

08 November 2018**Agenda Item: 4****REPORT OF THE CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (LANTERN LANE, EAST
LEAKE) (PROHIBITION OF WAITING) TRAFFIC REGULATION ORDER 2018
(8269)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider objections received in respect of the above Traffic Regulation Order and whether it should be made as advertised.

Information

2. Lantern Lane is a residential road in the village of East Leake approximately 12 miles south of Nottingham. Lantern Lane comprises of predominately semi-detached properties, the majority of which have off-street parking. However, East Leake Leisure Centre and a primary and secondary school are located on Lantern Lane with their shared vehicular access road on its southern side in the form of a simple priority T-junction.
3. Complaints have been received from several bus operators that provide bus services to East Leake Academy regarding obstructive parking at the junction with Lantern Lane with the school access road. Within the school site, bus stops and a turning area enable the buses to safely drop off and pick up passengers. However, parked vehicles at the access road junction frequently inhibit turning movements into and out of the school drive.
4. A feasibility study was undertaken in January 2018 to determine an appropriate scheme to address these issues. This included vehicle tracking modelling to determine the length of the restrictions required. Three options were considered, these include:
 - Option 1 – proposed the introduction of double yellow lines;
 - Option 2 – considered the installation of an enforceable School Keep Clear marking across the school entrance and the installation of a single yellow line (Mon – Fri 8.00-4.30 pm) opposite the school entrance;
 - Option 3 – considered the installation of double yellow lines (No Waiting At Any Time) immediately around the junction and single yellow lines (No Waiting Monday to Friday 8.00-4.30 pm), opposite the school entrance and adjacent to it.

5. It was considered by officers that Option 3 would provide sufficient balance between facilitating bus movements to the school and the needs of local residents at evenings and weekends. The statutory consultation and public advertisement of the proposals, detailed on the attached drawing H/SLW/2617/04, was carried out between 26th April 2018 and 25th May 2018.

Objections Received

6. Five responses were received to the consultation. One response, from the Parish Council, was supportive of the proposal whilst noting the need for enforcement of the restrictions. The remaining four responses are considered to be outstanding objections to the proposals.
7. Objection – Loss of on-street parking
Three respondents objected to the loss of on-street parking. All stated that they either did not have access to off-street parking, or that their off-street parking provision was insufficient to accommodate the number of vehicles they owned. All these respondents stated that the problems were the result of parent/carers parking at school times. Other specific comments included:
- Acknowledging the need for buses to access the school site, but they did not feel the restrictions were required to the extent proposed;
 - Concern expressed regarding the availability of parking for their visitors and questioned where they were to park at weekends and that the double yellow line restriction would inconvenience them when washing and valeting their vehicles, as this was the nearest location to their property;
 - Resident currently unable to park on their shared driveway as this would block access for their neighbour and stated that their driveway should be widened as part of the scheme;
 - Suggestions that parking bays should be created, inset into the footway, on Leake Lane to provide further parking for residents.
8. Response – Loss of on-street parking
Nottinghamshire County Council as the Local Highway Authority has no duty to provide on-street parking and there is no legal right for a householder to park in close proximity to their property. The purpose of the highway network is for the movement of vehicles and not for residents' parking, although it is recognised that demand for such parking exists particularly in residential areas with limited off-street parking. However it is the responsibility of the vehicle owner to ensure their vehicle is not parked in such a way as to cause an obstruction. This may require residents with insufficient or no private off-street parking provision to make other arrangements for parking their own vehicle, perhaps further away from their property, in order to ensure their vehicle is parked appropriately and lawfully.
9. The restrictions have been kept to the minimum necessary to ensure the safe operation of the access road junction and that required for bus turning movements. The double yellow lines on the southern side, around the access road, are required to ensure this junction is kept clear of vehicles at all times as this access is also used by the leisure centre, which is open at weekends. The remaining restrictions, required to facilitate school bus movements, are proposed for school times only. Outside of these hours (Mon-Fri 8.00am – 4.30pm) residents and visitors will be able to use this highway for waiting and parking.
10. The land over which the third respondent's driveway is situated is not public highway and does not belong to the County Council. If the respondent wishes to widen their driveway they will

need to negotiate this privately with the relevant landowner, at their expense. Likewise if residents require parking provision it is their responsibility to provide this and they may wish to consider the conversion of land within their property boundary to achieve this. It is not a duty of the County Council to construct inset parking bays on-street for the use of any specific individual or group and it is to be noted that no restrictions are proposed for adjacent sections of Lantern Lane and the wider local highway network, which will remain available for residents and their visitors.

