

8th February 2018**Agenda Item: 12****REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (ACACIA CRESCENT,
WESTDALE LANE EAST, CARLTON AND CHESTNUT GROVE, GEDLING)
(PROHIBITION OF WAITING) TRAFFIC REGULATION ORDER 2017 (7188)
AND BUS STOP CLEARWAYS****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

1. To consider the objections received in respect of the above proposed Traffic Regulation Order and bus stop clearways and whether the Order should be made as advertised and the clearways implemented.

Information

2. Westdale Lane East is a local distributor road in Carlton comprising of a mixture of commercial, medical and residential properties. These include Westdale Lane Surgery and a Royal Mail distribution centre, which has vehicle access off Acacia Crescent. Acacia Crescent, Chestnut Grove and Burlington Road are residential streets, comprising of semi-detached properties predominately with off-street parking. The density of business and residential properties in the area means demand for on-street parking in some locations can frequently exceed supply and this leads to vehicles being parked in close proximity to junctions.
3. The County Council have received complaints from businesses and residents regarding obstructive parking at several junctions along Westdale Road East; including Acacia Crescent, Chestnut Grove and Burlington Road. Obstructive parking near junctions invariably impedes visibility for pedestrians when crossing and for vehicle movements into and out of the junction. Additionally, parking on both sides of the road can narrow the carriageway to a single traffic lane, which means vehicles turning into the road can be held up by vehicles turning out and so cause traffic on the main road to back up. The movement of larger vehicles, such as HGVs is particularly affected by the prevalent parking pattern.
4. Complaints have also been received from the bus operator and their customers regarding the lack of a raised bus boarding kerb and frequent flooding in wet weather at the Victoria Street bus stop (ref: GE0202) on Westdale Lane East. The stop is located on the northern side of Westdale Lane East, approximately 35m from the Westdale Lane Surgery outside several takeaway food premises that form part of a precinct of shops. It is not possible to install a raised bus boarding kerbs at the current location as there is insufficient space available to

construct the required kerbs without affecting existing dropped vehicle access. To install a bus stop raised kerb it will be necessary to relocate the bus stop. To ensure the maximum utility can be achieved from the investment in the new kerbs a bus stop clearway (in operation at all times) will also be introduced to prevent parking at the bus stop. Complaints have also been received regarding obstructive parking at the paired bus stop on the southern side, also known as Victoria Street (ref GE0193). It is proposed therefore to also treat this with a bus stop clearway.

5. Bus stop clearways are installed to prohibit cars from parking or waiting in the bus stop during specific times. The main benefits of bus stop clearways are to:
 - Help the bus align with the kerb to enable level access for disabled passengers and pushchair users;
 - Ease congestion as a correctly aligned bus will not block the road for other road users;
 - Ensure that bus drivers discharge their duty to drop passengers off on the kerb and not on the road;
 - Ensure that the investment in raised kerbs, (as previously required under the Disability Discrimination Act 1995 and now required by the Equalities Act 2010), is not negated by indiscriminate parking at bus stops;
 - Ensure that bus services operate on time and are not delayed.
6. In response to the complaints received regarding obstructive parking and the lack of accessibility of bus stop ref: GE0202, it is proposed to introduce the following measures:
 - Double yellow lines (No Waiting at Any Time) at the following locations:
 - Junction of Burlington Road and Westdale Lane;
 - Junction of Chestnut Grove and Westdale Lane;
 - Junction of Acacia Crescent and Westdale Lane;
 - Acacia Crescent – side of the Post Office Sorting Office (32m long);
 - Acacia Crescent – side of 17 Westdale Lane (34m long).
 - Amendments to bus stops 'Victoria Street' (refs: GE0202 & GE0193) as follows:
 - Move existing bus stop GE0202 from outside 14/15 Westdale Lane East to outside the Westdale Lane Surgery – including relocation of bus shelter;
 - Introduce raised bus stop boarder kerbs to new bus stop (GE0202) outside the Surgery and to the existing stop (GE0193) outside the Post Office Sorting Office;
 - Introduce bus stop clearways (no stopping except buses) to both stops. 17m long outside the Surgery and 19m long outside the Post Office Sorting Office.
7. An initial consultation on the proposals was carried out between 8th May and 2nd June 2017. The attached drawing H/04078/2446/01 represents the proposals. Nine responses were received to the consultation; this included 3 from respondents either supportive and / or commenting on the scheme. Comments from these respondents included:
 - Request for the proposed restrictions to be extended;
 - Request for the existing carriageway restrictions to be re-lined.
8. Six respondents objected to all or part of the proposals and because of these views and comments made by other respondents several changes were made to the proposals. These changes include:

- Extend the proposed double yellow lines at the junction of Burlington Road and Westdale Lane East;
 - Amend the proposed location of stop GE0202 approximately 5m further east outside the surgery and move the bus stop shelter to the back of the footway;
 - Change 24m of the proposed double-yellow lines on the eastern side of Acacia Avenue to single yellow lines (Monday – Saturday 800am – 600pm).
9. The statutory consultation and public advertisement of the proposals, detailed on the attached drawing H/04078/2446/01/A was undertaken between 2nd October and 30th October 2017.

