

4th July 2019**Agenda Item:12****REPORT OF CORPORATE DIRECTOR PLACE****THE NOTTINGHAMSHIRE COUNTY COUNCIL (BROAD VALLEY DRIVE,
CORONATION ROAD, HILL ROAD, KEEPERS CLOSE, MOOR ROAD, PARK
ROAD AND THE SPINNEY, BESTWOOD) (PROHIBITION OF WAITING AND
NO STOPPING ON ENTRANCE CLEARWAYS) TRAFFIC REGULATION
ORDER 2019 (7212)****CONSIDERATION OF OBJECTIONS****Purpose of the Report**

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

Information

2. Planning permission was granted in May 2018 (application ref 7/2017/1292NCC) for the erection of a new 2-storey 420 place primary school and nursery on an undeveloped site to the north of Bestwood village. Conditions attached to the planning permission require that School Zone markings and associated signage be provided in the interest of highway safety. The requirement for a school safety zone was noted in the planning consultation for the new school and the indicative highway restrictions were included as part of the application.
3. In addition to waiting and stopping restrictions, the school safety zone includes new school warning signs and advisory 20mph speed limit signs. The new school, with a larger pupil roll, will serve both the established village and a new housing development proposed to the north. In the future, as the new housing is constructed and school numbers grow, an additional access into the school is planned from the housing development access road. The restrictions proposed as part of this traffic order are on roads in the vicinity of existing pedestrian paths that will provide access to the school and where it is anticipated that parents will park to drop off their children.
4. In response to the planning requirement for a School Safety Zone it is proposed to introduce 'No Waiting at Any Time' (double yellow lines) at the following locations: -
 - Junction of Moor Road and Hill Road;
 - Junction of Moor Road and Coronation Road;
 - Junction of Moor Road and The Spinney;

- The corner outside 32 The Spinney;
 - The perimeter of the grassed area between 18 and 32 The Spinney;
 - Junction of Broad Valley Drive and Keepers Close; and
 - Junction of Broad Valley Drive and Park Road.
5. In addition to the double yellow lines it is proposed to install no waiting restrictions (single yellow lines) to be in operation Monday to Friday between 8 – 9.30am and between 3 – 4.30pm, at the following locations: -
- Hill Road – both sides of the south-west to north-east section;
 - Hill Road – (north-east side) from its junction with the south-west to north-east section of Hill Road in a north-westerly direction for 4 metres;
 - Hill Road – (south-west side) from its junction with the service road between No's 32 and 34 Hill Road in a south-easterly direction to its south-eastern extremity;
 - Keepers Close (north-west side) from a point 10 metres north-east of its junction with Broad Valley Drive in a north-easterly direction to a point 3 metres south-west of its north-western extremity;
 - Keepers Close (south-east side) from a point 8 metres north-east of the projection of south-western side of No. 12 Keepers Close in a north-easterly direction for a distance of 11 metres; and
 - The Spinney – outside No's 7, 8 and 9, O/S No's 34 and 35, O/S No's 26 to 32 and O/S No's 16 to 23
6. It is proposed to install "School Keep Clear" markings that will prohibit stopping on Monday – Friday between 8 – 9.30am and between 3 – 4.30pm at the following locations: -
- The Spinney – outside No's 24 and 25; and
 - Keepers Close – between No's 11 and 14
7. The statutory consultation and public advertisement of the proposals, as detailed on the attached drawings H/JAB/3106/01 and H/JAB/3106/02, was carried out between 10th May and 31st May 2019.
8. During the advertisement period thirteen responses were received of which seven, including from the Police, either expressed support and / or made comments regarding the proposals. Comments included questions regarding how the restrictions would be enforced, requests for the restrictions to be reduced, requests for the restrictions to be increased and requests for additional highway restrictions such as a prohibition of driving. All consultees have received responses to their questions or comments.
9. A request was also received to reduce the extent of a single yellow line proposed on The Spinney. The respondent requested that the single yellow line over the driveway of number nine The Spinney be removed from the proposal. The proposed restriction had been extended to cover the driveways of both number eight and nine as a result of a request made by another party during the planning consultation in 2018. The driveways of number eight and nine are adjacent, and share the same length of vehicle access, so the restriction had been extended to cover the whole vehicular access, but as one party does not want the restriction and it can be removed without compromising the effects of the scheme, it is considered appropriate to

remove it from number nine's drive and leave it in place over number eight. The revised extents are shown on attached drawings H/JAB/3106/01A.