11. Objection – displaced parking / lack of enforcement

Two respondents stated that the proposed restrictions would lead to displaced parking. One respondent felt it would result in more drivers attempting to park in the residents' only car park on the southern side of Lantern Lane. The other respondent was concerned that drivers would park fully on verges believing that they were 'off the lines' and so able to park legally. Furthermore, the respondent stated that obstructive parking was already an issue at other junctions and that the road was not wide enough to accommodate the existing parking demands and all of the traffic that uses it exacerbated by the recent addition of more housing.

12. Response – displaced parking / lack of enforcement

It is recognised that there may be some element of displaced parking with any new highway waiting restriction, however the restrictions are required to facilitate the movement of buses into and out of the school. The proposed restrictions are enforceable to the extent of the public highway, and therefore drivers parking fully on the verge or footway are still subject to enforcement and can be issued with a penalty charge notice.

13. The purpose of the proposals is to enable the safe movement of vehicles and pedestrians (particularly schoolchildren) when accessing the school drive. The extents and the operational period of the restrictions has been kept to the minimum necessary to ensure efficient and safe operation of the highway. No parking restrictions are proposed nearby on Lantern Lane and the surrounding highway network.

14. The residents' only car park on the southern side of Lantern Lane is not public highway and the management of parking on private land, such as the erection of warning signs or enforcement, is not a function of the Local Highway Authority and is solely the responsibility of the landowner.

Other Options Considered

15. Other options considered relate to the type, operational period and length of the restrictions proposed, which could have been greater. The restrictions are considered to strike a reasonable balance between the need to maintain the safe operation of the highway and recognition of the demand for on-street parking.

Comments from Local Members

16. County Councillor Brown made no comment on the proposals during the consultation.

Reason/s for Recommendation/s

17. It is considered that the proposals will facilitate the safe operation of the junction and adjacent highway for drivers, cyclists and pedestrians, in accordance with the Authority's duty to ensure the safe and expeditious movement of all traffic, including pedestrians.

Statutory and Policy Implications

18. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Crime and Disorder Implications

19. Nottinghamshire Police made no comments on the proposal. No additional crime or disorder implications are envisaged.

Financial Implications

20. The scheme is being funded through the 2018/19 Integrated Transport Measures capital programme with an expected cost to implement the works and traffic order of £2,500.

Human Rights Implications

21. The implementation of the proposals within this report might be considered to have a minimal impact on human rights (such as the right to respect for private and family life and the right to peaceful enjoyment of property, for example). However, the Authority is entitled to affect these rights where it is in accordance with the law and is both necessary and proportionate to do so, in the interests of public safety, to prevent disorder and crime, to protect health, and to protect the rights and freedoms of others. The proposals within this report are considered to be within the scope of such legitimate aims.

Public Sector Equality Duty implications

22. As part of the process of making decisions and changing policy, the Council has a duty 'to advance equality of opportunity between people who share a protected characteristic and those who do not' by thinking about the need to:
- Eliminate unlawful discrimination, harassment and victimisation;
 - Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't;
 - Foster good relations between people who share protected characteristics and those who don't.
23. Disability is a protected characteristic and the Council therefore has a duty to make reasonable adjustments to proposals to ensure that disabled people are not treated unfairly.

Safeguarding of Children and Adults at Risk Implications

24. The proposals are intended to have a positive impact on all highway users but being in close proximity to the primary school, they should also help to safeguard and promote the welfare of children.

Implications for Sustainability and the Environment

25. The proposed waiting restrictions are designed to facilitate the safe operation of junctions and wider highway network for drivers, cyclists and pedestrians. Obstructive parking near junctions invariably impedes visibility for pedestrians when crossing and for vehicle movements into and out of the junction and, where this causes an obstruction or danger to other highway users, is already an offence.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Lantern Lane, East Leake) (Prohibition of Waiting) Traffic Regulation Order 2018 (8269) is made as advertised and the objectors informed accordingly.

Adrian Smith
Corporate Director, Place

For any enquiries about this report please contact: Mike Barnett - Team Manager (Major Projects and Improvements) / Helen North (Improvements Manager) 0115 977 2087

Constitutional Comments [SJE – 11/10/2018]

26. This decision falls within the Terms of Reference of the Communities & Place Committee to whom responsibility for the exercise of the Authority's functions relating to the planning, management and maintenance of highways (including traffic management) has been delegated.

Financial Comments [SES 02/10/2018]

27. The financial implications are set out in paragraph 20 of the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

All relevant documents for the proposed scheme are contained within the scheme file which can be found in the Major Projects and Improvements section at Trent Bridge House, Fox Road, West Bridgford, Nottingham.

Electoral Division(s) and Member(s) Affected

Leake and Ruddington ED

Councillor Andrew Brown