Objections Received

10. Six responses were received during the statutory consultation; three of which were from individuals who had also responded to the initial consultation. Of the responses to the statutory consultation, three commented on and / or were supportive of the proposals. The comments related to concerns regarding the number and extent of the proposed restrictions and a request to highlight the entrance to the car park adjacent to the health centre. Replies have been sent to respondents in relation to these comments and confirming that a H-bar will be introduced at the car park entrance as part of the scheme.
11. Counting both rounds of consultation; 12 individual responses were received and of these 7 responses are considered outstanding objections to part or all the proposals.
12. Objection – reduction of on-street parking / parking migration
The common theme of five outstanding objections, was that the restrictions would reduce the availability of on-street parking. One respondent stated that it would result in vehicle parking migrating further into side roads, which would reduce the availability of on-street parking. One respondent stated that they had mobility problems and that it would make it harder for them to park outside their home. One respondent requested that vehicle dropped kerbs be provided at their property, free of charge, as part of the scheme.
13. Response – reduction of on-street parking / parking migration
Obstructive parking in close proximity to 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.

Most of the objectors have off-street parking and all have access to unrestricted on-street parking on the surrounding highway; offering alternative on-street parking locations without obstructing the junctions. Furthermore, while the desire for on-street parking is noted, the purpose of the highway is to facilitate the movement of vehicles and people and there is no legal right for a householder to park on the highway near their home. A dropped vehicular crossing over the highway benefits only the household it serves, not the Public Highway and therefore cannot be installed by the Council free of charge. 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 drivers with insufficient or no private off-street parking provision to park further away from their property to ensure their vehicle is parked appropriately.

It is recognised that there may be an element of displaced parking with all new proposed highway waiting restrictions. With that consideration in mind the proposals have been kept to the minimum considered necessary to facilitate the safe and effective operation of the

junctions; allowing all vehicles to manoeuvre without obstruction. There is always a balance to be struck between competing demands for a finite resource; it is considered that the proposed scheme offers the best solution improving highway operation with minimal anticipated migration of parking.

Where residents have significant health issues it may be appropriate for the resident to request an advisory disabled bay marking on the Highway, which would be provided free of charge by the County Council. These markings are intended for use in exceptional circumstances where parking levels are frequently high but available vehicle spaces are very limited. The provisions of markings are strictly controlled, this is to ensure that they are only provided where there is a defined need and applicants therefore need to meet criteria for such markings.

14. Objection – Restrictions are not required / are too long

Two respondents stated that the restrictions were either not required, that they were too extensive in terms of length or the time of operation. Comments included that the restrictions would adversely affect businesses in the area. One respondent cited health issues and requested that the restrictions proposed for Acacia Avenue be changed from double-yellow lines to single yellow lines or resident parking bays.

15. Response – Restrictions are not required / are too long

Due to comments made by respondents the scheme was modified to replace the proposed double yellow lines with single yellow lines on the eastern side of Acacia Avenue, these would be in operation Monday – Saturday 8.00am – 6.00pm. The majority of properties on Acacia Avenue have off-street parking provision; which means the cul-de-sac does not meet the Nottinghamshire County Council criteria for the introduction of a residents' parking scheme.

The respondent maintains their objection to the revised restrictions; stating that the proposed period of operation is still too extensive. However, the times and days of operation of the proposed restrictions reflect the highway needs in the area and are designed to ensure sufficient carriageway is available to enable the safe and efficient movement of vehicles, cyclists and pedestrians.

It is the character of this area that available kerb space for parking is limited and demand frequently exceeds supply. This has resulted in inappropriate parking patterns at junctions. Whilst obstructive parking is already an offence it can only be enforced by Police Officers. The introduction of these waiting restrictions will ensure that safe parking patterns can be enforced by Civil Parking Enforcement Officers. The visible markings will encourage drivers to recognise and comply with the appropriate parking distances from junctions.

16. Objection – bus stop relocation (GE0202)

Five respondents made some reference to the proposed relocation of the bus stop in their objection. One of these, Westdale Lane Surgery, queried why the stop was being moved and expressed concern regarding patient safety; stating that the area was already very congested with entrances to two car parks. They also considered that it would prevent any future extension of their vehicle dropped crossing. One respondent objected to the proposed relocation due to the increase in noise and the effect this would have on their health. Another respondent suggested that the bus stop should be decommissioned, as they considered that the route could be served by other stops in the area.

