1. The Order be made as advertised.
2. The people making representations be advised accordingly.

Consulters	South Essex Parking Partnership
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Policies and Strategies
 The report takes into account the South Essex Parking Partnership Document setting out how the SEPP will deal with requests for parking restrictions requiring TROs.

1.	<u>Background</u> The purpose of this proposed Order is to amend The Essex County Council (Chelmsford City) (Prohibition of Waiting, Loading and Stopping) and (On-Street Parking Places) (Civil Enforcement Area) Consolidation Order 2019 as set out below:
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1.1	On 4 August 2021, the SEPP received a completed application form from a local resident requesting 'No Waiting at Any Time' restrictions Time' (double yellow lines) in the turning head of Hearsall Avenue, Broomfield. The request is to prevent obstructive parking and maintain access at all times to the adjacent properties and garages.
1.2	Following receipt of the application the SEPP carried out a number of site visits. During the site visits conducted, vehicles were observed parking near the turning head in question. It was observed that if two or more vehicles are parked in the turning head, this makes access to the garages and properties 2 and 2a very difficult. Due to the narrow carriageway vehicles would need to mount the pavement in order to access/exit these areas.
1.3	It has been agreed with the SEPP Joint Committee Member and Lead Officer for Chelmsford to cost a scheme to propose 'No Waiting at Any Time' restrictions in Hearsall Avenue (see plan below). The cost of the scheme is estimated at £2,000 but will be reduced if incorporated with other roads in Chelmsford to publish one Traffic Regulation Order.
1.4	 <p>The map shows a street layout with Hearsall Avenue running horizontally and Coombe Rise running vertically. A yellow-shaded area at the junction of Hearsall Avenue and Coombe Rise is labeled 'Proposed No Waiting at Any Time'. A green-shaded area on Coombe Rise is labeled 'Existing No Waiting at Any Time'. Other features include properties 2, 2a, 1, 43, 8, Broo Food Cent, and EI Sub Sta.</p>
1.5	The request was placed before the South Essex Parking Partnership Joint Committee on 13 th December 2021 for funding. It was agreed at the meeting to proceed with the necessary Traffic Regulation Order.
1.6	The Order was originally published in the Essex Chronicle and on site on 18 th August 2022, and copies of the Draft Order were sent to a number of organisations including Essex Police, Essex County Council (the highway authority), Essex Fire & Rescue Service, Essex Ambulance Service, the Road Haulage Association, the Freight Transport Association, and the Chamber of Commerce and Industry.
1.7	When the Order was published on 18 th August 2022 a 21-day period of formal public consultation commenced.
2	<u>Comments</u>

2.1	The details of the representations are summarised in Appendix 2 to this report together with the comments of the Technicians.
3	<u>Conclusion</u>
3.1	Although the correspondents have made a number of points which lead them to believe the Order should not be pursued in whole or part, the SEPP Joint Committee Member, Lead Officer and Technicians consider that none of them are of sufficient weight to warrant the Order not being made.
<u>List of Appendices</u> Appendix 1 – List of people making representations Appendix 2 – Summary of objections or support and Technicians comments	


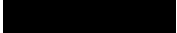
APPENDIX 1

Ref	List of people making representations	Type
1.	Email from resident of Main Road dated 19/08/2022.	Objection
2.	Email from resident of Hearsall Avenue dated 19/08/2022.	Support
3.	Letter from resident of Coombe Rise dated 19/08/2022.	Objection
4.	Email from resident of Coombe Rise dated 22/08/2022.	Comment
5.	Email from resident of Main Road dated 03/09/2022.	Objection

