

**8<sup>th</sup> February 2018**

Agenda Item: 10

**REPORT OF CORPORATE DIRECTOR, PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (BARNBY GATE, WILLIAM STREET AND WHITFIELD STREET AREA, NEWARK ON TRENT) (PROHIBITION OF WAITING, PARKING PLACES AND RESIDENTS' CONTROLLED ZONE) TRAFFIC REGULATION ORDER 2017 (3264)****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**

1. Barnby Gate, Charlotte Close and Whitfield Street are residential streets close to Newark Town Centre. The houses on Barnby Gate and Whitfield Street are mostly terraced properties without off-street parking. Properties on Charlotte Close are predominately semi-detached and have access to off-street parking.
2. A Residents Parking Scheme (RPS) was introduced in November 2015 on the adjacent William Street and New Street, following this the County Council received requests from County Councillor Stuart Wallace for a similar scheme to be introduced in Whitfield Street area. A parking survey was undertaken which indicated high levels on non-resident daytime parking in the area.
3. On 26<sup>th</sup> May 2016 all residents in the proposed RPS area were sent a questionnaire to determine levels of support for a Residents Parking Scheme. In total 132 questionnaires were sent to residents with 63 (48%) returned of which 53 (84%) supported the introduction of a scheme. The results exceed the criteria of 35% response rate with 65% of respondents in support that the County Council uses to progress the development of a scheme.
4. As a result, it is proposed to introduce a residents' parking scheme on Whitfield Street, Charlotte Close and Barnby Gate between its junction with Sherwood Avenue and Whitfield Street. The scheme would be merged with the existing William Street area scheme to enable all permit holders to park on any street within the controlled zone. The scheme would operate Monday to Saturday from 9am – 5pm, which matches the timings on the existing William Street scheme. To ensure short-term parking for visitors without parking permits remains available a one-hour parking bay is also proposed for the south-eastern end of Whitfield Street, adjacent to the post office. This would also operate Monday to Saturday from 9am to 5pm.

5. The statutory consultation and public advertisement of the proposals, detailed on the attached drawing H/04078/2467/02, was carried out between 21st September 2017 and 20th October 2017.

## **Objections Received**

6. During the advertisement period, eight responses were received, five of which were supportive, neutral and/or requested information on the scheme. Three responses are considered outstanding objections to the proposals.

7. Objection – scheme not required

Two respondents objected on the basis that they consider that the scheme is not required and that all drivers had a right to park on the highway, whether resident in the area or not. One respondent commented that they had monitored the parking situation over a period of time and concluded that there was always available parking on the street and that they had never experienced any problems. Both respondents had the opinion that the introduction of the scheme is revenue-raising mechanism for the County Council.

8. Response– scheme not required

It is recognised that a permit scheme can be an inconvenience and expense to households within the controlled area. Therefore, extensive consultation is undertaken to determine both need for such a scheme and residents' support for it. The result of both the initial questionnaire and the subsequent formal consultation clearly indicate majority support for the introduction of a scheme. Regrettably it is not always possible to achieve a solution which meets everyone's needs so it is necessary to reflect the majority view. The cost of permits (£25 per permit, with exemptions for disabled residents and the over 75s) reflects the administrative cost of issuing the permits and does not create a revenue surplus for the County Council.

9. Objection – Adverse effect on business

One respondent objected on the grounds that the proposed controlled zone would adversely affect customer access to their premises. The respondent operates a nursery on Whitfield Street and expressed concern that parents would be prevented from parking nearby and escorting their children to or from the nursery. They stated that they considered that this represented a safeguarding risk to children. They stated that the proposed changes would affect their business and requested limited waiting parking bays be included within the scheme on Whitfield Street, commenting that the proposed provision of one limited waiting bay was insufficient. The respondent questioned why a scheme which incorporated limited waiting bays within the controlled zone hadn't been proposed.

10. Response – Adverse effect on business

The proposed scheme on Whitfield Street will be operation between 9am and 5pm. Outside of these hours parking will be available to non-permit holders as it is now. Parents dropping off or collecting children outside these hours will be able to park within the controlled zone without a permit.