10. It is considered that there are six outstanding objections to the proposals.

Objections received

11. Objection – Loss of on-street parking availability / parking migration

Five respondents objected to the loss of on-street parking which they felt would result from implementation of the proposals stating that the restrictions would cause inconvenience and affect their vehicle insurance and it would mean they had nowhere to park their vehicles. One respondent requested that the grassed area on The Spinney be removed and replaced with an area for resident parking. Comments were also made that the restrictions would result in parking migration onto other parts of the roads where parking was already in limited supply or lead to vehicles being parked on the grassed area of The Spinney. Two respondents commented that it would prevent disabled badge holders from parking outside their property when visiting.

12. Response – Loss of on-street parking availability / parking migration

The proposed restrictions are on roads near to existing footpaths that will provide pedestrian access to the school and where it is anticipated that increased vehicle movements and vehicle parking will occur; as parents take their children to school. The restrictions are part of a school safety zone designed to facilitate the safe operation of the highway for all users; including drivers, cyclists and pedestrians. Obstructive parking at junctions, bends, turning heads or on narrow sections of road invariably impedes visibility for pedestrians when crossing and impedes vehicle movements. Where this causes an obstruction or danger to other highway users, it is already an offence.

13. The single yellow line parking restrictions are intended to keep sections of the road clear of parked vehicles during the busiest parts of the school day, whilst the double yellow lines will keep junctions free of obstructive parking and also prevent double parking near the grassed area on The Spinney. The grassed area itself is not Public Highway, it is owned and maintained by Gedling Borough Council who have the power to restrict access to the area if required.
14. Three of the objectors have access to off-street parking provision and all have access to unaffected on-street parking provision available elsewhere on both The Spinney and Hill Road offering alternative parking locations for additional vehicles and visitors.
15. 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. It is recognised however, that demand for parking exists, particularly in residential areas with limited off-street parking. As such the majority of the proposed restrictions would only be in force on the busier parts of the day on Monday to Friday; between 8–9.30am and 3– 4.30pm. Outside of these times residents would be able to use these locations. Unaffected on-street parking remains available on the highway network adjacent to the proposed restrictions.
16. Two respondents object that their disabled visitors will be unable to park outside their properties. Disabled badge holders are able to park on waiting restrictions for a period of up to three hours where this does not cause an obstruction. The single yellow line restriction is

only in operation for 2 periods of an hour and a half so blue badge holders would be able to park outside the properties in question.

17. The proposed scheme is considered to strike a balance between the competing demands for a finite resource and provides a balanced solution which enhances the safe operation of the Highway with minimal loss of parking.

18. Objection – More / different restrictions required

All respondents objected on the grounds that the proposed restrictions were insufficient, and that more or different restrictions were required. Five respondents stated that the roads should be made residents permit parking only and/or that a prohibition of driving should be introduced, with exemptions for residents to prevent the road being used by parents/carers. Comments included requests for additional restrictions on roads in the area. One respondent stated that additional waiting restrictions were required to cover their driveway as they already found it difficult to get into and out of their driveway when cars are parked adjacent to it and that this situation would be worsened once the school opened. One respondent also questioned whether a single yellow line had been considered as an alternative to the proposed double yellow lines (No Waiting at Any Time) at a junction.

19. Response – More / different restrictions required

The purpose of the proposed restrictions is to facilitate the safe movement of vehicles and pedestrians (particularly schoolchildren) and ensure that this movement is not obstructed or endangered by parked vehicles. It is recognised that there is a significant amount of vehicle parking outside schools at arrival and dispersal time. The limits of the restrictions have been kept at the minimum required to ensure effective and safe operation of the highway; whilst retaining on-street parking where possible. Sections of The Spinney and much of the surrounding highway network will remain unaffected, providing parking opportunities for all highway users.

20. The County Council only considers Residents' Parking Schemes where there is a persistent non-resident parking problem and the majority of properties do not have off-street parking provision. The majority of properties in the streets where the restrictions are proposed have access to off-street parking. Short term parking problems caused by parents dropping off for the school would not be considered justification for a Residents Parking Scheme.

21. The Spinney, Hill Road, Coronation Road and other roads affected by the proposed restrictions all form part of the public highway which is maintained at public expense. The presence of a school and school-related traffic is not sufficient justification for removing vehicle access to these roads for the general public; as such a prohibition of driving on Hill Road or any other road leading to the school is not considered appropriate.