17. Response – bus stop relocation (GE0202)

It is not possible to provide a raised boarding kerb at the existing location of this bus stop as there is insufficient space available to construct the required kerbs without affecting existing dropped vehicle access. The stop also suffers from frequent flooding in wet weather, making it a poor waiting facility for bus users. To install a bus stop raised kerb, and so make the network accessible to all users it will be necessary to relocate the bus stop. To ensure the bus stop is unobstructed by parked vehicles a bus stop clearway will also be introduced.

As a result of comments received the proposed location of the bus stop was revised and the bus shelter re-sited to the back of the footway. The revised location also enables passengers to disembark from the bus directly adjacent to the pedestrian entrance to the surgery. Moving the shelter to the back of the footway will improve visibility for vehicles turning into or out of the car parks either side of the surgery. The relocation of the bus stop and introduction of a clearway will remove parked vehicles from the highway between the two car park entrances and therefore, for much of the time, significantly improve visibility for vehicles using these parking facilities.

It is acknowledged that the relocation of the bus stop will restrict the future extension of the vehicle dropped kerbs. However, by relocating the bus shelter to the rear of the footway and placing the raised kerbs directly in front of it, the kerb space affected by the changes has been kept to a minimum. As such it is considered that a small extension to the surgery's dropped kerb would still be possible, should the surgery wish to fund such a measure, though not over their entire frontage.

One respondent objected to the potential increase in noise because of the bus stop relocation adjacent to their property. This concern is noted; however, it is not considered that the relocation will significantly add to noise levels in the area. The objector lives on Westdale Road East, a main road which has annual average daily traffic movements of 7,700 vehicles and less than 100m from the Main Road / Gedling Road junction, a main distributor route which carries around 9,500 vehicles daily. The respondent currently lives opposite an existing bus stop and adjacent to the health centre and their car park. The bus stop has been moved approximately 4.5m further away from the property, to reduce the proximity of any vehicle noise. The stop is not a timing point, so the bus will only pull in briefly to set down or pick up passengers on demand and not idle at the stop. The presence of a clearway will prevent parking at this location and therefore reduce the vehicle noise from these vehicles.

The nearest alternative bus stops on Westdale Lane and on Gedling Road / Main Road are approximately 320m and 200m away respectively. Nottinghamshire County Council policy requires bus stops to be positioned at regular intervals (up to 150m apart in urban areas) to ensure that the network is as accessible as possible. It is considered that the proposed site for stop GE0202 is appropriately placed at an equitable distance between the other stops on the network and that the stop is required to ensure a parity of provision over the network for users.

Other Options Considered

18. Other options considered relate to the length of the waiting restrictions proposed, which could have been either lesser or 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. Following feedback from the initial consultation the type of restriction has been amended, where possible, to take into account views received.

Comments from Local Members

19. No comments on the proposals were received from Councillors Creamer and Henry.

Reason/s for Recommendation/s

20. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of the junctions and wider highway network with minimum loss of parking availability. The measures are considered appropriate taking into account a balanced view of the needs of all sectors of the community, including non-drivers.

Statutory and Policy Implications

21. 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

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

Financial Implications

23. This scheme is being funded through the Local Transport Plan Bus Improvements capital budget and the cost is estimated at £7,000.

Human Rights Implications

24. 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

25. 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.
26. 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. Equality Impact Assessments (EIAs) are a means by which a public authority can assess the potential impact that proposed decisions / changes to policy could have on the community and those with protected characteristics as a means of ensuring this. An EIA may also identify potential ways to reduce any impact that a decision / policy change could have, and if it is not possible to reduce the impact, the EIA can explain why. Decision makers must understand the potential implications of their decisions on people with protected characteristics.
27. An EIA has been undertaken to assess the potential impact of the proposal, the results of the consultation and any appropriate mitigation. This EIA is included as a background paper to this committee report. Decision makers must give due regard to the implications for protected groups the potential implications of their decisions on people with protected characteristics.

Safeguarding of Children and Adults at Risk Implications

28. The proposals are intended to have a positive impact on all highway users but being near the health centre, they should also help to safeguard and promote the welfare of children and vulnerable adults.

Implications for Sustainability and the Environment

29. 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 (Acacia Crescent, Westdale Lane East, Carlton and Chestnut Grove, Gedling) (Prohibition of Waiting) Traffic Regulation Order 2017 (7188) is made as advertised and the objectors informed accordingly.

Adrian Smith
Corporate Director, Place

Name and Title of Report Author
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Constitutional Comments (SLB 10/01/18)

30. Communities and Place Committee is the appropriate body to consider the content of this report.

31.

Financial Comments (SES 12/01/18)

31. The financial implications are set out in 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.

Background paper:

- Equality Impact Assessment: Westdale Lane East area – Parking Restrictions and bus stop clearways EQIA

Electoral Division(s) and Member(s) Affected

Carlton West

Councillor Jim Creamer

Carlton West

Councillor Errol Henry