

4th July 2019

Agenda Item:14

REPORT OF CORPORATE DIRECTOR, PLACE

THE NOTTINGHAMSHIRE COUNTY COUNCIL (THE PARK AND WILDFLOWER RISE, MANSFIELD) (PROHIBITION OF WAITING) TRAFFIC REGULATION ORDER 2019 (2220)

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. The Park is a residential street situated approximately 800m to the north-east of Mansfield town centre. At its eastern end a development of 23 new dwellings is under construction which are to be accessed off a new road called Wildflower Rise. This street will become an adopted highway in the future, following completion of the section 38 agreement. The section of The Park adjacent to the development site comprises of terraced properties on the southern side and detached properties with ample off-street parking on the northern side. Some residents of the terraced properties have converted their front garden into a driveway.
3. Conditions attached to the planning approval granted by Mansfield District Council require the introduction of waiting restrictions on sections of The Park and Wildflower Rise to ensure that vehicle and pedestrian movements are not inhibited by obstructive parking.
4. In response to these requirements it is proposed to introduce 'No Waiting at Any Time' (double yellow lines) on:
 - The north-east side of The Park from its junction with Windmill Lane, across the junction with Wildflower Rise for 57 metres; and
 - Both sides of Wildflower Rise from its junction with The Park for 15 metres.
5. It is intended that the 'No Waiting at Any Time' (double yellow lines) are implemented by the developer as part of the junction works, the lengths on Windmill Lane will be within the existing public highway. The lengths extending into Wildflower Rise will be on the private section, until such time that it becomes public highway. All the restrictions will be enforceable and are required to ensure that the area is kept clear from obstructive parking.

6. The statutory consultation and public advertisement of the proposals, as detailed on the attached drawing H/JMR/2888/01, was carried out between 23rd January and 22nd February 2019.
7. During the advertisement period nine responses were received including one respondent who expressed support for the scheme with a request for an amendment, a District Councillor raising wider highway issues and seven responses which are considered to be outstanding objections to the proposals.
8. The respondent who supports the proposals requested that the restrictions are reduced so that they do not extend across the full width of their driveway. After consideration of the response, a revised proposal has been considered which reduced the length of the restrictions at this location by 6 metres; meaning the double yellow lines terminate before the respondent's driveway. The proposed restrictions were originally designed to extend across the driveway of 'The Cottage' to protect this access from being obstructed by other vehicles. As the respondent does not want this, the scheme has been amended and the proposed restriction shortened as shown on drawing H/JMR/2888/02.

Objections Received

9. Objection – Loss of on-street parking
All respondents objecting to the proposals cited the loss of on-street parking in the area, stating that this was already in short supply due to the terraced housing with limited off-street parking facilities. The respondents, all residents of the terraced housing section of The Park consider that the reduction in parking will result in residents being unable to park near their properties. Two respondents suggested that the Council should fund the conversion of their front gardens into private off-street parking spaces.
10. Response – Loss of on-street parking
The proposed restrictions have been requested in the interests of highway safety as part of the District Council's planning approval process. The proposals are designed to ensure that access is maintained, including for larger vehicles to Wildflower Rise and that vehicle and pedestrian movements along The Park are not inhibited by obstructive parking. Furthermore, parking on both sides of The Park inevitably results in vehicles fully obstructing the footway on one side of the road. This causes an obstruction for pedestrians and forces vulnerable users 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 people and vehicles and not for 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 parked appropriately. 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.
12. The County Council does not provide funding for private off-street parking places. Each vehicle owner is responsible for parking their vehicle in a responsible manner. If an individual would prefer to guarantee a space close to their property, they would have to fund the construction of private off-street parking themselves.
13. The availability of other on-street parking adjacent to the proposals and on the wider highway network remains unaffected.

Other Options Considered

14. Other options considered relate to the length of the waiting restrictions proposed, which could have been either lesser or greater. Although the planning condition stipulated the lining extend, consideration has been given to whether the proposed lengths offer a reasonable balance.

Comments from Local Members

15. No comment was received from either Councillor Stephen Garner or Councillor Andy Sissons during the formal consultation period.

Reasons for Recommendations

16. The proposed scheme offers a balanced solution to mitigate road safety concerns and facilitate the safe operation of the junction with minimum loss of parking availability. The measures contained in the proposals meet the requirements of the development's 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

17. 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 ways of working 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

18. Nottinghamshire Police made no comments on the proposal. No additional crime or disorder implications are envisaged.

Financial Implications

19. This scheme is being funded by the developer at an expected cost of £3,829 for the traffic order process including advertising. The actual works onsite will be implemented by the developer.

Human Rights Implications

20. 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

21. 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.

22. 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

23. The proposed waiting restrictions are designed to facilitate the safe operation of junctions and wider highway network for drivers, 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 (The Park and Wildflower Rise, Mansfield) (Prohibition of Waiting) Traffic Regulation Order 2019 (2220) is made as advertised, subject to the following amendment, and the objectors advised accordingly:
 - Reduce the length of 'No Waiting At Any Time' restrictions on The Park outside 'The Cottage' by 6 metres as shown on drawing H/JMR/2888/02.

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 (SG 23/05/2019)

24. I confirm the 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. 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 23/05/2019)

25. All of the works detailed in the report will be undertaken and funded by the developer. There will be no additional costs to be met by the County Council.

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

Mansfield South ED
Mansfield South ED

Councillor Stephen Garner
Councillor Andy Sissons