APPENDIX 2

REPRESENTATIONS & RESPONSES FOLLOWING FORMAL ADVERTISEMENT 18th AUGUST – 9th SEPTEMBER 2022

Representations & Responses relating to Hearsall Avenue, Chelmsford		
Ref	Representation	Technician Response
1.	<p><u>Email 1:</u></p> <p>Good morning,</p> <p>Thank you for informing me of the proposed works on Hearsall Avenue. Please can you confirm the exact positioning of the double yellow lines on a satellite image map? The only reason I ask is that the plan map you sent out looks to include painting of lines on the area in front of my garage which belongs to me and does not form part of the public highway (see below outlined in red).</p> <p>If they do not include my land then I have no objections, however I would question the value of doing this as it seems a huge waste of tax payers money for no benefit to any of the surrounding residents, we have no issue with people obstructing the highway.</p> <p>**Picture redacted to shield identity**</p> <p>Please can you let me know how I can put forward suggestions on improving/reducing nuisance parking? Reason I ask is that at the front of my property I am constantly getting people parking across my dropped kerb whilst they shop in the nearby Co-op. Whilst this may only be a minute or two sometimes it is in excess of ten minutes and even worse when they have an articulated lorry delivering goods for over an hour at times, denying me entry or exit from my drive. Please see below area highlighted and my driveway outlined in red.</p> <p>**Picture redacted to shield identity**</p> <p>The only solution that I have found to work, albeit a temporary one, is to put cones on either side of the painted white line but I have bought 6 cones - all of which have been stolen. A better, more permanent solution would be to move the dropped kerb so it is directly opposite my driveway and not offset and encourage the Co-Op to use the vast space at the rear of the shop and the front of the store as a</p>	<p>Objection noted.</p> <p>Representee advised that the highway extends up to the front of the garages. Both the Highway Boundary Plan from Essex Highways and the Title Deeds from HM Land Registry clearly show the area fronting the garages to be Highway. Therefore, the proposed restrictions will apply from the centre of the carriageway to the rear of the highway (which includes the area fronting the garages).</p> <p>It is acknowledged the proposed scheme will benefit some residents more than others. However, it should be remembered that the highway is intended for the purposes of passing and re-passing and that no right of parking exists. This scheme will improve sight lines for all road users at the junction, better facilitate the passage of traffic and enforce Rule 243 of the Highway Code.</p>

<p>customer parking and then paint double yellow lines outside the shop.</p> <p>Kind regards </p> <p>Email 2:</p> <p>Hello,</p> <p>Thank you for coming back to me, please find attached copy of my title deed. There appears to be some conflict over what land belongs to me and what belongs to highways. My title deed clearly shows the area in front of my garage (my driveway) as belonging to me.</p> <p>If you are planning on painting double yellow lines on my driveway then yes, I would strongly object to this. As mentioned the parking along Main Road is a joke, there is no point in my applying to have the drop kerb extending as the CoOp customers and delivery lorries do not respect the one that's there and the police will not do anything about it. I often park on my driveway in front of my garage to avoid being blocked in.</p> <p>As I mentioned painting of double yellow lines out the back is a complete waste of tax payers money as it literally does not benefit anyone so yes, I would like to object to it.</p> <p>Kind regards</p> <p>**Picture redacted to shield identity**</p>	<p>Representee advised to complete our online application form to Request a parking restriction - Chelmsford City Council.</p> <p>Representee advised to contact Essex Highways with regards to extending/moving their dropped kerb Vehicle crossings/Dropped kerbs Essex County Council (essexhighways.org).</p> <p>The SEPP cannot comment with regards to parking arrangements on private land. The SEPP can only consider on-street parking restrictions. Instances of obstructive or dangerous parking, where no restrictions are in force, is the responsibility of the Police who are the only body with the authority to deal with such matters. This can be reported to Essex Police who have the authority to remove a vehicle or issue a Fixed Penalty Notice, you should report it to Essex Police online or by calling 101.</p>
<p>2. Dear Sir</p> <p>I strongly support this order as parking along this section of the road greatly inhibits access to our property . We have a large parking area in the front of our property for visitor and service parking, so we shall not be inconvenienced by this order. The situation has been exacerbated in recent years by the use of this section of road as parking for prolonged periods by hospital staff and others who are inconsiderate of the access requirements. The road at this point is considerably narrower than</p>	<p>Support noted.</p>

