

10th January 2024

REPORT OF TRAFFIC MANAGER

The Nottinghamshire County Council (Howitts Yard, Newark) (Loading Restrictions) Traffic Regulation Order 2023 (3375)

CONSIDERATION OF OBJECTIONS

Purpose of the Report

1. The purpose of this report is to consider the objection received in respect of the above proposed Traffic Regulation Order to determine if the order should be implemented as shown on drawing H/SLW/4447/01.

Information

2. Howitts Yard is in the centre of Newark on Trent and is accessed via Lombard Street. The yard provides loading access to the rear of the shops on Stodman Street. Howitt's Yard is currently subject to *No Waiting at Any Time* restrictions along with *No Loading at Any Time* along both sides of the access to the yard.
3. As part of the redevelopment of the previous Marks and Spencer site in Newark into a mixed-use development of retail and residential use, a new loading / unloading delivery bay is proposed on the north-west side of Howitt's Yard, Newark to the rear of 34 Stodman Street, Newark. The provision of the service bay was requested by NCC Highways within the response to the planning application.
4. It is proposed to remove twelve metres of double yellow lines on the north-west side and replace these with a new loading bay which will be in full time operation (24 hours 7 days per week Sunday – Saturday) to accord with the planning conditions. The proposals are shown on drawing H/SLW/4447/01. The statutory consultation and public advertisement of the proposals was conducted between 27th September 2023 and 27th October 2023.
5. One response was received during the consultation and is considered to be an outstanding objection to the proposals.

Objections Received.

Objection- the business is already affected by traffic issues and the proposed restriction will cause more issues.

6. The respondent objected on the grounds that their business is already affected by lorries and vans parking in the respondent's parking area, and they consider that creating a loading bay will attract more traffic and create more issues for them. The respondent is also concerned where the business will leave their waste bins as the respondent currently leaves

their bins at the proposed location of the loading bay; indicating that this is at the request of the District Council.

Response

The area within the yard itself is already subject to no waiting and no loading restrictions, and so vehicles should not be parked in the area. This is an issue for enforcement and a request has been raised to address this. The planning application includes for new waste storage areas.

Other Options Considered

7. The option not to introduce a loading bay has been considered but to do so would not ensure that the proposed mixed-use development would have appropriate loading space, as determined by the Local Planning Authority. The proposed restrictions are not considered to have any detrimental impact on access by others.

Comments from Local Members

8. Councillor Sue Saddington has supported the scheme.

Reasons for Recommendations

9. The proposed restrictions are required as they ensure the safe operation of the new mixed-use development per the comments made by Highways Development Control and as reflected in the planning conditions imposed by the District Council.

Statutory and Policy Implications

10. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public-sector equality duty, safeguarding of children and vulnerable adults, service users, 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

11. Nottinghamshire Police had no objections the proposals. No additional crime or disorder implications are envisaged.

Financial Implications

12. This scheme will cost approximately £3000 in total, and all costs are to be met by the developer.

Human Rights Implications

13. 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 within the scope of such legitimate aims.

Public Sector Equality Duty implications

14. 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 do not.
 - Foster good relations between people who share protected characteristics and those who do not.
15. 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.
16. The proposals have been considered against the protected characteristics and there should be no adverse impact.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Howitts Yard, Newark) (Loading Restrictions) Traffic Regulation Order 2023 (3375) is made as advertised, and the objector informed accordingly.

Name and Title of Report Author

Gareth Johnson – Traffic Manager

For any enquiries about this report please contact:

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Constitutional Comments (EP 05/01/2024)

This executive decision falls within the delegation made to the Group Manager (Highways & Transport) by the Cabinet Member for Transport & Environment on 30th May 2022. As with other regulatory or quasi-judicial decisions, this decision is not subject to call-in.

Financial Comments (PA 11/12/2023)

The financial implications are set out in paragraph 12 of the report. The cost of the scheme is to be met by the developer.

Background Papers

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.

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.

Electoral Division(s) and Member(s) Affected

Farndon and Trent

Councillor Sue Saddington