

9th May 2019**Agenda Item:12****REPORT OF CORPORATE DIRECTOR (PLACE)****THE NOTTINGHAMSHIRE COUNTY COUNCIL (NORDEAN ROAD AND
SOMERSBY ROAD, WOODTHORPE) (PROHIBITION OF WAITING AND
PARKING PLACES) TRAFFIC REGULATION ORDER 2019 (7206)****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.

Information

2. Nottinghamshire County Council has received reports that Nottingham City Transport Services 56 and 57 are struggling to access Somersby Road at its junction with Nordean Road as buses are having difficulty manoeuvring around the junction due to inconsiderate parking on and opposite the junction. These problems impact on the service's scheduled timetable, cause inconvenience to passengers and to other road users.
3. In response, the County Council advertised proposals in October 2018 for the introduction of "No Waiting At Any Time" restrictions (double yellow lines) to extend for 10 metres along both sides of Nordean Road from its junction with Somersby Road, 15 metres north-west on Somersby Road and 10 metres south-east from its junction with Nordean Road. On Somersby Road, outside the shops, the double yellow lines were to extend for 15 metres in a north-westerly direction from the private driveway giving access to the rear of the shops. The scheme also included a proposals to introduce bus stop clearways at two bus stops (Somersby Road - GE0625 and Nordean Road - GE0610) these would operate 24hrs on all days. The proposals are shown on drawing H/JAB/2878/200.
4. The initial scheme attracted 25 responses of which 23 were objections to the scheme. The main concerns raised by the objectors was that the reduction in parking outside the shops could have a detrimental effect on the businesses. The objectors were a mixture of shop owners and local shop users. Objections were also received from local residents who said that there was insufficient off-street parking available so they needed to park on the highway.

5. Following consideration of the responses, the scheme was modified and readvertised to take into account concerns raised. The changes consisted of shortening of the length of double yellow lines outside the shops, from 15 metres to 10 metres and the introduction of limited waiting to the existing (unrestricted) parking bay to the south-east of the shops. The proposals for the parking bay is for it to be in operation on Monday to Saturday between 9am and 5pm and would allow parking for up to 2 hours with no return within 1 hour. This restriction prevents the bay from being occupied all day and would therefore give an area for visitors to the local shops to park. Overnight and on Sundays the bay would be available to all vehicles; providing on-street parking for residents' vehicles. The changes are intended to ensure parking is available to the customers of the shops on Somersby Road whilst removing the obstructive parking that is currently making it difficult for the local bus service to operate. The revised scheme also retains the two proposed bus stop clearways (GE0625 and GE0610).
6. The statutory consultation and public advertisement of the revised proposals, as shown on plan H/JAB/2878/201, was carried out between 17th January and 18th February 2019.
7. Five responses were received to the consultation, including one from the Police which stated that they had no objection to the proposals. The remaining four responses are considered to be outstanding objections to the proposals.

Objections received

8. Objection – Loss of on-street parking

All respondents objected on the grounds that available on-street parking would be reduced. Two respondents considered that the proposal to introduce a 2 hour parking limit to the lay-by outside the shops was unfair to the residents as they would have no-where to leave their vehicles during the day, especially when they were away on holiday. It was suggested that the bay should have permit parking for the residents. Further comments included a request for the introduction of additional off-highway parking in front of the shops and two respondents stated that the loss of on-street parking would have a detrimental effect on the viability of the local shops and businesses.

9. Response – loss of on-street parking

The proposed double yellow lines are intended to remove parked vehicles from the junction to allow the bus to negotiate it unobstructed. It is acknowledged that most drivers park their vehicles in a responsible and appropriate manner. However, the County Council is aware that this junction does experience obstructive parking, which occurs at all times of the day. This inhibits bus movement and impedes other highway users. The restrictions are proposed to address these regular access problems. The revised scheme has reduced the length of the double yellow lines to the minimum necessary to facilitate bus movements. The extents have been determined following discussions with the operator, site visits and the use of computer tracking programmes.

10. The purpose of the bus stop clearways is to provide an area clear of parked vehicles to enable buses to pull up and allow passengers to board and alight from the footway. The clearway will ensure that the stops are kept free from obstructive parking. This will enable the service operator to meet their statutory duty to discharge passengers onto the footway and not into the road.

11. 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.
12. The area outside the shops is not public highway and its conversion to a parking area would be a matter for the private landowner and not the responsibility of the County Council. The availability of other on-street parking adjacent to the proposed restrictions and on the wider highway network remains unaffected.
13. The demand for on-street parking for visitors to shops and other businesses is acknowledged and the revised proposal includes a new 2 hour parking limit to the existing lay-by in operation Monday to Saturday between 9am and 5pm. This will ensure the availability of short-term parking for the customers of the shops by removing all day parking from the lay-by. The lay-by would be available to everyone overnight and all day on Sunday.
14. Objection – Restrictions not required / too long
Three of the respondents objected on the grounds that the restrictions were unnecessary or too extensive. Two of these respondents stating that the restrictions should be reduced from all day to peak times only. The third stated that the proposed lines were unnecessary, as Highway Code guidance already states that vehicles should not be parked within 10m of a junction.
15. Response – Restrictions not required / too long
The double yellow lines are required to allow the bus to manoeuvre around the junction. The bus service runs from just after 6am to just before midnight throughout the week. The bus service is frequent in both directions with a 10 minute interval at peak times. The length of double yellow lines was reduced from (15 metres to 10 metres) the previous proposal to allow additional parking outside the shops and is the minimum considered necessary. The 2 hour parking bay should ensure that there are more places to park for shop customers.
16. 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 the Police. The introduction of these waiting restrictions will ensure that safe parking patterns can be enforced by Civil Parking Enforcement Officers and the visible markings will encourage drivers to recognise and comply with the appropriate parking distances from junctions as specified by the Highway Code.

Other Options Considered

17. A previous option considered was the original scheme sent out in October 2018, which included longer double yellow line restrictions and no limited waiting restriction in the layby. The revised proposal was devised after consideration of the responses received to consultation on this original proposal.

Comments from Local Members

18. County Councillors Pauline Allen and Michael Payne made no comments on the proposals during the statutory consultation.

Reasons for Recommendations

19. It is considered that the proposed scheme presents a reasonable balance between the needs of all highway users, including bus users, residents and shop customers.

Statutory and Policy Implications

20. 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

21. Nottinghamshire Police made no objections to the proposal. No additional crime or disorder implications are envisaged.

Financial Implications

22. The scheme is being funded through the 2019/20 Integrated Transport Measures budget with an estimated cost to implement the works and traffic order of £2,500.

Human Rights Implications

23. 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

24. 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.

25. 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.

Implications for Sustainability and the Environment

26. The proposed waiting restrictions are designed to facilitate the safe operation of the junction for drivers, public transport, cyclists and pedestrians. Improving the environment for vulnerable highway users, such as pedestrians and cyclists, may encourage modal shift to sustainable modes of transport.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Nordean Road and Somersby Road, Woodthorpe) (Prohibition of Waiting and Parking Places) Traffic Regulation Order 2019 (7206) is made as advertised and shown on drawing H/JAB/2878/201.

Name and Title of Report Author

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Constitutional Comments (SJE – 28/03/2019)

27. 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 traffic management has been delegated.

Financial Comments (RWK 25/03/19)

28. The financial implications are set out in paragraph 22.

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, and Nottingham.

Electoral Division(s) and Member(s) Affected

Arnold North ED

Councillor Pauline Allan and Councillor Michael Payne