

22nd July 2024**REPORT OF TRAFFIC MANAGER****The Nottinghamshire County Council (Eton Avenue, Newark on Trent)
(Prohibition of Waiting) Traffic Regulation Order 2024 (3382)****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/JW/4591/01.

Information

2. Newark on Trent is a market town situated on the river Trent, 21 miles north-east of Nottingham in the District of Newark and Sherwood. Residential properties on Eton Avenue are predominately semi-detached, with the majority having off-street parking available. The number 3 bus route runs along Eton Avenue every half hour. At the junction of Beech Avenue and Eton Road there are a selection of local shops which have parking bays allowing unrestricted parking outside.
3. Planning consent was granted on by Newark and Sherwood District Council for residential development, as part of the pre-occupation planning conditions, NSDC has requested that double yellow lines are introduced across the frontages of the new development site along Eton Avenue. The site will consist of 5 bungalows and includes an enforceable 19-metre bus stop clearway, with no stopping except busses. This formalises bus stop NS0548. The restrictions will protect unobstructed access to the existing bus stop and the free flow of traffic on Eton Avenue and aide vehicles and cyclists pulling out of or into Devon Road and Pedestrians crossing the road.
4. In response to the pre-occupation planning conditions, it is proposed to introduce (double yellow lines) 'No Waiting at Any time' restrictions and a Bus Stop Clearway at the location shown on drawing H/JW/4591/01. The statutory consultation and public advertisement of the proposals was conducted between 19th April 2024 and 17th May 2024.
5. Two responses were received during the consultation, one of which supports the scheme, and the other one is an objection to the proposals.

Objection received.

6. Objection- Restricting access may discriminate against patients who have disabilities.

The respondent is representing the owners of 77b Eton Avenue Hawtonville Pharmacy, which is located on Eton Avenue, Newark on Trent. They commented that the pharmacy delivers essential healthcare services to the local community, which requires daily deliveries

of essential medicines. Due to the dispensing workload for the NHS, the pharmacy often requires additional staff to come into the area from outside the town. The respondent further commented that most importantly, many patients who use the area of the proposed double yellow lines to park would have restricted access. This could discriminate against patients who have disabilities but do not qualify for a blue badge. As the plans make no provision for additional parking, the respondent therefore objected to the proposed double yellow lines. They stated that they awaited the amendments, otherwise the proposals would be referred to a consultant regarding a possible discrimination through lack of access against many of our vulnerable patients.

7. Response:

The double yellow lines ('No Waiting at Any Time') proposed are designed to ensure sufficient unobstructed carriageway is available at the junction to enable the safe movement of vehicles and pedestrians. Obstructive parking near junctions invariably impedes visibility for pedestrians when crossing, and for vehicle movements into and out of the junction.

The restrictions that have been proposed aim to achieve a balance for residents and local businesses. The advertised proposals are considered a proportional response to the issues presented regarding the inconsiderate parking at the junctions. There is always a balance to be struck between the needs of different users and the extent of restrictions proposed are in proportion to fulfil the planning condition.

There is an unrestricted parking bay located in front of the local shops to accommodate parking which can be used for loading and unloading. The proposed restrictions are located approximately fifteen metres from the pharmacy. On-street parking is available in the area too, approximately thirty metres away.

Blue Badge holders are exempted in the TRO and able to park on the double yellow lines subject to not causing an obstruction.

Loading activity can similarly be undertaken from the double yellow line restriction, so long as it does not cause an obstruction.

It is therefore considered that the proposed restrictions do not discriminate against anyone with disabilities and that loading and unloading will not be compromised.

Other Options Considered

8. The option to not introduce any restrictions has been considered, but this would not address the pre-occupation planning conditions requested by Newark and Sherwood District Council, so was discounted. Other options considered relate to the length of the waiting restrictions proposed. The length of restriction is the least restrictive option to achieve the convenience for public service vehicles and access to the highway and local premises in line with the pre-occupation planning conditions.

Comments from Local Members

9. Councillor Keith Girling supported the scheme during the consultation period.

Reasons for Recommendations

10. It is considered that the proposed restrictions comply with Nottinghamshire County Councils duty to ensure the safe, convenient, and expeditious movement of all traffic on the highways, including drivers, cyclists and pedestrians and that they do not discriminate against anyone with a disability or prevent deliveries to the pharmacy.

Statutory and Policy Implications

11. 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

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

Financial Implications

13. This scheme has been privately funded at £3829.

Human Rights Implications

14. 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

15. 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.
16. 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.
17. The proposals have been considered against the nine protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy, race, religion or belief, sex and sexual orientation) and there should be no adverse impact. People with a disability and requiring mobility aids should benefit from a reduction in vehicles parking along Eton Avenue and obstructing pedestrian access.

RECOMMENDATION/S

It is **recommended** that:

- 1) The Nottinghamshire County Council (Eton Avenue, Newark on Trent) (Prohibition of Waiting) Traffic Regulation Order 2024 (3382) is made as advertised, and the objector informed accordingly.

Name and Title of Report Author

Richard Stacey - County Highways Manager on behalf of Gareth Johnson – Traffic Manager

For any enquiries about this report please contact:

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Constitutional Comments (JL 22/07/2024)

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 19/06/2024)

The financial implications are set out in paragraph 13 of the report. The estimated cost of £3,829 is to be privately funded.

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 West Councillor Keith Girling