



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	POLICY AND RESOURCES
DATE:	5 FEBRUARY 2015
REPORT OF THE:	CORPORATE DIRECTOR PHIL LONG
TITLE OF REPORT:	BRUNTWOOD TERRACE – INSTALLATION OF LOCKABLE BOLLARDS - ST NICHOLAS ST CAR PARK NORTON
WARDS AFFECTED:	NORTON

1.0 PURPOSE OF REPORT

This report is regarding a request from Norton Town Council to fund the purchase and installation of lockable Bollards on St Nicholas St Car Park Norton – an RDC asset – to enable residents of Bruntwood Terrace Norton to have nominated parking rights on St Nicholas St car park adjoining their properties.

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- (i) The offer from Norton Town Council is rejected and status quo maintained.

3.0 REASON FOR RECOMMENDATIONS

- 3.1 Following legal investigation no evidence of a legal claim to a free parking space exists. This is now accepted by Norton Town Council (letter dated 26 August 2014) and they have no wish to challenge the legality of this issue.
- 3.2 The car park is already free and provides unlimited parking for all who choose to use the car park.
- 3.3 St Nicholas St Car Park is a council owned freehold and it has few restrictions. Access is available from both Church Street and St Nicholas Street with egress only being by way of St Nicholas Street.
- 3.4 Having established that there is no legal claim, as a matter of good Estate Management it would not be good practice to potentially fetter any potential future use of the area.

3.5 The request potentially opens the Council up to the risk of similar requests from other residents who also live close to the car park ie Derwent Terrace, St Nicholas Street, Commercial Street etc (Reference 6.5-1f-i) and have similar issues.

4.0 SIGNIFICANT RISKS

4.1 None

5.0 POLICY CONTEXT

5.1 None

6.0 REPORT DETAILS

6.1 In a letter dated 13th June 2014 the Council received a formal request from Norton Town Council, who would like to fund the purchase and installation of six numbered bollards on St Nicholas St Car Park – a Ryedale District Council asset - for the benefit of residents in Bruntwood Terrace. This was on the basis that the Town Council understood that:

- *“These properties (Bruntwood Terrace) seem to have a legitimate claim to a parking space”*
- *“They (Bruntwood Terrace) had to surrender garages for the entrance to the car park (St Nicholas St) to be formed”*

6.2 Norton TC has no evidence to support this claim. The claim was investigated by the RDC legal department who found no record or evidence to support the claim. From the limited information available it would appear that:

- The land was originally sold off in plots in November 1896 for the purpose of constructing a dwelling house. At that time and based upon the plans available there was a footpath at the front of the premises and at the rear and split from outhouses was an access road. The original address was Bruntwood Terrace, St Nicholas Street, Norton and included in the conveyance was a right for horse and cart etc to pass and re-pass over land that was owned by what became Allied Breweries in order to get to Church Street. The owners of the houses were only granted a right of way, nothing else.
- In the intervening period St Nicholas Car Park was acquired and created by Norton Urban District Council but did not have an access to Church Street. Accordingly Norton UDC entered into discussions with Allied Breweries and the Ministry of Transport to acquire land so that a full vehicular access road could be made to give full access to Church Street.
- At the same time due to changes to the right of way for the owners of Bruntwood Terrace, documentation was completed whereby the owners of the Bruntwood Terrace properties surrendered their old right of way and were granted a new realigned right of way.
- The documents are all dated 28 June 1971. It seems clear from the records that at no time have either Norton UDC or RDC ever provided garages for the owners of Bruntwood Terrace especially bearing in mind that when originally built there were few cars. It may be that some owners had arrangements with Allied Breweries, but if they did then any rights were extinguished by Allied Breweries.

- 6.3 In a letter dated 26 August 2014 Norton Town Council now fully accepts the evidence presented above and no longer holds the view that legally the residents of Bruntwood Terrace have a claim to a parking space.
- 6.4 However they mentioned that many years ago there had been an informal meeting between RDC and Bruntwood Terrace residents which included a questionnaire as to whether they would prefer residential parking written on six spaces or to have some sort of parking bollard installed. This was followed up by further correspondence between the residents and Cllr Jenkins – who was a District Councillor at the time and the legal department, though nothing was forthcoming. Whilst interesting, this was clearly a very long time ago and it is presumed that nothing transpired once legal clarification had determined that no evidence of legitimate claim to a parking space existed for the reasons already stated.
- 6.4 In the light of this and the fact that the car park is already free with unlimited parking for all users, granting the request and fettering the use of the car park seems completely at odds with good estate management practice.

Options include:

- 1- Maintaining the status quo and rejecting the offer of Norton TC to provide lockable bollards to enable residents of Bruntwood Terrace Norton to have nominated parking rights on St Nicholas St car park adjoining their properties.

OR

- 2- Authorising the Corporate Director in conjunction with the Council Solicitor to agree the terms of a Lease of the 6 parking spaces to Norton Town Council. The Lease would be restricted so that the Town Council could only use the spaces to provide parking for the residents of Bruntwood Terrace. The provision of all lockable bollards, maintenance and administration etc to be the responsibility of Norton Town Council.

- 6.5 For members information Appendices 1a to 1j contain location maps, satellite images and pictures of the location.

1a, - Map of St Nicholas Street detailing location of Bruntwood terrace (1-6) and free unlimited parking spaces available.

1b - Satellite image and location of Bruntwood Terrace and St Nicholas St Car Park in Norton.

1c Bruntwood Terrace side view

1d/e Bruntwood Terrace and car park

1f Derwent Terrace, located at the back of Bruntwood Terrace.

1g Church Street traffic restrictions and no on street parking

1h St Nicholas Street on street parking and traffic restrictions. Looking Southeast
St Nicholas St car park on the left

1i St Nicholas Street on street parking and traffic restrictions looking Northwest
(away from the car park) and also showing entrance to Derwent Terrace on
right side of the picture

1j St Nicholas Street Land Registry Title plan

7.0 IMPLICATIONS

- 7.1 The following implications have been identified:
a) Financial

None

b) Legal

The advice from the Legal Department is that a Lease to Norton Town Council of the spaces concerned would be the most appropriate way forward if members wish to support Norton Town Council's request.

c) Other implications

None

Phil Long
Corporate Director

Author: Phil Long Corporate Director
Telephone No: 01653 600666 ext: 461
E-Mail Address: phil.long@ryedale.gov.uk

Background Papers:

Documents referred to in 6.2 regarding changes to rights of way etc can be viewed on request by contacting Fiona Brown, Legal, Department ext 261.