During operational hours, the Residents Parking Scheme does not prohibit stopping to drop off and pick up passengers, however it is acknowledged that this will be of limited use to parents as they will wish park so that they can escort their children into or from the nursery. A limited waiting parking bay, which will accommodate two vehicles, is proposed for the area adjacent to the Post Office approximately 30m away from the nursery. In addition, unrestricted on-street parking is available on the stretch of road between this bay and the boundary of the nursery.

The comments also refer to child safeguarding issues arising as a result of parents being required to park further away from the nursery than at present. A parking survey showed that during the day (9a.m. to 5p.m.) on average 70% of the available road space was occupied with vehicles and at its busiest 84% of the capacity is being used. This indicates that parents are already unable to always park in close proximity to the nursery, particularly at peak periods such as the start or finish of a nursery session. It is likely that many are already walking some distance along Whitfield Street or from Balderton Gate to bring their children to the nursery. It should also be noted that the nursery does have a driveway and off-street parking for a small number of vehicles

The changes will affect only parents who drive to the nursery and arrive at or after 9.00 a.m. until 5.00pm, those who currently walk or use other sustainable modes will be unaffected and will benefit from the additional restrictions at junctions to protect visibility at crossing points. On-street spaces are available within a reasonable walking distance of the nursery on the southern part of Whitfield Street and on Balderton Gate. It is not considered onerous or unreasonable for parents to walk children to the nursery from the point at which they park.

The nursery was included in the formal TRO consultation process. This involved the erection of notices on Whitfield Street and the other affected streets, the proposals were also advertised in the local press and were available to view on the County Council's website and at the local library. However, no comments or objections from any parents using the nursery were received during this period.

The nursery is within the boundary of the proposed Residents Parking Scheme and so are entitled to apply for parking permits. Visitor permits are not specifically allocated to any particular vehicle and therefore could be used in parents' vehicles, when needing to park vehicles on-street during the scheme's operational hours. We will monitor the performance of the scheme post implementation.

The proposed residents parking scheme does not allocate separate parking bays to resident and visitor parking; all vehicles within the zone must display either a residents' or visitor permit. This method offers the most flexibility and highest level of parking capacity for residents and their visitors. It ensures that the most efficient use of the highway is achieved as users are not constrained by a rigid distribution of parking bays for each user type.

## **Other Options Considered**

11. Other options considered relate to the extent and operational period of the controlled parking zone, which could have been either lesser or greater. The proposals are considered appropriate taking into account a view of the needs of all road users; balancing the need to retain public access to the highway with ensuring residents' reasonable access to on-street parking.

## **Comments from Local Members**

12. Local County Councillor Stuart Wallace expressed his support for the proposal.

## **Reasons for Recommendations**

13. The proposals are considered appropriate taking into account a balanced view of the needs of all road users; balancing the need to retain public access to the highway with ensuring residents' access is maintained and their reasonable access to on-street parking.

## **Statutory and Policy Implications**

14. 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**

15. Nottinghamshire Police made no comment in relation to the consultation.

### **Financial Implications**

16. This scheme is being funded through the Local Transport Plan Integrated Transport Measures budget for 2017/18 with an estimated cost for the works of £5,000.

### **Human Rights Implications**

17. 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**

18. 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.

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**

19. The proposals are intended to have a positive impact on users of this residential area; including children and elderly and or infirm adults who will benefit from the additional restrictions at junctions to protect visibility at crossing points. Safeguarding issues were considered in paragraph 10 of this report it is considered that, on balance, the proposals will not have a negative impact.

## **Implications for Sustainability and the Environment**

20. The proposed waiting restrictions are designed to facilitate the safe operation of junctions and wider highway network for drivers, cyclists and pedestrians.

## **RECOMMENDATION/S**

It is **recommended** that:

- 1) The Nottinghamshire County Council (Barnby Gate, William Street and Whitfield Street area, Newark on Trent) (Prohibition of Waiting, Parking Places and Residents' Controlled Zone) Traffic Regulation Order 2017 (3264) is made as advertised and objectors notified accordingly.

**Adrian Smith**  
**Corporate Director, Place**

### **Name and Title of Report Author**

Mike Barnett - Team Manager (Major Projects and Improvements)

### **For any enquiries about this report please contact:**

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### **Constitutional Comments (SLB 10/01/18)**

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

### **Financial Comments (SES 12/01/18)**

22. The financial implications are set out in the report.

## **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**

Newark East              Councillor Stuart Wallace