22. The detrimental effect of obstructive parking in close proximity to highway junctions would be present at all periods of the day as pedestrian and vehicle movements are made at these locations outside of school arrival and dispersal times. As such it is not considered appropriate to limit the duration of the waiting restrictions around the junction from double yellow lines (in operation at all times) to single yellow lines (in operation at peak periods Monday to Friday).

23. Objection - Waiting and Stopping restrictions will not be enforced

Two respondents objected on the grounds that the proposed restrictions would not be enforced and that this would lead to obstructive parking, potentially over residents' driveways.

24. Response - Waiting and Stopping restrictions will not be enforced

The proposed restrictions will be legally enforceable by both the Police and by Nottinghamshire's Civil Parking Enforcement teams, whereas the obstruction described is only enforceable by the Police at present. The enforcement of parking restrictions is undertaken by Notts Parking Partnership, which is a partnership of County and District Councils. Issues with contraventions can be reported to the local Parking Manager; who can deploy civil parking enforcement officers and also a camera car; the latter of which can enforce the no stopping restrictions on the school keep clear markings.

25. Objection – Alternative location for parking for school drop-off / pick up required

Three respondents stated that alternative arrangements should be made for accommodating school related parking. Comments were made that the restrictions did not provide anywhere for parents to park and drop their children to school and that the proposed restrictions were different to those in place at the existing school stating that access to the school should be in place from the new housing development.

26. Response – Alternative location for parking for school drop-off / pick up required

A Transport Assessment, which considered the access arrangements for the school, was produced and submitted as part of the planning application. This was considered by the planning authority and the permission for the school was granted.

27. In the future, as the new housing is constructed and school numbers grow, an additional access into the school is planned from the housing development access road. The restrictions proposed as part of this traffic regulation order are on roads in the vicinity of existing paths that will give access to the school and where it is anticipated that parents will park to drop off their children. Indicative highway restrictions were included as part of the planning application. Each school safety zone reflects the particular characteristics of the school it relates to and the new school site, with a larger pupil roll, has a different layout and entrances to the existing school. It is also located within a different area of highway and it is appropriate that the school zone will differ from that in place at the original school.

Other Options Considered

28. Other options considered relate to the duration and length of the proposed restrictions. The indicative highway restrictions were advertised as part of the formal planning consultation for the school. The restrictions are considered to strike a reasonable balance between the need to maintain the safe operation of the highway, having particular regard to the most vulnerable traffic group, and recognition of the demand for on-street parking.

Comments from Local Members

29. Councillor Barnfather made no comment during the formal consultation period.

Reason/s for Recommendation/s

30. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of the highway with minimum loss of parking availability. The measures contained in the proposals meet the requirements of the Hawthorne Primary School planning

conditions and 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

31. 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

32. Nottinghamshire Police responded that they did not object to the proposals. No additional crime or disorder implications are envisaged.

Financial Implications

33. The scheme is being funded by the applicant from Nottinghamshire County Council's Property Team 2019-20 Bestwood Hawthorne School capital budget, the current budget being £6.3m. The cost of implementing the traffic order and associated works is estimated at £6,000, which can be met from uncommitted funds within this budget.

Human Rights Implications

34. 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

35. 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.
36. 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

37. 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.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Broad Valley Drive, Coronation Road, Hill Road, Keepers Close, Moor Road, Park Road and The Spinney, Bestwood) (Prohibition of Waiting and No Stopping on Entrance Clearways) Traffic Regulation Order 2019 (7212) is made as advertised, subject to the following amendment, and the objectors informed accordingly:
 - Reduce the length of single yellow line (Vehicles prohibited from waiting Monday to Friday 8–9.30am and 3–4.30pm) on the north-west side of The Spinney from the property boundary between No's 6 and 7 in a north-easterly direction from a distance of 39 rather than 44 metres. New extents are as shown on drawing number H/JAB/3106/01A.

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 (SJE 03/06/2019)

38. 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 (GB 05/06/2019)

39. It is proposed that the costs involved in this scheme (£6,000) are funded from within the Bestwood Hawthorne Replacement School capital budget. This capital budget totals £6.3m and is already incorporated within the approved 2019/20 capital programme.

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

- Newstead ED Councillor Chris Barnfather