	<p>the remainder of the road and the increase in size of cars does not allow two vehicles to pass in this section of road.</p> <p>Many thanks</p> <p>██████████</p>	
<p>3.</p>	<p>Dear Sirs,</p> <p>RE: Order 202* relating to Hearsall Ave</p> <p>Thank you for your letter of 15 August advising of the opportunity to respond to the above-mentioned notice.</p> <p>As the proposed order will impede the access to my garage and limit my ability to load and unload items, I would like to register my formal request to withdraw the proposal completely. I feel that this proposal serves only one property rather than working for the benefit of the broader community.</p> <p>Please do advise in writing if you have any further requirements on this matter.</p> <p>Yours faithfully,</p> <p>██████████</p>	<p>Objection noted.</p> <p>This scheme will improve sight lines for all road users at the junction, better facilitate the passage of traffic and enforce Rule 243 of the Highway Code. Additionally, it should be noted that 'No Waiting at Any Time' restrictions allow for loading and unloading.</p> <p>It is acknowledged the proposed scheme will benefit some residents more than others. However, it should be remembered that the highway is intended for the purposes of passing and re-passing and that no right of parking exists.</p>
<p>4.</p>	<p>Dear Technician,</p> <p>I have read the notice (on street furniture) regarding the proposed changes to street parking in Hearsall Avenue. Whilst the proposed changes do not directly affect me, as I live in number ██████████, I would draw your attention to the same situation affecting me. I Will describe and attach a drawing bellow for your opinion and guidance in this matter.</p>	<p>Comment noted.</p>

<p>As stated, I live in number [REDACTED]. My vehicle is normally parked on a hard standing at the front of my property. [REDACTED] the cul des sac Capel Close. This has the same lay out as Hearsall Avenue but has no yellow lines at all, even though it is a junction (see map).</p> <p>My Problems</p> <ol style="list-style-type: none"> 1. Capel Close is small and has about eight properties. Some of these have multiple vehicles with no room to park so they park either, on the pavements in Capel or, either side of my entrance in [REDACTED] and even on the fire hydrant opposite. 2. This causes me problems because when I leave my property I cannot easily see up and down the road also, it can be difficult to manoeuvre if there are vehicles parked on the pavement in Capel Close or, on the fire hydrant opposite. All this can be exacerbated by the speed of some vehicles traversing up and down Coombe Rise (there are no speed restrictions in Coombe Rise). <p>As stated earlier what I am saying here is not directly connected to Hearsall Avenue. However, as you can see there is the same issue, if not worse, where I live. I have attached a drawing for your attention. I trust you can assist me with this or, point me in the right direction.</p> <p>Yours faithfully</p> <p>[REDACTED]</p> <p>**Picture redacted to shield identity**</p>	<p>Representative advised to complete our online application form to Request a parking restriction - Chelmsford City Council.</p>
<p>5. Hello,</p> <p>I'm writing to object to the proposed implementation of "No Waiting At Any Time" on Hearsall Avenue, specifically in the cul-de-sac by the garages. I agree with the addition of restrictions opposite the junctions to enforce Highway Code 243. I am the resident of [REDACTED], with my garage entrance leading onto Hearsall Avenue where the restrictions would be placed.</p> <p>Firstly, I have lived in the property [REDACTED] and keep a vehicle in the garage that I regularly access. I have not experienced any issues accessing the garage due to cars parked on the road. Therefore the statement that vehicles impede access to the garages is incorrect and misleads anybody making a decision on the proposals.</p>	<p>Objection noted.</p> <p>During the site visits conducted by Technicians, vehicles were observed parked in the turning head impeding access to the garages. Additionally it was observed that due</p>

Secondly, the property [REDACTED], has a significant driveway as well as the road indenting towards their driveway, as can be seen on the plans, to provide perfectly adequate access to/from their driveway. I strongly believe you could maneuver a commercial van on/off their property, so to suggest any on-street parking is impeding the access for any residential vehicle is absurd.

Thirdly, the property [REDACTED] is currently undergoing some building work under planning permission reference [REDACTED], Condition 4 of the approval notice requires them to extend their driveway to provide parking for two vehicles. By extending their driveway this would significantly improve their access, mitigating against any alleged obstructions caused by cars parked on-street. A further mitigation which could be implemented without causing any impact to the other residents nearby would be to extend the dropped kerb access to their property.

Therefore, I do not understand how the proposals meet any of your eligibility; Safety, Congestion, New development/improvement schemes or Local concerns where restrictions are required to manage commuter, shopper or residents parking.

Based on the neighbours I have spoken to, I assume the concerns have been raised by [REDACTED] [REDACTED], which I find highly ironic given they are the only people I have seen park their vehicles on the road for a significant period of time. Therefore, I would be dubious of any evidence of obstructions that have been provided, as it would likely be their vehicles in any photographic evidence.

Now that I have ascertained that there is likely no justification for the proposals, here are my concerns should they be implemented.

The plans show that the double yellow lines would stretch right up against my garage, this is beyond what appears (in person) to be the road, and continues onto the 'driveway' that is used to access the three garages, is this correct or would that stop on what visibly appears to be road? Clarification on this would be appreciated. In person, the drawings also imply they would go into the garage of [REDACTED] [REDACTED], however in that case I accept the plans are simply approximations.

As mentioned before, we keep a vehicle in our garage to help reduce the quantity of on-street parking on Hearsall Avenue and nearby roads. The new proposals would mean I would be unable to pull my vehicle outside the garage to ensure it is road legal by, for example, checking tyre pressures, conducting vehicle maintenance, cleaning, topping up screen washer fluid etc. Currently when pulling my car out of the garage, I stop my car just outside whilst I go to close the garage door. The new restrictions would make it illegal for me to stop my car outside and close my garage door, and the same

to the narrow carriageway vehicles that are parked in the turning head would make access to properties 2 and 2a very difficult. Vehicles would need to mount the pavement in order to access/egress these properties.

Queries relating to Planning should be directed to Chelmsford City Council Planning Department. Queries relating to vehicle crossings and bicycle lanes should be directed to Essex Highways. The SEPP can only consider on-street parking restrictions.

It should be remembered that the highway is intended for the purposes of passing and re-passing and that no right of parking exists. This scheme will improve sight lines for all road users at the junction, better facilitate the passage of traffic and enforce Rule 243 of the Highway Code.

Experienced technicians have carried out numerous site visits at various times of the week/day and have observed vehicles causing an obstruction. It is acknowledged that it is difficult to determine who the vehicles belong to, however, the committee have the option to abandon the scheme.

in reverse when I return to put my car back in the garage. Therefore, as it would be illegal for me to stop to put my car in the garage, I would have no choice but to park it on-street only worsening the problem for neighbours further down the road (which is already very busy with on-street parking). I wouldn't be able to stop to allow passengers to enter/exit the car, as the garage is too narrow for them to enter in there or load bags/unload shopping. So you can see this fully obstructs my use of the garage as a method of off-street parking.
If someone is picking us up in their car, they typically pull around the back as it's safer than pulling on the front, only stopping for less than 5 minutes, the new restrictions would mean they're unable to do that.

As a result of a lack of enforcement or support by SEPP, access to the front of my property is regularly blocked by vehicles accessing the Co-Op, or deliveries for the Co-Op, with cars illegally blocking the H-bar. The on-street parking on Hearsall Avenue provides needed **temporary** parking for me to access my property from the rear until access to my driveway is freed up.

In conclusion, I do not understand how the proposals could possibly be a good use of the limited SEPP funds, it does not appear to meet the eligibility, appears to be based around a non-problem, and certainly isn't an "essential problem where a major parking issue exists". The funds would be better served elsewhere solving actual problems, such as extending the bicycle lanes to the hospital, or controlling the regular obstructive parking outside the Co-Op that slows the access of ambulances to the hospital.

I look forward to hearing from you.

Kind regards,

[Redacted signature]

Representee advised that the highway extends up to the front of the garages. Therefore, the proposed restrictions will apply from the centre of the carriageway to the rear of the highway (which includes the area fronting the garages).

It should be noted that 'No Waiting at Any Time' restrictions allow for loading and unloading. Therefore, the proposed scheme will not prevent residents from using their garages.

A H-Bar marking is only advisory and is therefore not enforceable. Instances of obstructive or dangerous parking, where no restrictions are in force, is the responsibility of the Police who are the only body with the authority to deal with such matters. This can be reported to Essex Police who have the authority to remove a vehicle or issue a Fixed Penalty Notice, you should [report it to Essex Police online](#) or by calling 101. To consider a request to implement parking restrictions on Main Road a completed application form will need to be completed [Request a parking restriction - Chelmsford City Council](#).